

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE - 5th February 2019

Application 3

Application Number:	18/03139/FUL	Application Expiry Date:	13th February 2019
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Application Type:	Full Application
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Proposal Description:	Change of use from shop (Class A1) to hot food Indian takeaway (Class A5) on ground floor and erection of extraction and ventilation system including a flue.
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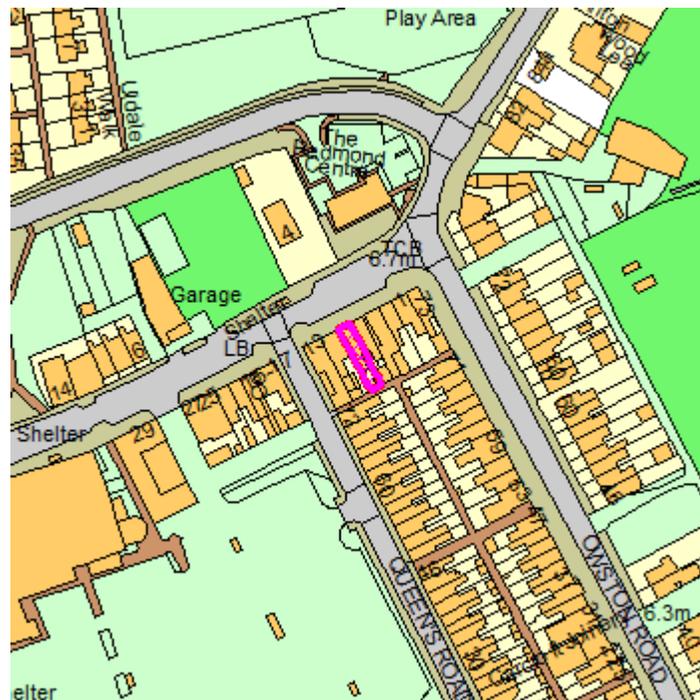
At:	9 High Street Carcroft Doncaster DN6 8DN
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For:	Mr Powar & Mrs Kaur
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Third Party Reps:	14 signature petition 3 representations	Parish:	
		Ward:	Adwick Le Street And Carcroft

Author of Report	Alicia Murray
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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 in the application.

2.0 Proposal and Background

2.1 The address is 9 High Street, Carcroft. It is a commercial property, formerly a newsagents/general store (Class A1). The proposal is to change its use to a hot food takeaway (Class A5) and to install an extraction system onto the rear elevation.

2.2 The property is on a small shopping parade. Other units on the shopping parade are a mixture of shops and services, butchers, bakers, salons and two other hot food takeaways. The shopping parade is in the centre of Carcroft close to larger commercial units and residential properties.

3.0 Relevant Planning History

3.1 No planning history.

4.0 Representations

4.1 The application has been publicised by site notice and neighbour notification letters. 3 individual letters of objection were received, along with a 14 signature petition in opposition to the proposal.

4.2 The reasons for objecting were because of potential increased noise, traffic, litter and odour and there is already numerous takeaways in the immediate area.

4.3 Another letter received was from the neighbouring fish and chip shop, which outlines that their business is already struggling and any additional takeaways may result in the closure.

4.4 Officers wish to highlight that competition is not a material planning consideration that can be taken into account when considering this application.

5.0 Parish Council

5.1 No Parish Council for Carcroft.

6.0 Relevant Consultations

Environmental Health: Comments awaited.

Local Plans (Retail): No objections, however concerns have been raised as this change of use would result in 3 out of the 8 units on this row being under the A5 use class. However, in the immediate local area there would not be an over-concentration of these uses.

Highways: No objections.

Public Health: Objects to the application as it would contribute to Doncaster's Obesity levels; however there are 3 existing hot food takeaways and the average number one could expect (given evidence and guidelines) of hot food takeaways for the population size of Carcroft is 5.

7.0 Relevant Policy and Strategic Context

NPPF Section 8 - Promoting healthy and safe communities.

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

Doncaster Unitary Development Plan (UDP);
SH1 - Commercial Policy Areas
SH14 - Hot Food Takeaways

8.0 Planning Issues and Discussion

Main Issues

8.1 The main issues to consider are the principle of the use, the impact of the proposed use on the living conditions of local residents through noise, odour and parking, the impact on the vitality, viability and character of the local centre.

