

Planning Committee

24 July 2019



Application No.	19/00747/FUL		
Site Address	Unit 4, 2 – 10 Thames Street, Staines-upon-Thames		
Applicant	Spelthorne Borough Council		
Proposal	Change of use from retail (Use Class A1) to a mixed use of part café (ground floor) and part offices (first floor)		
Case Officer	Paul Tomson		
Ward	Staines		
Called-in	N/A		
Application Dates	Valid: 29.05.2019	Expiry: 24.07.2019	Target: Extension of time agreed*****
Executive Summary	<p>The proposal involves the change of use from retail (Use Class A1) to a mixed use of part café (ground floor) and part offices (first floor). The Surrey Disabled People's Partnership already use the ground floor as a café and this planning application is therefore part retrospective. Spelthorne Borough Council are to occupy the first floor as offices for the Heathrow 'Incubator', an economic initiative to be provide start-up business with affordable office space.</p> <p>It is considered that changing the use of the ground floor to a café will comply with the requirements of Policy TC2 (Staines Town Centre Shopping Frontage) of the Core Strategy and Policies DPD and is acceptable. It is also considered that the proposed change of the former first floor ancillary floorspace to offices will not cause any harm to the vitality and viability of the town centre.</p>		
Recommended Decision	This planning application is recommended for approval subject to conditions set out at Paragraph 8 of the Report.		

MAIN REPORT

1. Development Plan

1.1 The following policy in the Council's Core Strategy and Policies DPD 2009 is considered relevant to this proposal:

- TC2 (Staines Town Centre Shopping Frontage)

2. Relevant Planning History

2.1 The site has the following planning history:

93/00623/FUL	Change of use from A1 (retail) to Financial and Professional Services (A2).	Refused 08.12.1993 Appeal Dismissed 25.08.2014
14/01378/FUL	Change of use from Use Class A1 (retail) to Use Class A2 (financial and professional services) to be occupied by Surrey Disabled People's Partnership.	Approved 29.09.2014

3. Description of Current Proposal

- 3.1 The application relates to Unit 4, 2 – 10 Thames Street in Staines-upon-Thames, which is a commercial unit located on the western side of the road. The unit comprises the main ground floor area, with ancillary floorspace on the first floor. Prior to 2014, the property was occupied as an A1 retail unit. However, in November 2014 the Surrey Disabled People's Partnership (a registered charity) moved into the building and started using it as a café and information centre.
- 3.2 The site is located within a designated Secondary Shopping Area within Staines town centre. It is also within a designated Employment Area, and a Site of High Archaeological Potential.
- 3.3 The proposal involves the change of use from retail (Use Class A1) to a mixed use of part café (ground floor) and part offices (first floor). As the Surrey Disabled People's Partnership (SDPP) are already using the ground floor as a café, this planning application is part retrospective. The offices will be accessed via an internal staircase which is reached by walking through the café.
- 3.4 The applicant (Spelthorne Borough Council) states that the SDPP no longer require the first floor space and it has been available to let for some time. SDPP has leased the first floor out in the past. The first floor contains a disabled toilet area. SDPP installed a lift from the ground floor to the first floor to enable disabled access. Spelthorne Borough Council propose to occupy the first floor as offices for the 'Heathrow Incubator' an economic initiative to provide local start-up businesses with affordable office space.

4. Consultations

4.1 The following table shows those bodies consulted and their response.

Consultee	Comment
County Highway Authority	No objection
Environmental Health	No objection subject to the imposition of a condition preventing cooking of food in the café <i>Officer note: the applicant confirms that the café sells hot and cold drinks as well</i>

	<i>as sandwiches and snacks. No hot food is cooked or consumed on the premises.</i>
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5. Public Consultation

- 5.1 A total of seventeen letters of notification were sent out to neighbouring properties. No letters of representation have been received.

6. Planning Issues

- Loss of retail unit

7. Planning Considerations

Loss of retail unit

- 7.1 Policy TC2 of the Core Strategy and Policies DPD 2009 (CS & P DPD) states that within the secondary shopping areas of Staines town centre the loss of Class A1 retail units will be permitted where:

- (a) The proposed use is within use class A2, A3, A4 or A5 or for a launderette,
- (b) No more than five out of nine consecutive units within the secondary frontage are in non-retail uses as a result of the proposal,
- (c) The proposal would not harm the predominantly retail character of the town centre, either individually or cumulatively with other non-retail developments,

Exceptionally a non-retail use may be accepted where it is demonstrated that it will contribute to the long term vitality and viability of the centre.

- 7.2 Most of the existing units in this particular parade of commercial units are still in A1 use. Only 3 out of 9 units will be in non-retail use as a result of the current proposal. Consequently, the proposal to change the ground floor to a café complies with the requirements of Policy TC2 and is acceptable. Whilst the proposed office element is not classified as an A2, A3, A4, A5 (or launderette) use, this will occupy the former ancillary retail space on the first floor and it is not considered that changing it to an affordable office space for start-up businesses will harm the long term vitality and viability of the town centre.

- 7.3 The planning history for the site shows that in 1993 a planning application for the change of use from A1 to A2 was refused on the grounds that it would not comply with the Council's shopping policies at that time (ref: 93/0623/FUL). A subsequent appeal was dismissed in August 1994. However, this appeal decision does not carry any weight as planning permission was subsequently granted in 2014 for the change of use to class A2 purposes (14/01378/FUL). It is also relevant to note that the Town and Country Planning (Use Classes) Order permits changes from Classes A1 and A2 to Classes A3 and B1, subject to the prior notification process. However, the only reason why this procedure cannot be used in this particular case is because the application proposes a mixed use scheme.

Other Matters

- 7.4 The application is for a change of use and there will be no impact on the Site of High Archaeological Potential.

- 7.5 The County Highway Authority has raised no objection to the proposal.
- 7.6 The proposed change of use is not considered to cause any harm to the amenity of neighbouring properties.
- 7.7 Accordingly, the application is recommended for approval.

8. Recommendation

8.1 GRANT subject to the following conditions: -

1. The development hereby permitted shall be carried out in accordance with the following approved plans PL_102; PL_103; PL_104; PL_105 and site location plan received 29 May 2019.

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

2. No primary cooking (i.e. the cooking of raw or fresh food) shall take place within the building unless otherwise agreed in writing by the Local Planning Authority.

Reason:- To safeguard amenity of neighbouring properties.

The Town and Country Planning (Development Management Procedure) (England) Order 2015
Working in a positive/proactive manner

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of Section 4 of the NPPF. This included the following:-

- a) Provided pre-application advice to seek to resolve problems before the application was submitted to foster the delivery of sustainable development.
- b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered;
- c) Have suggested/accepted/negotiated amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development.
- d) Have proactively communicated with the applicant through the process to advise progress, timescales or recommendation.