

APPLICATION NO PA/2012/0735

APPLICANT Mr N Mattu

DEVELOPMENT Planning permission to change the use of a vacant shop unit (A1) to a hot food takeaway (A5)

LOCATION 3 King Edward Street, Belton

PARISH BELTON

WARD Axholme Central

CASE OFFICER Andrew Law

SUMMARY RECOMMENDATION Refuse permission

REASONS FOR REFERENCE TO COMMITTEE Applicant request to address the committee

POLICIES

National Planning Policy Framework: No specific policies apply.

Regional Spatial Strategy for Yorkshire and the Humber: No specific policies apply.

North Lincolnshire Local Plan: Policy DS1 (General Requirements)

Policy S9 (Restaurants and Hot Food Takeaway Establishments)

North Lincolnshire Core Strategy: Policy CS1 (Spatial Strategy for North Lincolnshire)

CONSULTATIONS

Highways: Recommend that the applicant is asked to sign up to a unilateral undertaking to have double yellow lines installed around the legs of the roundabout and to contribute financially. If the applicant is not prepared to sign up to a unilateral undertaking then Highways recommend refusal on highway safety grounds.

Environmental Protection: Raise a concern that local residents may be disturbed by noise and/or odour from the use of these premises and recommend conditions relating to opening hours and the discharge stack should permission be granted.

PARISH COUNCIL

Does not object provided that suitable steps are taken to prevent vehicles parking close to the mini-roundabout from all four directions (eg double yellow lines) and also that sufficient litter bins are provided.

PUBLICITY

Neighbouring properties have been notified and a site notice posted.

One letter of support has been received on the grounds that there will be less noise as the hot food outlet will not be open as long as a convenience store and because the proposal will provide an extra amenity to the area.

One letter of objection has been received raising the following concerns:

- There is no change in the application from the previous refusals.
- The proposed development will not be in keeping with the residential area.
- The takeaway will cause problems for neighbouring residents in respect of waste, smells, fumes, noise and individuals congregating resulting in antisocial behaviour.
- The proposed development will result in parking problems and road safety issues as it is on a corner and in fact on a crossroads.

ASSESSMENT

The application site is the site of the former post office and village store for Belton and is located on the corner of King Edward Street and the A161 adjacent to a mini-roundabout. The site was redeveloped in 2010 with the erection of three terraced dwelling houses and a retail unit with a flat above. This application related to the retail unit on the western end of the terrace, which has not been occupied since it was completed. This area of Belton is predominantly residential and the unit is surrounded on all sides by residential properties, however the Sir Solomon public house is located close by to the east. This application seeks planning permission for the change of use of the existing retail unit to a hot food takeaway.

There have been two previous applications on this site recently for the change of use of the retail unit to a hot food takeaway (PA/2011/1265 and PA/2012/0227). Both of these applications were refused on the grounds that a takeaway would be harmful to the amenity of neighbouring residential properties. The current application is identical to the previous refusal on the site (PA/2012/0227) with no significant change to the proposal. Furthermore there has been no change in planning policy since the previous application was refused.

The key considerations in the determination of this planning application are whether the proposed use as a takeaway would be detrimental to the amenities of neighbouring residential properties and whether it would be harmful to highway safety in the area.

The existing residential unit and adjoining dwellings are a dense form of development and as they are built as a terrace they are unavoidably very close to one another. There is no customer car parking provided within the site as the buildings themselves fill the frontage of the site. The applicant has shown an area of hard-standing to the front of the nearby Sir Solomon public house on the plans, which is in their ownership, and has suggested that this area can be used by customers visiting the takeaway. However this cannot be enforced by the local planning authority and human nature dictates that individuals will usually try to park as near as physically possible when visiting a commercial premise such as a takeaway. This would invariably result in on-street parking in front of the takeaway and

