

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE - 7th March 2017

Application 6

Application Number:	16/02865/FUL	Application Expiry Date:	13th January 2017
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Application Type:	Full Application
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Proposal Description:	Change of use from retail unit (class A1) to hot food takeaway (class A5) and associated ventilation system
At:	13 St Davids Drive Cusworth Doncaster DN5 8NG

For:	Mr Neville Brown
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Third Party Reps:	111 signature petition (support) 5 letters of support 5 letters of objection	Parish:	Sprotbrough And Cusworth Parish Council
		Ward:	Roman Ridge

Author of Report	Elizabeth Maw
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MAIN RECOMMENDATION:	GRANT
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1.0 Reason for Report

1.1 The application is being presented to committee due to the significant public interest shown and at the request of Cllr Pam Machin.

2.0 Proposal and Background

2.1 The address is 13 St Davids Drive, Scawsby. It is a commercial property, formerly a Cooplands Bakery (Class A1). The proposal is to change its use to a hot food takeaway (Class A5) and install an extraction system onto the side elevation. The extraction system is already installed but the takeaway has not opened.

2.2 The property is on a small shopping parade. Other units on the shopping parade are a shop, café and hairdressers. The shopping parade is in the middle of a residential estate.

3.0 Relevant Planning History

3.1 No planning history.

4.0 Representations

4.1 The application has been publicised by sending letters of notification to neighbours.

4.2 A petition containing 111 signatures and 5 individual letters in support of the application has been received. Supporters are mostly from the Scawsby/Cusworth/Scawthorpe area, including 11 households of St Davids Drive.

4.3 The reasons for support are because the new business owner has a good reputation. He has a well-known restaurant in the town centre. It would be a good addition to the area.

4.3 A total of five objection letters has been received. Four of these objections were from residents living close to the application site. The reasons for objecting are because of potential increased noise, traffic, anti-social behaviour, litter and odour. There are other takeaways nearby and fast food is against healthy eating. Overall it will have a negative change to a residential street and quiet residential estate. One letter comments that this takeaway could mean a repeat of problems with leftover food being dumped in front gardens. There was also discussion that late night opening would make all the issues worse but the applicant has reduced his opening hours to mitigate neighbours' concerns and improve the likelihood of a planning approval.

5.0 Parish Council

5.1 Sprotbrough and Cusworth Parish Council have lodged an objection to the application. The reasons for objecting are the impact of the additional opening hours on residents above the shop & in the immediate area. Secondly, there are already a high number of `takeaway` outlets serving this area.

6.0 Relevant Consultations

Environmental Health: No objections.

7.0 Relevant Policy and Strategic Context

National Planning Policy Framework (NPPF);
Chapter 8 - Promoting Healthy Communities

Doncaster Council Core Strategy (CS)
Policy CS1 - Quality of life

Doncaster Unitary Development Plan (UDP);
PH12 - Non Residential Use within a Residential Policy Area
SH14 - Hot Food Takeaways

8.0 Planning Issues and Discussion

Main Issues

8.1 The main issues are the impact to the amenities of local residents in allowing a hot food takeaway in this area.

Principle

8.2 The site lies within a designated residential policy area according to the UDP. The premises is already commercial and within a row of shops. There are no issues in principle with a hot food takeaway because the unit is already in commercial use and saved policy PH12 supports non-residential uses subject to consideration for local amenity.

8.3 Saved policy SH14 states that hot food takeaways should not be permitted if it would result in a proliferation of uses. Letters of objection consider there are already sufficient takeaways in the area. Whilst the wider area may have numerous takeaways, there are none within this parade of shops. As such, there is not a proliferation of use and therefore no conflict with policy SH14.

Comings and Goings/ Noise/ Anti-Social Behaviour

8.4 This is a ground floor unit in a small shopping parade, with flat accommodation at first floor level. It is on a residential street of family homes. All the other shops in this row are daytime opening. The off license next door closes at 9pm every day.

8.5 When compared to the previous bakery use daytime comings and goings would lessen as the applicant is seeking tea time/evening opening hours. The potential harm to residents will therefore be in the evening.

8.6 The applicant applied for a 12am closing. The case officer expressed concerns to such a late opening and this view was supported by Environmental Health, Parish Council and local opposition. To improve the chances of an approval the applicant has agreed to the following opening hours:

Monday to Thursday 4pm to 9pm
Fridays 4pm to 9:30pm
Saturdays 3pm to 9:30pm
Sundays 3pm to 9pm

8.7 In officer opinion, these opening hours would prevent night time disturbance. In addition, the hot food takeaway will close at the same time as the off license next door and only half an hour later on Fridays and Saturdays. Environmental Health is content with the agreed opening hours.

Odour

8.8 The flats above the unit are most susceptible to odour of the hot food takeaway but the extraction system can prevent any problems. None of the flats have objected.

8.9 The applicant has installed an extraction system onto the side of the building. The extraction system passes close to flat windows on the side elevation and projects higher than the roof. The extraction system has been inspected by the Council's Environmental Health Officer and information has been submitted detailing noise output. The Environmental Health Officer advises the extraction system is acceptable and it will prevent an odour problem.

Parking

8.10 The unit is unlikely to cause a parking problem for the following reasons:

- a) The parade of shops has a café, hairdressers and off license. Most of the trade for takeaway will occur when the hairdressers and café has closed.
- b) The applicant will operate a delivery service so not all customers will visit the shop. The applicant advises he has space to park one car at the back of the property.
- c) The applicant advises he will do his own deliveries in his own car.

