

SECTION '2' – Applications meriting special consideration

Application No : 15/04594/FULL3

Ward:
West Wickham

Address : La Rioja High Street West Wickham BR4
0LZ

OS Grid Ref: E: 537526 N: 166149

Applicant :

Objections : YES

Description of Development:

Change of use from A3 restaurant to A3/A5 restaurant with takeaway, alterations and extension to existing building and provision of new drive-thru lane, new car park, managed private woodland for nature conservation purposes and associated tree planting and landscaping (duplicate application of 15/00489)

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Sites of Interest for Nat. Conservation
Smoke Control SCA 51
Urban Open Space

Proposal

The current application is a resubmission/duplicate application following the withdrawal of an Appeal for Non-determination of application ref: DC/15/00489/FULL1. The applicant has confirmed that the proposal remains identical to the proposal under the above ref, which was taken to Planning Sub-Committee No 3 on the 8th October 2015. Determination of that application was subsequently deferred by Members pending the outcome of an independent transport review, which was to be undertaken by the Council.

The Council commissioned The Waterman Group to independently review the applicants Transport Assessment (TA) in respect of its methodology and subsequent conclusions. The review also sought to provide a view as to whether a neighbouring drive through McDonalds restaurant should have been used as comparative within the applications TA. The conclusions are set out in this report.

The current application therefore seeks consent for the change of use from A3 restaurant to an A3/A5 restaurant with takeaway, alterations and extension to the existing building and provision of a new drive through lane, new car park, managed private woodland which is managed for nature conservation purposes and associated tree planting and landscaping.

The proposal would include the demolition of the existing side extension and conservatory and the construction of a new wrap around extension along the

western and northern elevation of the building. The drive-through lane would be a one way system wrapped around the existing building with entry along the western flank and exiting along the eastern flank.

The proposed parking area would be relocated from the front to the rear of the site in the position of the existing outdoor terrace and barbeque area. A total of 21 parking spaces would be provided.

The proposed opening hours would be between 11am to 11pm Monday - Sunday and Bank Holidays.

The scheme would include the removal of twelve trees, including two Sycamores and a group of Willows which are subject to Tree Preservation Orders. The applicant has included a landscaping strategy which includes the provision of 5 super semi-mature alders 10-12m in height and 40-80cm girth within the south western wedge of the application site which fronts Wickham Road. The applicant also proposes the planting of an additional tree, alongside the already proposed two semi mature trees, within the north western landscaped area of the site. This newly proposed tree is a super semi mature sorbus torminalis at 10-12m in height and 40-80cm in girth. In total this results in the number of native semi mature trees to be planted on site to two, and super semi mature native trees to be planted on site to six.

To the north of the proposed parking area is a large area of open space and woodland which is within the application site boundary. The applicant proposes that this area of woodland remains private but is managed for nature conservation purposes.

Location

The application site is situated on the north east side of Wickham Road, approximately 40m to the west of a roundabout and at the north-western end of High Street West Wickham. The northern half of the site is made up of woodland, which is linked to High Broom Wood and which is situated just beyond the northern boundary. To the east of the site there is a Travis Perkins builder's merchant and the rear gardens of a number of properties along Cavendish Way. To the west is the River Beck, which runs along the entire western boundary of the site. Immediately beyond the River Beck are the residential properties of Crittenden Lodge.

The existing building is Locally Listed and is currently vacant. It has historically been used as a Public House, known as the White Hart, and more recently has been operating as a restaurant.

The site includes a number of trees which run along the western boundary and to the north of the building which are subject to Tree Preservation Orders.

Part of the site is within the High Broom Wood Site of Nature Conservation Importance (SINC). This includes all of the land to the west of the site from the

highway to the western flank elevation of the building and the north of the site, approximately 30m from the rear elevation.

The site is designated as Urban Open Space and is within Flood Zone 2.

The surrounding area is mixture of residential and commercial properties

Consultations

Nearby owners/occupiers were notified of the duplicate application and representations received from interested parties and residents associations can be summarised as follows:

- o The site is on a red route and there will be major traffic congestion, which is already severely congested. Particularly bad at peak times and will block neighbouring roads such as the Alders.
- o The roundabout will become blocked and will impact the whole of West Wickham
- o The layout and right hand turn will cause congestion
- o Traffic generated should be considered against neighbouring developments such as the Lidl Supermarket on the opposite end of the high street. The cumulative impact should be considered
- o Proposal will harm pedestrian and highway safety especially with the proximity to the roundabout
- o Conflict with pedestrians crossing, lolly pop lady at school pick up and drop off times and neighbouring Travis Perkins vehicles
- o Concerns about the feasibility and enforcing the left and right hand turning treatment at the access
- o The site is not on the high street
- o The proposed drive-through would be fundamentally different to the A3 and give rise to a more intensive use.
- o Objections to the content of the applicants response to the objection raised by the West Wickham Residents Association.
- o Increased traffic and the location of the access will increase accident numbers on this stretch of road and on the roundabout. Accident rates in the area are already high.
- o Concerns regarding the information and accuracy of the data provided in the Transport Assessment and submission documents
- o Drive through is not big enough for the number of cars that will use the site. This will result in cars blocking up the access.
- o The site is too small for this use and there is not enough car parking spaces to account for the number of visitors
- o Will take money away from the high street
- o Permanent loss of a Public House
- o Proximity to local schools such an Oak Lodge, and exposing children to unhealthy eating habits
- o Against Government Guidance about reducing obesity and promoting healthy eating
- o Increased noise and disturbance for local residents particularly neighbouring buildings such as Crittenden Lodge

- o Noise from speakers, doors slamming, music, customers talking, engines revving. Increased number of people will also cause disturbance especially at the rear where there was no noise originally
- o Noise report is flawed as survey was carried out during the school holidays and is based on inaccurate trip rates
- o Lighting will disturb neighbours and wildlife
- o The site is part of a Green Corridor and removal of trees will harm this.
- o Inappropriate location for this use.
- o The sequential test is outdated. Notable in-centre sites are omitted without justification and these may provide potential opportunity for consideration
- o Smells and odours
- o Loss of open space
- o Pollution to River Beck
- o This should be a community use
- o Unethical practices
- o Reduce house prices in the area.
- o Increase level of crime and anti-social behaviour
- o No benefit to the local community.
- o Objections against the loss of Trees subject to TPOs. This would harm the character and appearance of the area.
- o Overconcentration of takeaway uses on the high street and in close proximity to a McDonalds drive through.
- o A KFC and drive would change the character and appearance of the area, which is currently quiet and peaceful
- o Harmful to the 'village feel'
- o Deliveries at unsociable hours
- o Negative impact on High Broom Wood and wildlife
- o Increased rubbish and litter in the wider area
- o Concerns about the design of the extensions and advertisements
- o Harm to the character and appearance of the Locally Listed building
- o The amendments to the scheme have not addressed original objections
- o Removal of the community woodland and providing managed woodland for nature conservation has no impact on the main issues.
- o The replacement tree planting is limited in contrast and does not ameliorate the loss of a vast number of preserved trees. It would present a harsh physical environment in stark contrast.
- o The SA and TA are inadequate and fail to consider fully whether there are sequentially preferable sites available.
- o The community woodland was the only acceptable element of the scheme and this has now been removed, there is now no benefit.
- o Other views also stated that a woodland that is not accessible to the public would be better for wildlife.

Copies of the letters are available on the file for Members to view.

Letters of objection also make reference to an online petition with over a thousand signatures.

Comments from Consultees

Transport for London (TfL): TfL's comments in its email dated 19 January 2016 are still pertinent on the basis that the vehicle access/transport related matters appear to be resolvable, subject to TfL's requested conditions. For the purpose of clarity these comments are reiterated below with some additional material.

TfL has had pre application dialogue with the applicant relating to vehicle access to the site. The access onto the highway must be upgraded to the satisfaction of TfL prior to the restaurant opening to the public. These works include right turn and left turn treatment and must be secured as a condition of consent. No works can occur on the highway without the express permission of TfL in the form of a Section 278 (S278) agreement (Highways Act 1980). The agreed highway concept plan forms part of Appendix F and any design would be subject to TfL's safety audit processes, and further modelling, as part of the S278 agreement. Any issues relating to the design would be clarified at this stage between TfL and the developer.

The proposed level of car parking exceeds London Plan (2015) maximum standards. Car parking should be capped at 8, including blue badge parking in accordance with London Plan standards. Electric vehicle charge points should also be provided for in accordance with London Plan standards.