Principle

8.2 This is part of a small parade of shops that are within a designated Commercial Policy Area in the UDP. Core Strategy policy 7 sets out the retail hierarchy and names Carcroft as having a Local centre, to serve day-to-day needs of residents. SH1 of the UDP does allow for food and drink uses, which now includes hot food takeaways (Class A5), within such areas, subject to the constraints identified in SH 14. Policy SH 1 and CS 7 have regard for the size of the commercial use and its impact on other plan policies and in particular highway safety. The proposed further commercial use of this property is therefore acceptable.

8.3 Policy SH 14 is the primary policy for assessment and states that hot food takeaways will be acceptable in small district shopping centres having regard to:

a) the proximity of residential accommodation.

8.4 In this case the premises are bound on both sides by existing commercial uses and therefore the impact on the wider nearby residential uses is very minimal. The row is a commercial parade with lots of day to day activity. It is noted that the first floor of the premises is a flat, which is accessed from the rear yard. A flue is proposed on the rear elevation but this is raised higher than the windows and further details of this would be controlled through condition. Additional residential premises do exist opposite; however these are a considerable distance away from the premises and separated by the High Street. The distances involved mean that they are unlikely to be significantly affected by smells/disturbance from the proposed use.

The residents directly opposite may see an increase in vehicle movements late at night (up until closing 11pm) as a result of the people collecting and visiting the premises, however given the parking bays available and that other late night establishments are already open late, plus the main road between, this impact is thought to be minimal.

b) & c) Parking/highway safety.

8.5 The premises front a main road where layby parking exists outside the shop and opposite. Policy CS 14 of the Doncaster Council Core Strategy relates to the design of proposals. Whilst there are no design implications because of this proposal, this policy also seeks to ensure safety, and in this respect the impact of the proposal on highway safety. Local residents have raised concerns over the impact on parking. The unit is unlikely to cause a parking problem for the following reasons:

- a) The parade of shops has a shops, hairdressers and butchers. Most trade of the takeaway will occur when these units have closed.
- b) The applicant is likely to operate a delivery service so not all customers will visit the shop.

8.6 The highways development control team were consulted and have not raised any objections.

d) The number and location of existing hot food takeaways in the area.

8.7 SH 14 seeks to ensure that areas do not suffer a proliferation of A5 uses and tries to retain retail premises where they can be kept open for the vitality of a centre. This is a particularly small parade of 8 units within the designated local centre, whereby the other premises tend to straddle the main roads in small parades of non-residential uses. This particular row has an existing Kebab/Pizza takeaway and Fish and Chip takeaway, local residents have objected to this application based on the number of takeaways in the area. This proposal would result in 3 out of 8 units being a Class A5 in use; however, within the wider local centre it does not have a significant number of hot food takeaways. Nor does it have other uses, other than retail and local services to have a significant impact upon the viability of the centre. When considering the High Street as a whole it is not considered there to be an over-concentration within the immediate area. Therefore, this use does not really detract from the retail vitality of the local centre and allows for accessible services to residents.

Comings and Goings/Noise

8.8 The premises already sit within a busy small local shopping parade which has both night and day time uses. The former use was an off license, which would have been open late into the evening and the neighbouring Takeaways are open until midnight most nights of the week and 1am on weekends. Therefore this parade isn't one which historically open day time hours and has a steady stream of visitors throughout the day and evening. These pedestrian and vehicle movements to the parade are therefore accepted and part of the areas character.

8.9 The applicant applied for 11.30pm closing, which is earlier than the surrounding Hot Food Takeaways. The Council's Environmental Health officer has not provided comments at the time of publishing this report, but given the opening hours of neighbouring takeaways; it is not considered to be unreasonable. The opening hours can be controlled via condition (4) and if necessary amended through pre-committee amendments if Environmental Health suggest alternative hours upon receipt of their comments.

Odour

8.10 The flats above the unit are the most susceptible to odour from the hot food takeaway but a suitably designed extraction system can prevent any problems. None of the flats have objected on the grounds of odours; no.12 Owston Road did object on those grounds but that property is considered to be a sufficient distance away, that any odours could be controlled through adequate ventilation.

8.11 The applicant is proposing an extraction system onto the rear of the building. The extraction system passes close to flat windows on the rear elevation and is higher than the windows, but is not proposed to be higher than the roof. No specific details regarding noise output and odour control has been provided, therefore this has been controlled through a condition for specific details to be submitted prior to its installation.

