

APPLICATION NO	PA/2011/0464
APPLICANT	Mr M Coupland
DEVELOPMENT	Planning permission to change the use of part of a shop from A1 to a takeaway (A5)
LOCATION	51 Holme Hall Avenue, Bottesford
PARISH	BOTTESFORD
WARD	Bottesford
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Councillor Bromby – environmental impact and significant public interest)

POLICIES

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

North Lincolnshire Local Plan: Policy S6 (Small Local Centres and Corner Shops) permits the change of use of A1 shops providing strict criteria are fulfilled.

Policy S9 (Restaurants and Hot Food Takeaway Establishments) permits these type of uses providing strict criteria are fulfilled.

Policy DS1 (General Requirements) provides general design guidance for all new development.

North Lincolnshire Core Strategy: No specific policies apply.

CONSULTATIONS

Highways: No objections.

Humberside Police: 'We have been concerned in the past with regard to antisocial behaviour in and around the site. Approximately two years ago the area was subject to an exclusion zone due to the levels of antisocial behaviour but this has since expired and whilst there continue to be reports of antisocial behaviour the levels have greatly reduced. Without a doubt a further takeaway I am sure will increase the footfall to the area and as a neighbourhood team we will be concerned on the impact to the local residents of people arriving and leaving the new facilities and also the increase in the number of young people gathering. At this stage it is impossible to estimate what the impact would be or how big a problem it would be but we ask this to be taken into consideration when considering the application.'

TOWN COUNCIL

The town council can find no material planning reason for objecting to the proposed change of use from a shop to a takeaway but do have concerns about the impact it will have on Holme Lane and residents living nearby. This area was under a dispersal order in 2009 due to antisocial behaviour and it concerns the council that further takeaways could lead to gatherings of youths littering and general antisocial behaviour. The council can see the benefits of the building being in use rather than left boarded up but asks the planning department to consider the type of use and its impact on the locality.

PUBLICITY

Neighbouring properties have been notified and a site notice posted. Twenty-five letters of objection have been received raising the following issues:

- litter
- two takeaways on the parade already
- antisocial behaviour
- increased noise and disturbance
- increased car parking
- additional odours

ASSESSMENT

This proposal is to change the use of part of a shop (A1 use) to a takeaway (A5 use). The site is located within the Scunthorpe and Bottesford urban area. The site forms a small parade of commercial buildings (mainly A1 and A5 uses) and is considered to be a local centre.

The main issues associated with this case are whether the proposal is acceptable in planning policy terms, and if so, whether its impact on the highway network, and on the amenity of the locality and neighbours is also acceptable.

The site is located within a small local centre. Policy S6 permits changes of use from A1 provided that the existing use is not a convenience goods store or retail outlet which is required to meet the day-to-day shopping needs of residents in the neighbourhood, it can be demonstrated that the unit is no longer viable for retail purposes and that reasonable efforts have been made to dispose of the property for a Class A1 use, and the proposed use would be a significant benefit to the local community. In this case only part of the existing A1 property will be used as a takeaway. The majority of the existing retail premises will be retained. An additional takeaway on the site will be a sustainable form of development as it will reduce residents' need to travel. The proposal therefore accords with policy S6 of the North Lincolnshire Local Plan.

In terms of policy S9, takeaways are permitted within local centres and planning conditions can be used to reduce the impact of the takeaway on adjoining residents. The proposal therefore accords with policy S9 of the North Lincolnshire local Plan.

In terms of impact on the highway network, Highways have raised no objections to the proposal. It is therefore acceptable in highway terms and complies with policy DS1 of the North Lincolnshire Local Plan.

Concerns from neighbours in relation to antisocial behaviour are noted. However, an additional takeaway is unlikely to increase this problem to such an extent that a refusal of planning permission on these grounds can be justified. Planning conditions can be used to control opening hours which should reduce noise and disturbance from the site. Increased odours can also be dealt with by a planning condition as details of an extraction and filtration system would need to be submitted to the council before development commenced on site. The issue of litter can also be addressed by the use of planning conditions to ensure that a litter bin is installed on the site.

The fact that there are two other takeaways on the site is not a material planning consideration. The planning system cannot be used to control competition. The proposal is acceptable and is recommended accordingly below.

RECOMMENDATION Grant permission subject to the following conditions:

1.

The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: PA/2011/0464/01, PA/2011/0464/02 and PA/2011/0464/03.

Reason

For the avoidance of doubt and in the interests of proper planning.

3.

Prior to commencement of the use hereby permitted, a scheme for the extraction and filtration of cooking odours from the kitchen shall be submitted to and approved in writing by the local planning authority. The scheme shall also provide details of the noise output of any extraction and filtration system and the details of any noise mitigation measures necessary. The approved scheme shall be implemented prior to commencement of the use and maintained thereafter.