The proposed level of cycle parking does not accord with London Plan standards. To accord with London Plan standards, there needs to be provision for 9 cycle parks (2 long stay, 7 short stay).

TfL also requires that a Travel Plan, Construction Logistics Plan and Delivery and Servicing Plan is secured as part of the application.

Highways Officer - Comments on original application: - The application site is located on Wickham Road, approximately 200 metres west of the main cluster of shops and amenities. Also the development is within a low PTAL area of 2. West Wickham Road (A232) is part of Transport for London Road Network (TLRN); therefore TfL should be consulted.

Development Proposals- The development proposals to provide a class A3 restaurant with a class A5 takeaway along with a 'drive thru' facility. The restaurant will provide 298.0m² of floor space served by 21 car parking spaces including 2 disabled spaces and 2 'drive-thru' waiting bays.

Vehicular Access - The existing vehicular access to the site is directly from the A232 Wickham Road, 50 metres west of the entry to the roundabout with the High Street, Cavendish Way and Manor Park Road. There is an existing flush median to facilitate right turning movements into the site.

Following the applicant's discussions with local residents and TfL, the current design of the access has been amended to provide:

A dedicated right turn lane into the site;

A left turn out configuration of the site egress to avoid the potential for conflicting traffic movements.

Car Parking- the restaurant will be served by 21 car parking spaces, including 2 waiting bays associated with the 'drive thru' facility.

Currently, the site is used for A3 restaurant purposes and provides 11 car parking spaces; the proposals would result in a net increase in 11 spaces, 20% of all spaces will be provided with electric charging points.

Cycle Parking- Eight cycle parking stands will be provided on site. Secure lockers and changing facilities will also be provided for staff.

Servicing- Servicing and deliveries associated with the proposed restaurant will be undertaken in the car park to the rear of the restaurant. A grasscrete area along with 4 car parking spaces will provide adequate room to manoeuvre for vehicles up to a 10 metre rigid or large refuse vehicle. Swept Path Analysis showing a 10 metre rigid vehicle and a large refuse vehicle is provided. However the applicant should note that LBB's refuse vehicles are 10.28m long by 2.55m wide; therefore a new swept path analysis is required showing the above refuse vehicle.

Trip Attraction- Vehicle Trip Attraction, the applicant interrogated the TRICs database in order to gain a likely number of trips associated with this type of development. For the weekday trip rate, two fast food outlets with 'drive-through's' in Greater London were used, both of which were surveyed on a Friday. For the Saturday trip rate no London surveys were available, therefore, a site outside of London was used, it is considered that this will generate a higher trip rate.

The results of the weekday TRICs trip generation brought up two different PM Peaks, both with very similar trip rates. The first peak is at 12:00-13:00 and the second is at 15:00-16:00. Since the 1500-1600 periods are closer to the highway network evening peak, this peak was carried through to the assessment.

Development impact- Traffic flows with the development in place have been calculated by adding the vehicle trips associated with the development proposals. Not all trips to the restaurant will be new trips to the highway network, it is assumed that the majority of all trip attraction will be linked with longer journeys, such as people travelling from work or to and from shopping and leisure destinations. A 30% pass by factor has therefore been applied to the estimated development traffic to account for this assumption.

The distribution of development traffic on the road network has been based on the surveyed traffic counts with development traffic distributed proportionally through each link and junction. Since all exiting traffic will be left out only, traffic seeking to head west towards Shirley and Croydon would first head east towards the roundabout with the High Street, Cavendish Way and Manor Park Road before undertaking the appropriate turning movement.

		With Development Operation	
		Weekday PM Peak	Saturday Peak
Site Access (Left Turn)	RFC	0.080	0.131
	Q	0.09	0.15
Wickham Road (Right Turn)	RFC	0.044	0.072
	Q	0.05	0.08

The results shown in the above table that the access junction onto Wickham Road will operate with sufficient capacity and will not cause any detriment to the operation of the highway network.

Junction Capacity- to assess the effect of the development proposals on the adjacent A232 roundabout an ARCADY model was used. This model was used to assess the operation of the roundabout in the current situation and then with the development traffic applied.

		Existing Operation	
		Weekday PM Peak	Saturday Peak
Cavendish Way	RFC	0.063	0.089
	Queue	0.1	0.1
Manor Park Road	RFC	0.342	0.356
	Queue	0.5	0.5
High Street	RFC	0.489	0.553
	Queue	0.9	1.2
Wickham Road	RFC	0.736	0.861
	Queue	2.7	5.7

The above results demonstrate that the roundabout operates with sufficient spare capacity at all times with Wickham Road carrying the largest flows of traffic.

		Existing + Development	
		Weekday PM Peak	Weekday PM Peak
Cavendish Way	RFC	0.065	0.095
	Queue	0.1	0.1
Manor Park Road	RFC	0.352	0.374
	Queue	0.5	0.6
High Street	RFC	0.502	0.576
	Queue	1.0	1.3
Wickham Road	RFC	0.761	0.907
	Queue	3.0	8.3

The above demonstrates that the development proposals would not result in any significant impact to operation of the highway network in respect of the operation of this roundabout junction.

Table below presents the results of the PICADY assessment on the operation of the A232 and The Alders with the proposed development in place.

		Existing + Development	
		Weekday PM Peak	Weekday PM Peak
The Alders (Right and Left Turn)	RFC	0.422	0.379
	Queue	0.72	0.60
Wickham Road (Right Turn)	RFC	0.232	0.230
	Queue	0.30	0.30

The applicant has provided evidence showing that the development would not have a significant impact on the surrounding road network. The site has A3 class use already and can operate without any need for the planning permission. The alterations and extension to existing building and provision of new drive-thru lane would marginally increase the traffic on High Street and I am of the opinion that the increase would not impact on the traffic within the local road network. Furthermore the servicing and deliveries associated with the proposal would be carried out on site within the car park to the rear of the building having minimum impact on High Street, West Wickham.

The following conditions should be applied with any permission:

CONDITIONS

H03 (Car parking)

H22 (Cycle Parking)

H28 (Car Park Management)

H29 (Construction Management Plan)

A condition is required that, the Developer prepare a Delivery and Servicing Plan (DSP) providing further information, to be agreed with the Council prior to first occupation of the site.

No objections received to the Swept Path analysis submitted by the applicant regarding refuse vehicles.

Comments from Highways regarding the current application:

The applicant has prepared a note in response to resident's objections regarding the development proposals. The West Wickham residents association have objected to the development proposals at the La Rioja site on the grounds that the traffic generation assessment is flawed, and have endeavoured to justify this by conducting traffic counts at a nearby McDonald's fast-food restaurant/drive-thru, approximately 1 kilometre west of the site located in LB Croydon.

The McDonald's on Wickham Road is not a directly comparable site when traffic attraction is considered for the following reasons:

- o The McDonald's store on Wickham Road is next to a petrol station, making linked trips by car more likely as users of the petrol station are likely to stop off for food whilst taking a break from their journey for petrol;
- o McDonald's Drive-Thru's in general attract a greater amount of trips than KFC Drive-Thru's
- o The McDonald's on Wickham Road has 36 car parking bays, significantly more than the proposed 21 at the proposed KFC (it is generally accepted that greater parking provision attracts greater parking demand); and,
- o The McDonald's on Wickham Road has a gross floor area of 666 square metres compared to the proposed 298 square metres at the proposed KFC store at West Wickham.

The above statement is acceptable as stated previously the applicant has provided evidence showing that the development would not have a significant impact on the surrounding road network. The site has A3 class use already and can operate without any need to for the planning permission. The alterations and extension to existing building and provision of new drive-thru lane would marginally increase the traffic on High Street and I am of the opinion that the increase would not have a significant impact on the traffic within the local road network. Furthermore the servicing and deliveries associated with the proposal would be carried out on site within the car park to the rear of the building having minimum impact on High Street, West Wickham.

However the applicant should be encouraged to investigate measures preventing customers from turning right of the site, the length of the right turn bay into the site and pedestrian safety at crossings.

Conservation Officer - From a Conservation Area point of view, this will clearly be a more intensive use of the site and it could not be considered as the ideal use of a locally listed building. Nonetheless the proposal does retain the building with some relatively subservient extensions. This cannot be overlooked as a significant benefit because the building is not in a conservation area and planning controls over demolition are therefore limited.