Character and Appearance

8.12 The applicant is proposing to install an extraction system to the rear of the building. The design of flue is typical for this type of establishment and it would be concealed to the rear of the building and would only be slightly visible from Queens Road.

8.13 The extraction system would have some impact on the street scene from Queens Road, given it is higher than the eaves; but the flue would no higher than the ridge of the building and would only be visible in the context of the rear yard areas of the commercial units and would not be wholly out of character in a commercial setting. On balance it is considered acceptable.

Healthy Eating

8.14 Recently, a whole systems approach around obesity and the benefits of healthy eating have attracted attention nationally and have highlighted the role that local authorities have in seeking positive solutions.

8.15 Section 8 of the NPPF states "the planning system can play an important role in...creating healthy, inclusive communities". The policy seeks to support healthy lifestyles especially where it would address local health and well-being needs for example through sports facilities, local shops and access to healthier food such as allotments and the layout of areas to encourage walking and cycling. There are no planning policies or guidelines, which do not support hot take takeaways. The NPPG does encourage planning policies to limit the proliferation of certain uses in identified areas, but with local evidence and Local Plan policies, which at the moment Doncaster does not have adopted.

8.16 The objection received from Public Health outlines the relationship between the number of hot food takeaways and the local population's obesity levels. The Local Planning Authority carefully considering all applications for hot food takeaways and the relationship they are having on the local communities.

However, in this instance it is not considered that an additional hot food takeaway in this location would not detrimentally harm the local communities health and wellbeing; as it is also outlined in the Public Health Departments response, that Carcroft has 3 existing Hot Food Takeaways and the national average for the population size similar to Carcroft would normally have 5 takeaways. Thus, the addition of one more hot food takeaway in this vicinity would not lead to an over-concentration of hot food takeaways and access to them to result in significantly detrimental harm to the local resident's health and well-being.

9.0 Summary and Conclusions

9.1 On balance it is considered that subject to carefully worded conditions relating to ventilation and opening hours; the proposal would not cause significantly detrimental harm to the living conditions of the neighbouring residents. Nor would the proposal exacerbate the area in terms of highway safety or be detrimental to the health and well-being of the local population. The application is therefore recommended for approval, subject to conditions.

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.

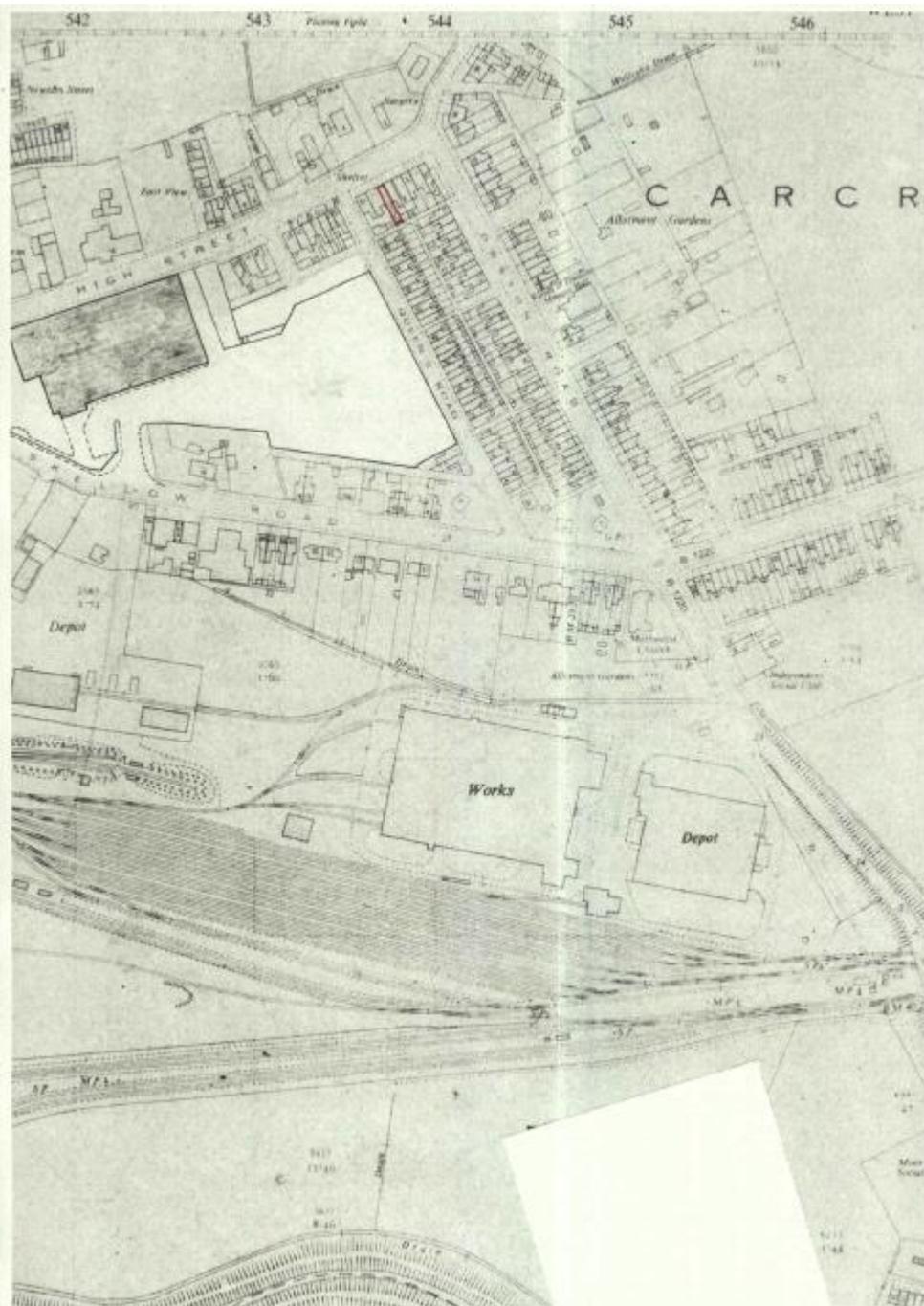
02. ACC1 The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans and specifications.
REASON
To ensure that the development is carried out in accordance with the application as approved.