Reason

In order to preserve residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

4.

The opening hours of the premises shall be restricted to 8am to 11pm Monday to Saturday, and 8am to 10pm on Sundays, and Bank and Public Holidays.

Reason

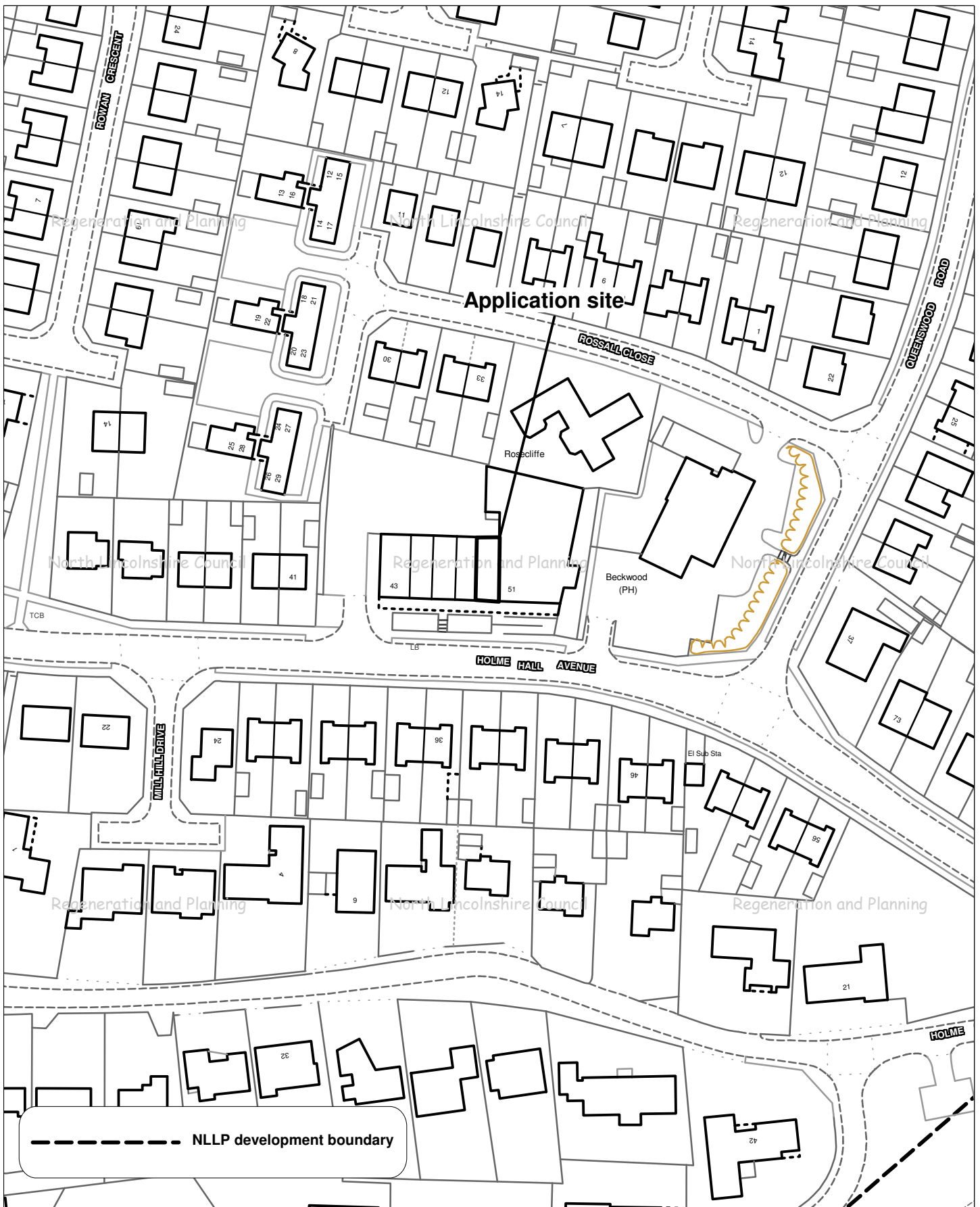
In order to preserve residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

5.

Before development commences on site, details of the design and location of a litter bin to be installed within the site shall be submitted to and approved in writing by the local planning authority. Thereafter only the approved scheme shall be implemented on site and retained as such at all times.

Reason

In order to preserve the amenity of the locality and that of neighbours in accordance with policy DS1 of the North Lincolnshire Local Plan.



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NORTH LINCOLNSHIRE COUNCIL 0100023560 2011



Regeneration and Planning

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