The existing setting has a lot of hardstanding is generally untidy so it is suggested that landscaping improvements could be brought about through a landscaping condition

It is suggested that a condition requiring the submission of material samples is applied. The signage can be controlled through a separate advert consent application. The need for the latter should be included in an informative.

Suggested conditions: Submission of Landscaping Details, Submission of Satisfactory Materials & Submission of window details.

Environmental Health - The following condition should be imposed:

- o Standard Condition J10

In respect of plant noise the suggested condition is acceptable:

- o *The noise from fixed plant associated with the development shall not exceed a rating level of 42 dBA between 0700 and 2300 hours and 35 dBA between 2300 and 0700 hours when measured or calculated at 1 metre from the façade of the nearest noise sensitive property. The measurements and assessment shall be made according to BS 4142:2014*

In respect of other noise the assessment finds that there will be no significant impact. This finding is reliant on accurate input data on noise levels for the various noise 'events' modelled and whilst these appear reasonable I am not able to verify the levels. It also relies to a lesser extent on accurate data on trip generation (it takes fairly large increases in trips to have a small impact on noise).

Whilst the assessment is probably correct that the impact on equivalent continuous (average) noise level is likely to be minor, with this type of use there may be some impact irritation from door slams, engine revving, shouting, car radios etc. Such noises rarely significantly affect the overall noise level but can be a source of complaints. Acoustic fencing to the perimeter of the Western Boundary, and perhaps the Section of the Eastern Boundary where the car park extends past the Travis Perkins (i.e. borders housing) could be conditioned to mitigate this impact if you consider it to be necessary.

- o I would recommend that the opening hours are restricted by condition to 11.00-23.00 as stated in the application document.

Based on the information submitted I would not have any objections on lighting grounds. It may be prudent to condition that lighting installation is fully in accordance with submitted plans to ensure compliance.

Tree Officer - No objections were raised to the loss of the Willow Trees to the front of the site due to their overall condition and safe usual life expectancy (subject to satisfactory and substantial mitigation tree planting). Objections were initially raised to the loss of two Protected Sycamores which are in a satisfactory condition (Cab B. BS: 5837) and significant within the site. However the applicant has provided a revised landscaping strategy to mitigate the loss of these trees which includes significant tree planting. From a trees point of view, the tree officer has stated that 'The revised scheme detailing improved tree sizes, and planting specifications, is on balance an acceptable solution'.

Croydon Council - It is considered that the proposals are of a sufficiently minor nature and an adequate distance away from the Borough Boundary, the Council do not wish to comment on the proposals.

Natural England - Statutory nature conservation sites - no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Protected species - We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

Environment Agency - We have no objection to the proposal as submitted subject to the following condition being imposed on any planning permission granted.

Condition

Prior to the construction of any part of the building, or raising of ground, on land identified as being liable to flood, details for level for level floodplain compensation shall have been approved by the local planning authority and implemented on site. The scheme shall be retained on site in perpetuity for the lifetime of the development.

Reason

To prevent an increase in flood risk to others from displacing floodwaters offsite. We ask to be consulted on the details submitted for approval to your Authority to discharge this condition and on any subsequent amendments/alterations.

We would like to add the following comments with respect to flood risk management, and proximity to The Beck river.

We reiterate the advice we provided in our response to your previous consultation below.

The site is situated across Flood Zones 2 and 3, the medium and high risk zones respectively. Under the National Planning Policy Framework (NPPF) Planning Practice Guidance, use as a restaurant is classified as less vulnerable in terms of flood risk. The site lies adjacent to The Beck river.

The submitted flood risk assessment (FRA) by Motion, dated 5 February 2015, does not include any finished floor levels for the existing development, but the submitted topographic survey indicates that floor levels are set between 65.37mAOD and 65.55m AOD. Comparing these floor levels with the Environment Agency's Product 4 flood level information shows the finished floor level to be 300mm above the 1 in 100 year plus climate change flood level which we consider acceptable.

Proximity to the river

We would like to draw your attention to The Beck, the watercourse flowing adjacent to the property. We request that a distance of 8 meters is maintained between any

works and the watercourse, including the site working boundary. We need to ensure that appropriate pollution prevention measures are applied during the works to ensure no pollution to the watercourse.

Informative - Flood defence consent

Please be aware that The Beck is designated a main river and under the jurisdiction of the Environment Agency for its land drainage functions as stated within Water Resources Act 1991 and associated byelaws. Any works in, over, under or within eight metres of the top of bank will require consent from ourselves. We encourage the applicant to ensure that their works are outside the 8 metre byelaw. If they do encroach they should contact the Partnerships and Strategic Overview team at PSO.SELondon&NKent@environmentagency.gov.uk to apply for consent.

Drainage- Please impose D02 and add the following: In order to check that the proposed storm water system meets our requirements, we require that the following information be provided: A clearly labelled drainage layout plan showing pipe networks and any attenuation soakaways. Where infiltration forms part of the proposed storm water system such as soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365. Calculations should demonstrate how the system operates during the 1 in 30 year critical duration storm event plus climate change.

Thames Water - Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses.

With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

Met Police - I have read the documentation attached to this application and cannot find any specific details for the plans to incorporate measures that will be employed to meet Secured by Design standards to reduce and prevent criminality. The application therefore does not demonstrate how such measures are to be

incorporated into the development especially given the guidance within NPPF paragraphs 58 and 69 which state:-

Paragraph 58 of National Planning Policy Framework clearly states that local and neighbourhood policy should 'create safe and accessible environments where the fear of crime does not undermine quality of life or community cohesion.'

Paragraph 69 of this document 'promoting Healthy Communities' underlines this statement by encouraging the planning system to play an important part in facilitating 'safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.'

Also having reviewed the plans submitted for this application, I see from the Safer Places Statement on Page 19 of the Design and Access Statement, that security proposals are detailed, but not to any specific standards. But with respect to the application I also feel that should this application proceed, it should be able to achieve Secured by Design accreditation in respect of layout and design and part 2 physical security with the guidance of Secured by Design Commercial Developments 2015 and by incorporating accredited, tested, certificated products.

I would therefore seek to have the agreed 'Secure by Design' condition attached to any permission that may be granted in connection with this application and that the wording is such that the development will achieve certification - not merely seeking to achieve accreditation.

Planning Considerations

The application falls to be determined in accordance with the following policies of the Unitary Development Plan and the London Plan:

BE1 Design of New Development
T1 Transport Demand
T3 Parking
T6 Pedestrians
T15 Traffic Management
T18 Road Safety
BE7 Railings, Boundary Walls and Other Means of Enclosure
BE10 Locally Listed Buildings
NE2 Development and Nature Conservation Sites
NE3
NE7 Development and Trees
NE8 Conservation and Management of Trees and Woodland.
G8 Urban Open Space
S9 Food and Drink Premises
ER9 Ventilation
ER10 Light Pollution

London Plan (2015)

Policy 3.2 Improving Health and Addressing Health Inequalities

Policy 4.1 Developing London's Economy
Policy 5.2 Minimising Carbon Dioxide Emissions
Policy 5.3 Sustainable Design and Construction
Policy 5.12 Flood Risk Management
Policy 5.13 Sustainable Drainage
Policy 6.3 Assessing effects of development on Transport Capacity
Policy 6.9 Cycling
Policy 6.13 Parking
Policy 7.2 An inclusive Environment
Policy 7.3 Designing out Crime
Policy 7.4 Local Character
Policy 7.5 Public Realm
Policy 7.6 Architecture
Policy 7.8 Heritage Assets and Archaeology
Policy 7.14 Improving Air Quality
Policy 7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes
Policy 7.19 Biodiversity and Access to Nature
Policy 7.21 Trees and Woodland

Mayor's Best Practice Guidance on Health Issues in Planning (2007)

National Planning Policy Framework (NPPF)

National Planning Practice Guidance. - This complements the National Planning Policy Framework and provides advice on how to deliver its policies. The guidance includes advice on the determination of applications, on flexible options for planning permissions and viability in determining applications. Relevant sections include Paragraphs relating to Health and Wellbeing.

Relevant Planning History

88/04480 - Permission granted on the 31/10/89 for the construction of a conservatory and formation of a terrace area to the side/rear.

96/00432 - Permission granted on the 03/07/1996 for the single storey side/rear extension to provide restaurant/kitchen with hard landscaping, access drive and 58 car parking spaces.