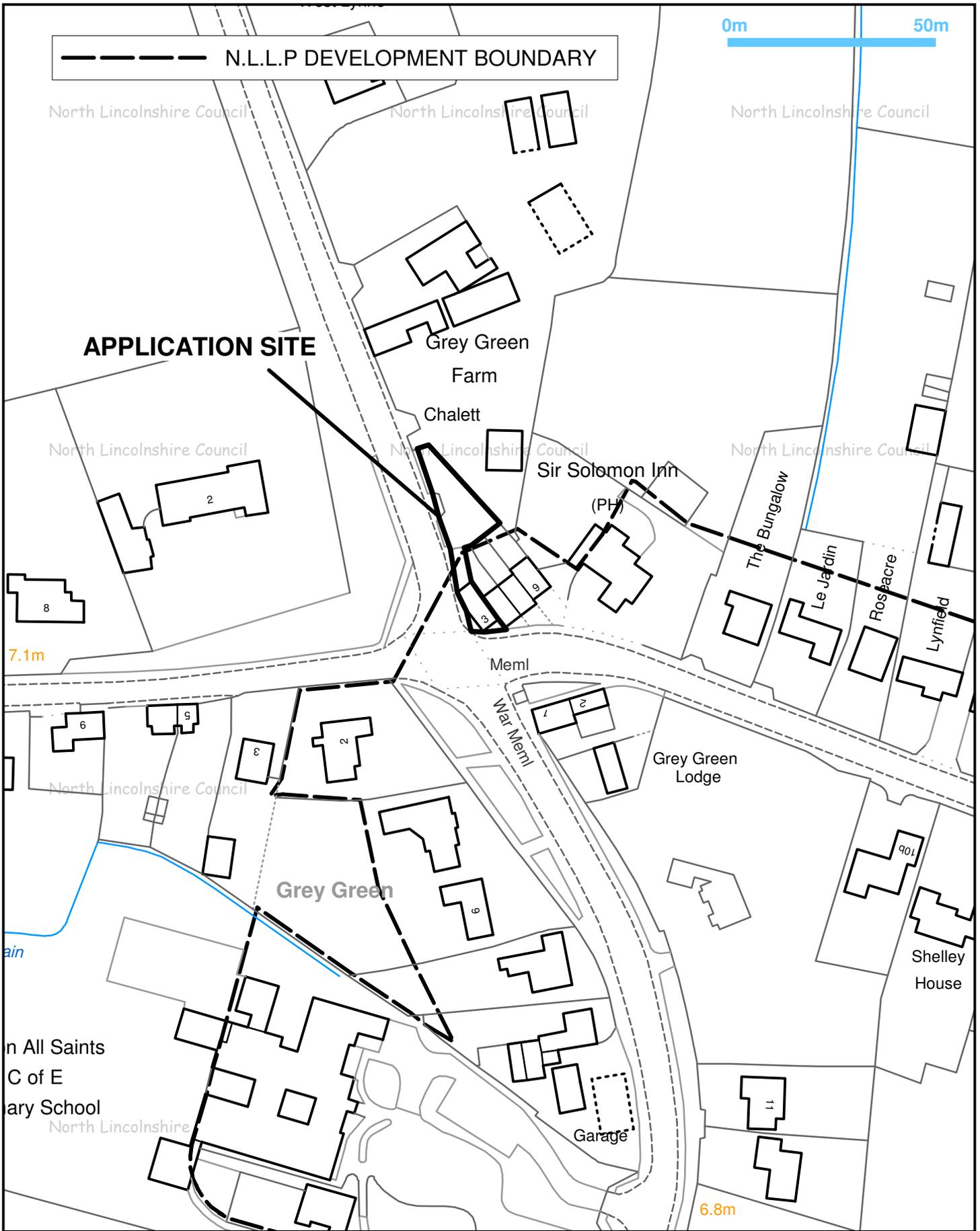
adjacent properties and due to the nature of the use cars would be constantly coming and going during the hours that the takeaway is open. This coming and going of cars and the associated noise would result in disturbance to the adjacent residential properties. In addition to this disturbance the adjacent residential properties would also be subject to noise and disturbance as a result of pedestrians visiting the takeaway and congregating/waiting outside the premises, which is a common problem associated with takeaways. Due to the proximity of the application site to residential properties, and in particular the adjoining dwellings to the east, it is considered that a takeaway, due to the nature of the use, would result in unacceptable noise and disturbance to neighbouring residential properties. This noise and disturbance would be unavoidable due to the sheer proximity of the unit to the residential properties.

It is recognised that the unit currently has planning permission for retail use. However, there is a difference between how a shop use and a hot food takeaway use operates and the potential for nuisance associated with these different uses, hence why they fall within different use classes within the Town and Country Planning (Use Classes) Order. There is a much greater potential for nuisance resulting from a hot food takeaway as opposed to a retail use as a result of the intensity of movements to and from a takeaway, the times at which people tend to visit them and the way they operate. Noise and disturbance is a common issue resulting from takeaway uses and is less commonly experienced from retail premises. It should also be noted that although the retail unit does have planning permission, there has been no retail use operating from the site for approximately five years since the previous village shop and post office closed, which was before the site was redeveloped and the dwellings constructed.

The council's Highways department has been consulted on the application and has raised highway safety concerns regarding the potential impact of additional on-street parking in such close proximity to a busy roundabout. Highways have recommended that the application should be refused on highway safety grounds, unless the applicant would be willing to agree to a unilateral undertaking with the council for a Traffic Regulation Order to install double yellow lines around the legs of the roundabout adjacent to the site. The applicant has confirmed that they would be willing to agree to a unilateral undertaking of the type outlined above should planning permission be approved for the proposed development. The installation of double yellow lines around the arms of the adjacent roundabout will overcome Highways' concerns regarding road safety, provided that they are adequately enforced. Notwithstanding this, the amenity issues with the proposed development will still exist. It is considered that the proposed takeaway would have an unacceptable impact upon the residential amenity of neighbouring properties and that this warrants refusal of the application.

RECOMMENDATION Refuse permission for the following reasons:

The proposed change of use to a hot food takeaway would have an unacceptably harmful effect on the amenities of neighbouring residential properties by virtue of increased noise and disturbance. The proposal is therefore contrary to policies DS1 and S9 of the North Lincolnshire Local Plan.



Title: PA/2012/0735		
Drawn by: Sue Barden	Date: 07/08/2012	Scale: 1:1250

	<p>© Crown copyright and database rights 2012 Ordnance Survey 0100023560</p>	 <p>NORTH LINCOLNSHIRE COUNCIL www.northlincs.gov.uk</p>	<p>Director of Places Peter Williams BSc,DMS,CEng,MEI,MCMI,AMIMechE</p>
-------------------------------------------------------------------------------------	----------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------