Character and Appearance

8.11 The applicant has already installed an extraction system to the side of the building. It is a silver duct which runs up the side of the building. It is taller than the eaves of the building. The applicant advises it has to be higher than the building to maximise its efficiency. Also, the larger the system the better quality it is.

8.12 In officer opinion, the extraction system has an impact to the street scene due to its size and siting because it is in full view from St David's Drive. However, an extraction system is not out of character for a commercial unit and on balance is considered acceptable.

9.0 Summary and Conclusion

9.0 In summary, the proposal to change of use from bakery to hot food takeaway (Class A5) is considered acceptable, subject to a restriction of opening hours as detailed above.

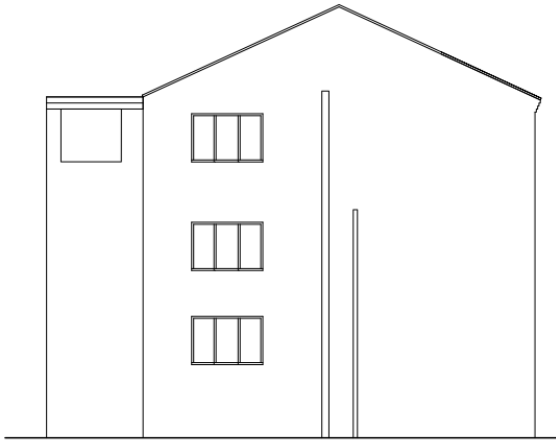
10.0 Recommendation

10.1 GRANT Full Planning Permission subject to the following conditions:

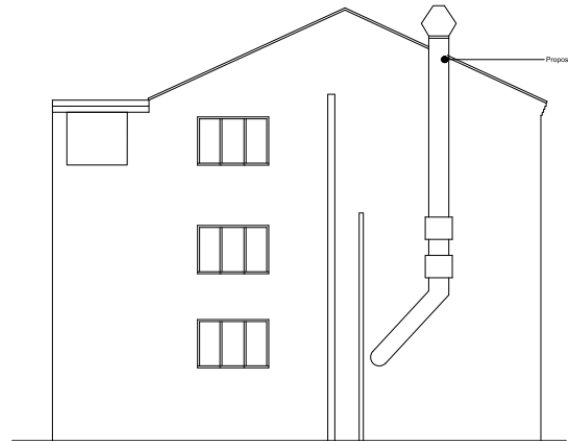
01. STAT1 The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.
REASON
Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.
02. U50647 The hours of opening shall be limited to:
Monday to Thursday 4pm to 9pm
Fridays 4pm to 9:30pm
Saturdays 3pm to 9:30pm
Sundays 3pm to 9pm
REASON
To ensure that the development does not prejudice the local amenity and to ensure the takeaway is not open during school hours.
03. U50648 The extraction/ventilation equipment shall be maintained in accordance with the manufacturer's instructions and operated at all times when cooking is being carried out unless otherwise agreed beforehand in writing with the Local Planning Authority.
REASON
To ensure odours from the unit do not cause a residential amenity issue.
04. U50670 The development hereby permitted shall be carried out in complete accordance with the details shown on the amended plans referenced and dated 01 Rev C stamped AMENDED PLANS 21.01.2017
REASON
To ensure that the development is carried out in accordance with the application as approved.
01. U11026 INFORMATIVE
Suitable closed storage facilities shall be provided for the accommodation of all waste food generated by the business whilst awaiting collection for disposal.

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

Appendix 1: Existing and Proposed Elevations

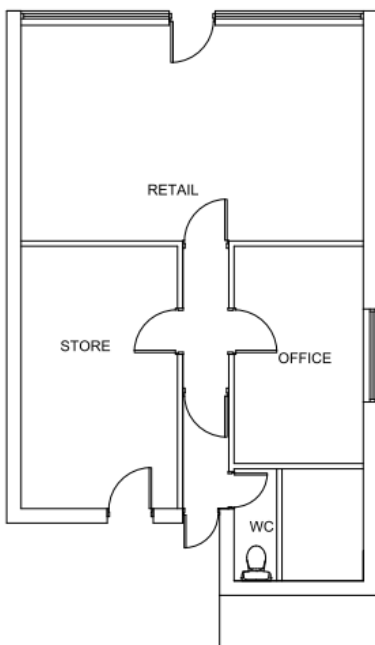


Side Elevation as Existing 1:50

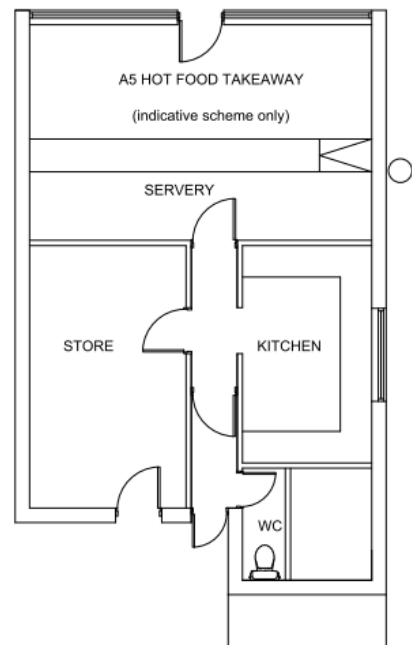


Side Elevation as Proposed 1:50

Appendix 2: Existing and Proposed Floor Plan



Ground Floor Plan as Existing 1:50



Ground Floor Plan as Proposed 1:50