96/00747 - Permission refused on the 3/10/1996 for the construction of a single storey side/rear extension to provide a restaurant/kitchen, hard landscaping, access drive and 46 car parking spaces.

97/00772 - Permission allowed on Appeal for the construction of a single storey side/rear extension to provide a restaurant/kitchen, hard landscaping, access drive and 45 car parking spaces.

08/03213 - Permission granted for an outdoor barbeque area at the rear with associated counter area, canopy, decking and seating.

15/00489 - Change of use from A3 restaurant to A3/A5 restaurant with takeaway, alterations and extension to existing building and provision of new drive-thru lane, new car park, managed private woodland managed for nature conservation purposes and associated tree planting and landscaping. Appealed for Non-determination but this was subsequently withdrawn.

Conclusions

The main planning considerations in respect of the current application include the principle of development, the impact on the character and appearance of the area and the amenities of neighbouring residents with particular regard to potential increase in traffic and other sources of noise and smell, litter and disturbance. Consideration should also be given to the Urban Open Space, the Site of Nature Conservation Importance, highways and flooding.

Principle of Development

Saved Policy S9 Food and Drink Premises states that the Council will only permit proposals for additional restaurants and cafes (Class A3), drinking establishments (Class A4) and hot food takeaways (Class A5) where:

- (i) the proposal would have no adverse impact on residential amenity;
- (ii) the proposal would not cause undue traffic congestion or be detrimental to the safety of other road users and pedestrians;
- (iii) the proposal would not result in an overconcentration of food and drink establishments, out of character with the retail function of the area; and
- (iv) where appropriate, the proposal does not conflict with Policies S1, S2, S4 or S5.

The application site is also designated as Urban Open Space (UOS). Policy G8 states that proposals for built development in areas defined as UOS, will be permitted only under the following circumstances:

- (i) the development is related to the existing use; or
- (ii) the development is small scale and supports the outdoor recreational uses or children's play facilities on the site; or
- (iii) any replacement buildings do not exceed the site coverage of the existing development site.

Where built development is involved; the Council will weigh any benefits being offered to the Community, such as new recreational or employment opportunities, against a proposed loss of open space.

In this case the application relates to an existing Restaurant (Use Class A3), which has already been established but has been vacant for an extended period. The current application seeks to expand the restaurant use to now incorporate a takeaway element (Class A5). There is a large area of open space situated to the rear of the site that would be maintained under the current scheme and managed for nature conservation purposes. The applicant also proposes a significant planting strategy in terms of tree provision. The car park would be relocated to the

rear, however given the extensive planting strategy, location of the car park and size of the rear woodland officers consider that the site would still retain a sense of openness. Further, the applicant explains that when combining the existing footprint of the main building and outbuildings on site there is an existing total building footprint of 350.74sqm. When this is compared with the proposed development which gives a total footprint of 296.73sqm, there would be reduction in the total building footprint by 54.01sqm. Finally the proposal would create 50 full and part time employment opportunities. Given the above, it is considered that the scheme complies with Policy G8.

It is considered that the principle of takeaway use and drive through component will be based upon the impact of the scheme in relation to the character of the area, Site of Nature Conservation Importance, highways and neighbouring impact.

Objections have been raised by local residents regarding the proximity of the proposed restaurant to a number of schools, particularly the potential to undermine healthy eating initiatives. There are 7 Primary schools within 1 mile of the site, with the closest being Oak Lodge Primary School (5-11 years approx. 0.28miles away), Beckmead School (7-16 years approx. 0.28miles), St David's College (4-11 years 0.40miles away).

The NPPF requires local authorities to promote healthy communities, use evidence to assess health and wellbeing needs and work with public health leads and organisations. Paragraph 69 acknowledges the important role that planning can play in facilitating social interaction and creating healthy, inclusive communities.

The London Plan (Policy 3.2) directs boroughs to promote the health and well-being of communities and identify and address significant health issues, for example by increasing access to healthy foods and developing local policies to address concerns over the development of fast food outlets close to schools.

The Council currently has no Policy that specifically restricts takeaway uses, however the health and well-being of residents is a material consideration. In this context, the closest schools to the site are primary schools. Children are not usually permitted to leave the premises at mid-day and, given the age of the children, it is also unlikely that they would travel to and from the school unaccompanied by an adult. Previous inspectors, and subsequent appeal decisions for similar developments (e.g. APP/P4415/A/11/2159082) have observed that 'pupils would not be able to eat the food at the proposed restaurants during the school day and outside of that time they are at school, the children's diet is the responsibility of their parents or guardians'. Given the current policy position officers have no reason to disagree with this conclusion.

Paragraph 24 of the NPPF states that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and not in accordance with an up to date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. There is currently no definition of a 'Town Centre' provided within the adopted UDP nor does it set boundaries of local centres. The

Council's emerging Local Plan does provide a District Centre Boundary for West Wickham, however this document is currently undergoing consultation and has yet to be examined, and it therefore affords little weight at this stage. Annex 2 of the NPPF does however provide a definition of 'main town centre uses' and this includes pubs, restaurants and drive-throughs.

The site has a long and established history as a pub and restaurant which are also classified as 'main town centre uses'. The applicant has stated that 'Many District/Town sites are, by nature, not suitable for drive through formats. Secondly, this proposal would relocate the existing District Centre Unit to an edge of centre site which already operates under a lawful and well established 'main town centre use' (A3) as defined by the NPPF. Finally it would free up an existing unit which has the potential to become any Class A Use without the need for planning permission'. The applicant has carried out a sequential test, which confirms that proposals are compliant with local and national policy.

Character, Appearance and Design

Saved Policy BE1 states that all development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout. This includes being imaginative and attractive to look at, compliment the scale, form, layout and materials of adjacent buildings and areas; should not detract from existing streetscene and/or landscape.

Policy BE10 Locally Listed Building states that a proposal to alter, extend or for the change of use of a locally listed building will be permitted provided that it will be sympathetic to the character, appearance and special local interest of the building and will respect its setting.

The application property is a locally listed building that has an Arts and Craft design. A Historic Building Assessment has been produced in support of the application and sets out the history of the building from its construction in 1908 as a public house to the subsequent changes over the prevailing years. This includes the removal of a pond which was originally located at the front of the site, creation of a car park and various extensions and alterations to the façade. The above report states that although there is some historic value due to the architectural interest of the front elevation and some internal features, the building itself is not of a quality that would warrant a statutory designation.

The existing site includes a conservatory with some additional adjoining patio areas on the western elevation and an external seating and decking area to the rear. There is a brick outbuilding to the east of the restaurant and a barbeque area to the north west. A timber shelter is also present with a variety of paved patio materials linking the barbeque area to the main building.

The site is located on Wickham Road, which is situated to the western end of High Street, West Wickham. The site has an established A3 use and within the vicinity there is a mixture of residential and commercial properties, including Travis Perkins and a McDonald's drive through. Given the above, it is considered that the proposal would not be out of character with the wider area.

The proposal would include the removal of the existing conservatory and decking area to the rear and the construction of a single-storey extension that would wrap around the western boundary and carry onto the north facing elevation. The drive through component would also wrap around the side and rear elevations of the existing building. The extensions would be contained mostly to the rear of the building and would therefore have a minimal impact on the front elevation and wider streetscene.

Given the location of the extensions and existing development on site, officers consider that the overall scale, design and proportions of the additions are sympathetic and would not result in significant harm to the character or appearance of the existing building. It should be noted that the building has previously operated as a public house and more recently as a restaurant; the A3 restaurant element of the proposal has already been established. The above alterations are therefore considered to preserve the character, appearance and special local interest of the building.

The proposed car park would be relocated from the front of the site to the rear and would partially cover an area with an existing building which has been formally used as an outdoor barbeque area/shelter and terrace. This area has already therefore been subject to some development. The applicant has explained that 'the total amount of grassed area on site amounts to 4,792sqm. The proposal would result in a total grassed area of 4,432sqm, a net decrease of 390sqm (7.5%). It is important to note that 81% of the existing total site area is actually grassed. The proposal would retain 75% of the total, further demonstrating that the majority of the site will remain open space'.

The existing front elevation has also been largely retained. Changes would be made to the entrance lobby, which would be removed under the current proposal, however this does not appear to be an original part of the building. The fascia sign above the canopy at first floor level would also be removed and a balustrade would be reinstated.