03. U0067374 Before any ventilation, filtration and fume extraction equipment and / or any externally mounted equipment is installed, plans detailing its installation shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall address odour control measures (including velocity rate, odour removal efficiency of each stage of the abatement system), discharge height of any flues and noise attenuation measures.
REASON
To ensure that odour and noise do not adversely affect the residential amenities of the locality; in accordance with PH12 of the Unitary Development Plan.

04. U0067375 The A5 unit will operate inclusively as 11:00 to 23.30hrs Monday - Saturday and 14:00-21:00 Sundays and Bank Holidays.
REASON
To protect the amenities of nearby properties from the adverse effects of noise.
05. MISC4 Before the development is brought into use, a litterbin shall be provided to the front of the premises for use by customers and shall thereafter be retained unless otherwise approved in writing by the local planning authority.
REASON
To ensure that adequate provision is made for the disposal of litter in the interests of the amenity of the area.

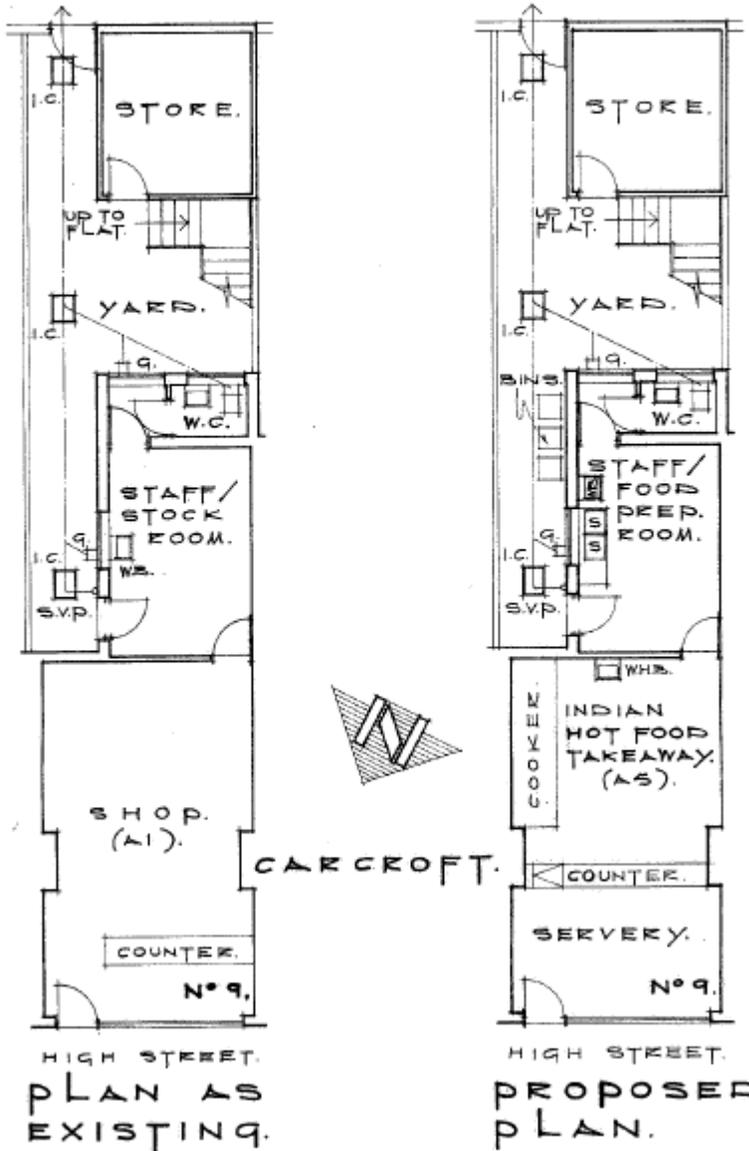
Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering objections, the determination of the application and the resulting recommendation. it is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.

Appendix 1: Location Plan



CHANGE OF USE.

SCALE 1:100.



DEC/18.

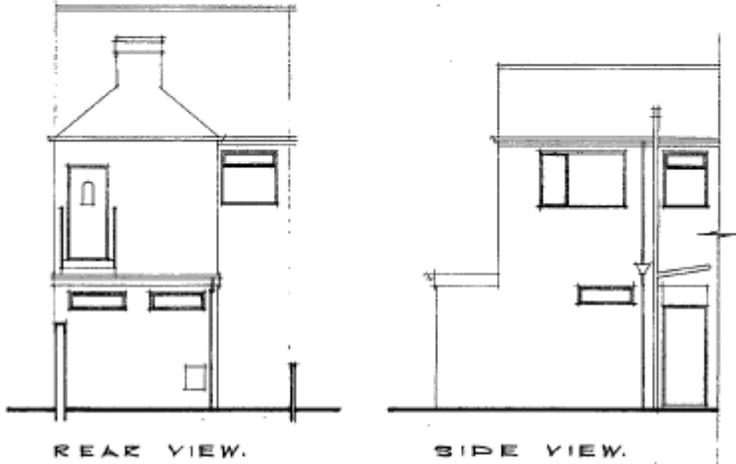
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Appendix 3: Elevations

CHANGE OF USE.

AT 9 HIGH STREET, CARKCROFT, DONCASTER.

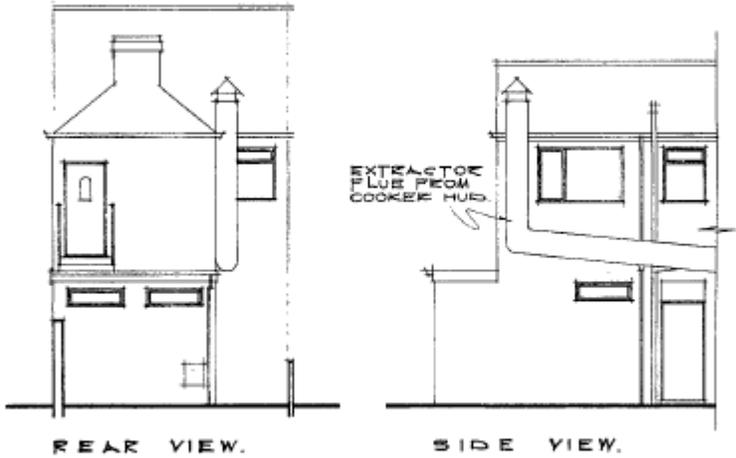
SCALE 1:100.



REAR VIEW.

SIDE VIEW.

ELEVATIONS AS EXISTING.



REAR VIEW.

SIDE VIEW.

PROPOSED ELEVATIONS.

DEC/18.

DWG. N° 1727 A.