Two new entrance doors are proposed and the existing timber windows would be replaced with aluminium versions.

From a conservation point of view it is considered that whilst the use will clearly be a more intensive use of the site and it could not be considered as the ideal use of a locally listed building. The proposal does retain the building with some relatively subservient extensions. This cannot be overlooked as a significant benefit because the building is not in a conservation area and planning controls over demolition are therefore limited. The existing setting has a lot of hardstanding is generally untidy so landscaping improvements could be brought about through a landscaping condition.

The scheme would provide a significant area of woodland to the north of the car park which would be managed for nature conservation purposes and also the provision of a significant landscaping and planting strategy.

Therefore, subject to the use of matching materials, submission of window details and a landscaping strategy, which could be controlled by way of a condition, members may consider that on balance the extensions, drive through and associated works would be acceptable alterations that would preserve the special local interest of the building and character and appearance of the area.

Neighbouring amenity

In respect of Noise paragraph 123 of the NPPF states that 'a) planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and b) mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions while recognising that many developments will create some noise'.

In context the site is located immediately to the North of Wickham Road (A323); located between Crittenden Lodge retirement apartments to the west and Travis Perkins builders' yard to the east. The closest residential properties to the site area are Crittenden Lodge, the flats at Cavendish Court, on Cavendish Way to the east, and at Stanford House to the South on the opposite side of Wickham Road. The site has historically been used as a Public House and has more recently been operating as an A3 Restaurant, which has also included an outdoor barbeque pit to the rear with terrace. The site therefore has an established level of activity and moderate background ambient noise level associated with these existing uses.

However, the main source of the noise in the area results from traffic on Wickham Road (A232), together with some noise generated by operations from the Travis Perkins Builders Merchant immediately adjacent to the site. An acoustic noise assessment was undertaken by the applicant and included a review of potential noise from 'drive-thru' activity, car parking and from road traffic. Acoustic modelling of the proposed development found that noise from customer vehicles on the local road network would result in an imperceptible change in road traffic noise. Furthermore, noise generated from the 'drive-thru' and customer car parking activity would comply with WHO guideline values and is below the existing noise climate for operation between 0700 hours and midnight.

Neighbouring residents have raised concerns about the reliability of the Noise assessment in that the survey was undertaken during a reduced noise climate during the school holidays. However, the applicant argues that if the noise climate is quieter due to changes in road traffic patterns (in this case the absence of vehicles on the school run) the survey within the noise assessment is actually more robust as it gives a lower baseline against which to set noise criteria.

The Council's Environmental Health Officer (EHO) has reviewed the application along with the Noise Assessment. The EHO did not object originally to the scheme in respect of noise, but has reviewed the case again in response to neighbouring concerns. The EHO has stated that the findings of the noise assessment appear reasonable but are dependent on 'accurate input data and to a lesser extent trip generation', however it was also noted that it takes a fairly large increase in trips to have a small impact on noise. The EHO goes on to state that 'Whilst the assessment

is probably correct that the impact on equivalent continuous (average) noise level is likely to be minor, with this type of use there may be some impact irritation from door slams, engine revving, shouting, car radios etc. Such noises rarely significantly affect the overall noise level but can be a source of complaints'.

The EHO has suggested that acoustic fencing could help mitigate this concern, however this has been discussed with the applicant who has indicated that this would have implications for flooding/drainage. However, the EHO has requested a condition limiting the hours of use to between 07:00am to 23:00 along with a limitation on noise generated from fixed plant associated with the development. The above conditions are considered to be reasonable and necessary to protect neighbouring amenity.

Smells

Policy ER9 Ventilation states that 'when considering proposals for restaurants and cafes (Class A3), drinking establishments (Class A4), and hot food takeaways (Class A5), the Council will require the submission of a ventilation system where such a system would be necessary in order that the smell, noise and visual impact of the system on its surroundings can be properly considered'

The applicant intends to install ventilation and odour-suppressing equipment. No objections have been received from the Council EH officers regarding the potential for smells; however officers consider that the installation of such extraction systems and odour control equipment would ensure that nearby local residents would not be significantly affected by odours. It is therefore considered reasonable to condition full details of the extractions system and odour control, to be submitted to the Council prior to commencement of the development.

Litter

The proposed use may generate an increased level of litter, which can have an adverse impact on the appearance of the locality and neighbouring amenity. However, there would be litter bins to serve the restaurant and KFC operate a litter-picking policy which should reduce the likelihood of any nuisance caused by litter dropped by customers. Regular litter picks will take place on a daily basis both on site and up to 100 metres around the site. Officers consider this reasonable and should the application be considered acceptable then a condition should be imposed to ensure the above is adhered to.

Lighting

An indicative lighting strategy has been supplied by the applicant. This has been reviewed by the Councils EHO who has not objected to the initial plans. Should the application be considered acceptable then a full lighting strategy, including the location of all lights and specification details should be submitted to and agreed in writing.

Subject to the suggested conditions outlined above, Members may consider that on balance the proposed use would not have a detrimental impact on neighbouring amenity.

Highways

The application site is located on Wickham Road, approximately 200m west of the main cluster of shops and amenities of the high street but has a low PTAL of 2. The existing vehicular access to the site is directly from the A232 Wickham Road, 50 metres west of the entry to the roundabout with High Street, Cavendish Way and Manor Park Road. There is an existing flush median to facilitate right turning movements into the site.

Access to the site would remain as existing; however the applicant proposes a dedicated right turn lane into the site and 'a left turn out configuration of the site egress' in order to avoid potential conflicting traffic movements with other vehicles (drawing: 000/2014/G121/14-0077 Rev P). TfL have reviewed the current application and have also been sent a copy of Watermans independent TA review and a copy of the applicants response to that review. TfL have stated that "TfL's comments in its email dated 19 January 2016 are still pertinent on the basis that the vehicle access/transport related matters appear to be resolvable, subject to TfL's requested conditions". Officers note that there have been a significant number of objections from neighbouring residents regarding access to the site, the proximity with the West Wickham roundabout, pedestrian safety and the impact of the proposal on neighbouring roads such as the Alders, however no objections have been raised by TfL or the Council's highways officer with regard to the location of the proposed access or impact the local road network. Further, the scope of the works have been agreed in principle by TfL subject to the applicant entering into a Section 278 Agreement (Highways Act 1990) and the addition of conditions ensuring the right turn and left turn treatment.

The proposal would provide 21 car parking spaces, including 2 waiting bays which are associated within the drive through element. The existing use currently provides parking for 11 cars; this would therefore result in a net increase of 11 spaces. TfL have stated that the proposed level of parking exceeds the London Plan (2015) maximum standards, which should be capped at 8. However, the Council's Highways officer has not objected to this level of provision and given the nature of the use and location of the site the additional capacity is considered reasonable. Cycle parking is also provided and full details regarding their design could be conditioned were the application be considered acceptable.

In relation to Trip Attraction the application has provided a Transport Assessment which provides data and a methodology for assessing the likely impact. The TA has interrogated the TRICs database in order to gain a likely number of trips associated with the use. The Council's highways officer and TfL, who are the highway authority for Wickham Road, have raised no objections to the content or methodology employed within the Transport Assessment. No objections have also been raised to the associated conclusions drawn within the TA regarding trip generation, vehicular movements or highway safety. TfL have requested that Travel Plan and Servicing and Delivery Management Plan are secured via

condition which is considered reasonable and necessary in this instance given location of the site.

Servicing and deliveries associated with the proposed use would now be undertaken in the car park to the rear of the restaurant. A revised swept path analysis has been provided by the applicant and assessed by the Council's Highways officer who raised no objections to the details provided.

Concerns were however raised by Members regarding the reliability of the submitted Transport Assessment which was produced by Motion. The application was subsequently deferred at Committee subject to the findings of an independent Transport Review, which was to be commissioned by the Council.

The Council commissioned the Waterman Group (WIE) to undertake this review. A copy of that report is available for Members on the file.

The review concludes that the applicant's traffic assessment is valid, although the following issues were highlighted:

- o The measures to prevent drivers turning right out of the site are questionable
- o No assessment has been undertaken on whether the uncontrolled dropped kerb crossing by the roundabout on Wickham Way is adequate
- o There is no evidence the base traffic models have been validated against current queues
- o An assessment has not been undertaken for future year traffic flows
- o No modelling assessment has been undertaken of the Wickham Road / Bridle Road / Monks Orchard Park despite the close proximity of this junction to the site
- o The TA predicts a RFC of 0.91 and average queue of 8.3 vehicles, 2.6 more than current on Wickham Road for the Saturday peak with development situation. This approach would have little spare capacity with the development and therefore mitigation measures may be required for this junction, although many urban junctions operate at these capacities.
- o The TA has not properly addressed whether the development will affect the number of accidents

The report also concludes that the Motion TA uses trip rates derived from TRICS which are considered to be a reasonable reflection of vehicular trip generations. The WIE review acknowledged The West Wickham Residential Association representation and Say No to KFC West Wickham Group objection. Both were considered to raise valid concerns about lack of traffic modelling assessment, and insufficient measures to prevent customers turning right, but these were not in Watermans view sufficient to win an objection to the scheme at a public inquiry. Further, arguments that traffic flows from the mixed use retail and flats development at the former Summit House on Glebe Way need to be considered with the proposed KFC site flows was considered to be excessive, as this development is predicted to marginally reduce generated trips.

In respect of the McDonalds drive through on Wickham Road, which residents have argued should have been used as a comparative site, WIE have concluded that "The residents association trip numbers measured at the nearby McDonalds restaurant by the residents association are around three times those given in the Motion TA, however, this would appear to be due in good part to the larger size of the McDonalds store and such trip numbers rates are not in Watermans view appropriate for the proposed KFC development".

They did however consider that a review of the nearby pedestrian crossing facilities by TfL would have been beneficial, as would further consideration of enforcing the right turn prohibition for existing traffic of the right turn arrangements into the site.

The report finally concludes that whilst "the technical aspects of the consultants assessment in respect of the lack of validation of their transport models is not as comprehensive as might be expected, it is Waterman's view that the discrepancies are unlikely to be sufficient to invalidate the applicants assessment on traffic congestion grounds. In trip generation terms, the objectors traffic survey, while useful does not show trip rates that are high enough to invalidate the applicants studies when the size of the McDonalds development is allowed for".

The applicant has also provided a response to each of the concerns raised above, and these are outlined below. A full copy of this response is available on the file.

"The measures to prevent drivers turning right out of the site appears questionable"

The applicant states that "the design of the kerb on exit seeks to orientate traffic to turn left out of the site. It is accepted that traffic could, if so desired, physically turn right out of the site onto Wickham Road. It is common for a restriction to not be physically enforced and design is undertaken with the expectation that drivers will adhere to the instructions given. However it should be noted that the proposed access arrangements were discussed in detail with TfL and the applicant states that following these discussions, it was agreed that access onto the highway must be upgraded to include left hand treatment on exit as per drawing 140733-04-C. This will be combined with appropriate left only signage, which would act a further deterrent". As stated above, TfL have not objected to this arrangement and details would be subject to the satisfactory S278 agreement, which has been recommended as a condition.

"No assessment has been undertaken on whether the uncontrolled dropped kerb crossing by the roundabout on Wickham Way is adequate"

The applicant states that "contrary to the opinion given in the WIE report, a full Pedestrian Environmental Review (PERS) Audit was undertaken and submitted as part of the Transport Assessment. A summary of the audit can be found in Paragraphs 3.10-3.16 of the TA, whilst the full audit is included in Appendix A of that document". The applicant confirms that new pedestrian crossings and splitter islands were discussed with TfL but following a review, TfL concluded that these should be removed from the design and that pedestrians are able to cross at the roundabout using the existing provision.

"There is no evidence the base traffic models have been validated against current queues"

In response the applicant "confirms that the base traffic models have been validated against recorded queue lengths observed in September 2014 at the same time as the Manual Classified Counts. Whilst not included within the Transport Assessment, the queue length surveys were issued to TfL and the models were constructed in accordance with appropriate guidance that requires the validation of modelled outputs against observed queue lengths. Evidence of such a validation process would be required prior to any model being approved by TfL".

"An assessment has not been undertaken for future year traffic flows"

The applicant states that "The WIE review suggests that in order to accurately assess the highway impact of the development, a future year assessment should have been undertaken using a TEMPRO growth factor. This is not considered to be required in this instance. It is widely recognised that traffic growth within many London areas has remained static or fallen over recent years as a result of better public transport and other sustainable transport initiatives. To demonstrate this, historic traffic data has been obtained for the period 2001-2013 for the A232 Wickham Road. It is evident from this information that traffic flows have fallen since 2001, where some 23,436 average daily movements were recorded against an average of 19,561 movements in 2013. It is therefore not considered appropriate to allow for a further uplift in traffic flow as suggested by WIE".

"No modelling assessment has been undertaken of the Wickham Road / Bridle Road / Monks Orchard Park despite the close proximity of this junction to the site"

The applicant states that "The scope of the Transport Assessment was discussed with LB Bromley Highway officers and TfL prior to its submission and during these discussions the extent of junction modelling was agreed. This was principally based on the traffic flow likely to be generated by the development that could pass through each junction on the network and the perceived impact this could have. The Wickham Road / Bridle Road / Monks Orchard Road junction was not assessed as the number of vehicles passing through it in the peak hours was considered to be negligible.

The estimated traffic flows passing through the junction represents approximately 2% of total traffic flow along the A232 in the peak hour, or a maximum of 1-2 additional vehicles per minute, this will not materially affect the operation of this junction. This should also be considered in the context of the year on year fall in traffic flow along this corridor, where it has been demonstrated that a volume of traffic far in excess of that to be generated by the KFC previously passed through this junction."

"The TA predicts a RFC of 0.91 and average queue of 8.3 vehicles, 2.6 more than current on Wickham Road for the Saturday peak with development situation. This approach would have little spare capacity with the development and therefore mitigation measures may be required for this junction, although many urban junctions operate at these capacities."

The applicant states that "It is important to note that the peak hour period of vehicle trips to and from the proposed KFC differs from the peak hour period experienced on the highway network. For robustness however, the highest restaurant trip rates occurring between 15:00-16:00 on a weekday and 14:00-15:00 on a Saturday have been applied to the peak hour traffic flows along the A232 occurring between 16:15-17:15 on a weekday and 11:15-12:15 on a Saturday. In reality, the peak hours will not occur together and the total reserve capacity of the junction would be greater."

Whilst WIE correctly state that many junctions in urban areas operate at such capacities, it is also worth highlighting that TfL, as highway authority, do not consider that any measures of mitigation are required at this particular junction.

"The TA has not properly addressed whether the development will affect the number of accidents"

Accident data was provided by TfL for all junctions along the Wickham Road between Orchard Avenue in the West to the A214 in the east. The accident data is presented in the submitted Transport Assessment and serious accidents have been reviewed and summarised in Table 3.4 of that document.

It is evident from the data recorded that driver or pedestrian error is responsible for all of the accidents recorded and the geometry and / or maintenance of the highway is not a causation factor in any of the incidences".

The Waterman's review and applicant response have been sent on to both the Council's highways team and TfL. TfL have subsequently commented on the scheme and no objections have been received.

It is considered that whilst some issues were raised by the Waterman Group review, these concerns were not sufficient to invalidate the conclusions of the applicants transport assessment. The applicant has provided a reasonable response to each of the issues raised, and both of the above documents have been viewed by the Council's Highways team and TfL. TfL are the highway authority for Wickham Road and they have raised no objections to the proposal, subject to the highlighted conditions.

Members may therefore consider that the impact of the proposed scheme on the local road network, highway safety and parking would be on balance acceptable.

Site of Nature Conservation Importance and Ecology

The site forms part of High Broom Wood Site of Nature Conservation Importance (SINC). This includes all of the land to the west of the site from the highway to the western flank elevation of the building and the north of the site, approximately 30m from the rear elevation. This essentially makes up a wildlife corridor that follows the line of the adjacent river and extends to the south of the site. The application proposes the removal of 12 trees on site, including a group of Willows which are

located to the west of the building and a number of Sycamores to the north and north east.

Policy NE2 states that a development proposal that may significantly affect the nature conservation interest or value of a Site of Importance for Nature Conservation will be permitted only:

- (i) if it can be shown that the reasons for the development or benefits to the local community from the development outweigh the interest or value of the site; or
- (ii) the value of the interest of the site can be protected from damaging impact by mitigating measures secured by the use of conditions or planning obligations.

Paragraph 118 of the NPPF states that "When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- o if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused."

The applicant has provided an Extended Phase 1 Habitat Survey in support of the application. The survey found that "no rare or particularly notable species or plant communities were noted at the time of the survey. The majority of habitats to be lost are of low ecological value". No suitable breeding habitats for amphibians were recorded on site. Furthermore, no evidence of bat or (bird) activity was found during the internal and external inspection of the main restaurant building, it was noted that certain areas of the site were inaccessible, however the presence of roosting bats was considered to be low. The site does have some foraging potential for bats, and a recommendation was made that 'there should no increase in illumination of the stream corridor, site boundaries and northern woodland, which can be achieved through the use of low-level lighting, shields and baffles". The applicant has provided an indicative lighting strategy, however full specifications should be conditioned in order to ensure no increase in illumination on neighbouring areas. Furthermore, no badger setts were found on site; however there was evidence of foraging activity. There are likely setts present in the adjacent High Broom wood. It is considered reasonable and necessary to condition a pre-development clearance strategy for any overgrown areas of the site in order to minimise the impact on wildlife during construction.

The Council commissioned an independent assessment of the above Survey and this was carried out by Richard Grave Associates. This review did not result in any significant objections to the findings or methodology employed. A number of recommendations were made, including consideration into the loss of a number of ponds; however the applicant has now supplied additional information which officers consider addresses the recommendations of the independent review.

The proposed development would result in the loss of a number of trees along the western edge of the site, which do have ecological benefit, however the proposal also includes a new landscaping and tree planting strategy to try and mitigate this loss. This includes the provision of native species in order to foster biodiversity. The wildlife corridor would not be completely removed due to the neighbouring stream and there would be a significant re-provision of trees with semi-mature status. As described above, a pre-development clearance strategy should be conditioned to minimise the impact on wildlife during construction, and a number of ecology enhances would also be provided within the site including the management of large open space to the north of the car park, which is currently overgrown.

Whilst the loss of the trees would have some impact on the SIN, the Extended Habitat survey has demonstrated that the habitats that would be lost are of low ecological value. Officers therefore consider that the proposed ecological enhancements, together with the detailed landscaping strategy would sufficiently mitigate the impact of the scheme.

Members may therefore consider that on balance the proposal would not significantly affect the nature conservation interest or value of the Site of Nature Conservation Importance.

Trees

Saved Policy NE7 states that new development proposals will be required to take particular account of existing trees on the site and on adjoining land, which in the interest of visual amenity and/or wildlife habitat, are considered desirable to be retained. Tree Preservation Orders will be used to protect trees of environmental importance and visual amenity. Where trees have to be felled, the Council will seek suitable replanting.

The application site includes a large number of Trees which are protected by Tree Preservation Orders (Tree Survey and Constraints Plan BIR4543_01-A). The application proposes the removal of twelve trees, eleven of which are subject to Tree Preservation Orders. A tree retention/loss plan has been provided (BIR4543_02-C) which shows that these trees are principally found on the western side of the site and extend up to the edge of the proposed drive through lane on the west flank elevation, and down to the southern boundary. There are also three trees subject to TPOs located to the north and north east of the building.

The trees along the western boundary provide a strong visual element within the streetscene and contribute significantly to the green character of the wider area. However the Tree Survey and Constraints plan has identified that G12 (an off-site tree group) and G13 (the southernmost point of the larger High Broom Wood) account for a significant proportion of the overall tree canopy cover on and adjacent to the site.

The application also includes Tree Survey and Arboricultural Impact Assessment. The impact assessment has identified that 'of the TPO trees the greater majority (nine of this total eleven) of these trees are of poor quality (Category C) or are

unsuitable for retention (Category U) in the current site context". The proposed trees to be removed include a group of Willows located to the south east side of the site and six Sycamores which are situated to the north, north east and north west of the building. The impact assessment highlights that the Willow trees at the southern extent of the site do contribute to the streetscene, but are reaching the end of their useful life expectancy in the existing and proposed context. It is therefore considered that 'the landscape benefits and public visual amenity value of the tree group are impermanent and not sustainable for going forward'. The Council's Tree Officer has reviewed the above documents and has raised no objections to the loss of the above Willow Trees. Concerns were however raised with regard to two individually protected (Category B) Sycamore Trees on the north west corner of the building. These Trees are considered to have a greater quality (Category B) and visual benefit.

However, to mitigate the loss of the above trees and their associated visual and ecological impact the applicant has included a detailed landscaping strategy which includes the provision of 5 super semi-mature alders 10-12m in height and 40-80cm girth within the south western wedge of the application site which fronts Wickham Road. The applicant also proposes the planting of an additional tree, alongside the already proposed two semi mature trees, within the north western landscaped area of the site. This newly proposed tree is a super semi mature sorbus torminalis at 10-12m in height and 40-80cm in girth. In total this results in the number of native semi mature trees to be planted on site to two, and super semi mature native trees to be planted on site to six.

Any perceived harm that would result from the loss of the above trees would also likely decrease over time as new planting increases in size. The Council's tree officer has not objected to this detailed strategy and officers consider that the above provision would adequately mitigate the loss of the above trees from a visual amenity and ecological perspective.

Given the above, members may consider that on balance the detailed landscaping strategy sufficiently overcomes the loss of the above trees from a visual amenity and ecological perspective.

Flooding

The site is situated across Flood Zones 2 and 3, the medium and high risk zones respectively. Under the National Planning Policy Framework (NPPF) and Planning Practice Guidance, use as a restaurant is classified as 'less vulnerable' in terms of flood risk. The site lies adjacent to The Beck River.

The application is accompanied by a Flood Risk Assessment, which has been reviewed by the Environment Agency (EA). The EA have raised no objections to the development but have requested a condition be imposed on any permission relating to details for level floodplain compensation. Guidance with regard to the proximity to the river, specifically a recommendation for an emergency flood management plan to incorporate a safe route into and out of the site and appropriate safe haven has also been provided. The EA have also advised that a distance of 8m should be maintained between the works and the watercourse,

including the site working boundary. To this end an Informative should be attached to any permission alerting the developer to the possibility of the scheme also requiring flood defence consent from the EA.

Given the above, officers consider that the scheme complies with Policy S9 Food and Drink and Policy G8 Urban Open Space. There would be some impact on nearby properties as a result of the proposal however when taking into account the established and historical uses of the site, proposed landscaping strategy, findings of the habitat survey and highways advice officers consider that the application should be on balance recommended for permission.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

Reason: Section 91, Town and Country Planning Act 1990.

- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 3 Details of the materials to be used for the external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The works shall be carried out in accordance with the approved details.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area

- 4 Details of the windows (including rooflights and dormers where appropriate) including their materials, method of opening and drawings showing sections through mullions, transoms and glazing bars and sills, arches, lintels and reveals (including dimension of any recess) shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The windows shall be installed in accordance with the approved details.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 5** Details of a full landscaping scheme, including details for the provision of the replacement trees hereby permitted and shown on drawing Bir.4543_03D and outlined within the Revised Tree Planting and Landscape Strategy statement dated 21st August 2015, together with the materials for paved areas and hard surfaces shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved scheme shall be implemented in the first planting season following the first occupation of the building or the substantial completion of the development, whichever is sooner. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species to those originally planted.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and to secure a visually satisfactory setting for the development.

- 6** Before the development hereby permitted is commenced, details of the specification and position of fencing (and any other measures to be taken) for the protection of any retained tree shall be submitted to and approved in writing by the Local Planning Authority. The areas enclosed by fencing shall not be used for any purpose and no structures, machinery, equipment, materials or spoil shall be stored or positioned within these areas. Such fencing shall be retained during the course of building work

Reason: In order to comply with Policies NE7 and NE8 of the Unitary Development Plan to ensure works are carried out according to good arboricultural practice and in the interest of the health and visual amenity value of trees to be retained.

- 7** No demolition, site clearance or building works shall be undertaken, and no equipment, plant, machinery or materials for the purposes of development shall be taken onto the site until an Arboricultural method statement detailing the measures to be taken to construct the development and protect trees is submitted to and approved in writing by the Local Planning Authority.

The statement shall include details of:

- Type and siting of protective fencing, and maintenance of protective fencing for the duration of project;
- Type and siting of scaffolding (if required);
- Details of the method and timing of demolition, site clearance and building works
- Depth, extent and means of excavation of foundations and details of method of construction of new foundations
- Location of site facilities (if required), and location of storage areas for materials, structures, machinery, equipment or spoil, and mixing of cement or concrete;

- Location of bonfire site (if required);
- Details of the location of underground services avoiding locating them within the protected zone;
- Details of the method to be used for the removal of existing hard surfacing within the protected zone;
- Details of the nature and installation of any new surfacing within the protected zone;
- Methods proposed for the watering of the trees during the course of the project

The method statement shall be implemented according to the details contained therein until completion of building works, and all plant, machinery or materials for the purposes of development have been removed from the site.

Reason: To ensure that all existing trees to be retained are adequately protected and to comply with Policy NE7 of the Unitary Development Plan

- 8 A woodland management plan, including tree and shrub planting, habitat enhancement, long term design objectives, management responsibilities and maintenance schedules for the retained woodland shown on Bir.4543_03D shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby permitted. The plan shall include arrangements and timetable for its implementation and shall be carried out in accordance with the approved details.

Reason: In order to comply with Policies NE2, NE3 and NE8 of the Unitary Development Plan and in the interest of good arboricultural practice, fostering biodiversity, nature conservation and the visual amenities of the area

- 9 Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages

Reason: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

- 10 Details of arrangements for storage of refuse and recyclable materials (including means of enclosure for the area concerned where necessary) shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved arrangements shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in order to provide adequate refuse storage facilities in a location which is acceptable from the residential and visual amenity aspects.

- 11 Before any part of the development hereby permitted is first occupied, bicycle parking (including covered storage facilities where appropriate) shall be provided at the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and the bicycle parking/storage facilities shall be permanently retained thereafter.

Reason: In order to comply with Policy T7 of the Unitary Development Plan and Policy 6.9 of the London Plan and in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport

- 12 Details of a scheme for the management of the car park shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is first occupied and the car park shall be operated in accordance with the approved scheme at all times unless previously agreed in writing by the Authority.

Reason: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

- 13 (i) Prior to commencement of the works the applicant shall enter into a S.278 Agreement with the Local Highway Authority to:

o Allow the provision of a designated right hand turn filter lane in the centre of the carriage way, a left turn out configuration of the site egress and associated works to facilitate the above.

(ii) All highway works shall be completed prior to the first use of the development to the satisfaction of the Local Planning Authority.

Reason: In the interest of highway safety and to comply with saved Policy T18 Road safety of the adopted Unitary Development Plan (2006)

- 14 i) The development shall not commence until a delivery and servicing plan has been submitted to and approved in writing by the Local Planning Authority.

(ii) the plan shall demonstrate the expected number and time of delivery and servicing trips to the site, with the aim of reducing the impact of servicing activity.

(iii) The approved Delivery and Servicing Plan shall be implemented in full accordance with the approved details from the first occupation of the development and shall be adhered to in perpetuity.

Reason: In order to ensure satisfactory vehicle management and to comply with Saved Policy T18 Traffic Safety of the adopted Unitary Development Plan (2006),

- 15 Prior to the commencement of the use hereby permitted, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan should include measures to promote and encourage the use of alternative modes of transport to the car. It shall also include a timetable for the implementation of the proposed measures and details of the mechanisms for implementation and for annual monitoring and updating. The Travel Plan shall be implemented in accordance with the agreed timescale and details.

Reason: In order to ensure appropriate management of transport implications of the development and to accord with Policy T2 of the Unitary Development Plan.

- 16 Details of a surface water drainage system (including storage facilities where necessary) shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved system shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

Reason: To ensure satisfactory means of surface water drainage and to accord with Policy 5.12 of the London Plan (2015)

- 17 Detailed specifications and plans, of the appearance of and the equipment comprising a ventilation system which shall include measures to alleviate fumes and odours (and incorporating activated carbon filters where necessary) shall be submitted to the Local Planning Authority for approval; after the system has been approved in writing by the Authority, it shall be implemented in accordance with the approved details before the use hereby permitted first commences and shall thereafter be permanently retained in an efficient working manner.

Reason: In order to comply with Policies S9 and ER9 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 18 The noise from fixed plant associated with the development shall not exceed a rating level of 42 dBA between 0700 and 2300 hours and 35 dBA between 2300 and 0700 hours when measured or calculated at 1 metre from the façade of the nearest noise sensitive property. The measurements and assessment shall be made according to BS 4142:2014

Reason: In order to protect neighbouring residential amenity and in the interest of the area in general and in order to comply with ER 9 Ventilation and S9 Food and Drink Premises of the adopted Unitary Development Plan.

- 19 Details of a scheme of lighting (including the appearance, hours of operation, measures to reduce light spillage onto neighbouring properties and woodland, siting and technical details of the orientation and screening of the lights and the means of construction and laying out of the cabling) shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced, and the approved scheme shall

be implemented before the development hereby permitted is first occupied. Thereafter the approved scheme shall be permanently maintained in an efficient working manner and no further lighting shall be installed on the site without the prior approval in writing by the Local Planning Authority.

Reason: In order to comply with Policy ER10 of the Unitary Development Plan and in the interest of amenity, public safety and protecting neighbouring wildlife habitats

- 20 Prior to the premises being brought into use, a scheme for the siting of litter bins, litter picking arrangements and storage of refuse shall be submitted to and approved in writing by the local planning authority. The scheme shall then be carried out in accordance with the approved details, prior to commencement of the use, and shall be retained thereafter.

Reason: In order to safeguard the amenities of the area and to comply with BE1 Design of New Development and

- 21 The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, according to the principles and physical security requirements of Secured by Design, have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason: In the interest of security and crime prevention and to accord with Policies H7 and BE1 of the Unitary Development Plan.

- 22 The premises shall be used as a restaurant/takeaway and for no other purpose (including any other purpose in Class A3/A5 of the Schedule to the Town and Country Planning (Use Classes) order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In order to comply with Policy S9 of the Unitary Development Plan and in order to protect neighbouring amenity and the character and appearance of the area.

- 23 The use shall not operate before 11:00 and after 23:00 on any day.

Reason: In order to comply with Policy S9 of the Unitary Development Plan and in the interest of the amenities of the area.

- 24 Prior to commencement a pre-development clearance strategy for any overgrown areas should be submitted to and approved in writing by the local planning authority. The strategy should outline measures to minimise the impact on wildlife and vertebrate fauna during the clearance and construction of the development and the details of a suitably licenced ecologist on call to provide advice and/or liaise with statutory authorities (Natural England) if required.

Reason: In order to minimise the impact of the wildlife and vertebrate fauna and to comply with Saved Policy N3 Nature Conservation and Development of the adopted Unitary Development Plan (2006)

- 25 Prior to demolition of the building and outbuildings, the soft stripping of sensitive areas (e.g. roof-tiles, soffits, fascia boards and lead flashings) and the removal of the identified ponds should be directly supervised by a licenced ecologist. In the event that bats, bat roosts or Great Crested Newts are uncovered, works must stop until Natural England have been consulted and provided an appropriate course of action to lawfully complete the works**

Reason: In order to comply with Policy N3 of the Unitary Development Plan and in order to safeguard the interests and well-being of bats and Great Crested Newts on the site which are specifically protected by the Wildlife and Countryside Act 1981 (as amended).

- 26 Prior to the construction of any part of the building, or raising of ground, on land identified as being liable to flood, details for level floodplain compensation shall have been approved by the local planning authority and implemented on site. The scheme shall be retained on site in perpetuity for the lifetime of the development**

Reason: To prevent an increase in flood risk to others from displacing floodwaters offsite

- 27 Before any part of the development hereby permitted is first occupied boundary enclosures of a height and type to be approved in writing by the Local Planning Authority shall be erected in such positions along the boundaries of the site(s) as shall be approved and shall be permanently retained thereafter.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

You are further informed that :

- 1 Please be aware that The Beck is designated a main river and under the jurisdiction of the Environment Agency for its land drainage functions as stated within Water Resources Act 1991 and associated byelaws. Any works in, over, under or within eight metres of the top of bank will require consent from ourselves. We encourage the applicant to ensure that their works are outside the 8 metre byelaw. If they do encroach they should contact the Partnerships and Strategic Overview team at**
- 2 In respect of Condition 16 you are advised that we require that the following information should be provided: A clearly labelled drainage layout plan showing pipe networks and any attenuation soakaways. Where infiltration forms part of the proposed storm water system such as soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365. Calculations should demonstrate how the system operates during the 1 in 30 year critical duration storm event plus climate change.**