

APPLICATION NO	PA/2015/0410
APPLICANT	Ms H Aslan
DEVELOPMENT	Planning permission for change of use from A1 retail to A3 café and A5 hot food takeaway and for the installation of a new shop front (resubmission of PA/2014/1203)
LOCATION	36 Newland Avenue, Scunthorpe
PARISH	SCUNTHORPE
WARD	Town
CASE OFFICER	Andrew Law
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Significant public interest

POLICIES

National Planning Policy Framework: Paragraph 18 – The Government is committed to securing economic growth in order to create jobs and prosperity.

Paragraph 19 – The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

North Lincolnshire Local Plan: Policy DS1 (General Requirements)

Policy S6 (Small Local Centres and Corner Shops)

Policy S9 (Restaurants and Hot Food Takeaway Establishments)

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

Policy CS2 (Delivering More Sustainable Development)

CONSULTATIONS

Highways: No objections or comments.

Environmental Health: The proposed development has the potential to cause nuisance to nearby residents as a result of cooking odours and noise from extraction and filtration systems. Recommend conditions requiring an acceptable extraction and filtration system to

be agreed and installed and restricting opening hours should planning permission be granted.

PUBLICITY

Neighbouring properties have been notified by letter. Letters of support have been received citing the following reasons:

- The vacant unit looks terrible at the moment.
- The unit has been empty for some time.
- It is good to see an empty space being used in a positive way.
- There are currently only two businesses operating from the parade, with three vacant units. A new business would be a positive step in revitalising this area.
- Bringing the unit back into use would make the parade more attractive to the benefit of existing businesses.
- The proposed use would provide a valuable additional service for local residents.
- It would generate employment to the benefit of the local economy.

Letters of objection have been received on the following grounds:

- The site has previously been refused planning permission for a takeaway and the reasons for refusal have not been addressed as there are no significant changes from the previous application.
- The proposal would have a negative impact on existing shops.
- There is already a convenience store operating from this parade of shops which sells snacks and opens late.
- There is no need for another food establishment as the unit is sited adjacent to an existing takeaway and convenience store, which has varied menus.
- The site is adjacent to residential properties.
- The proposal would result in a significant increase in vehicular traffic in a residential area.
- Parking in the area is limited and there are only two parking spaces for customers at the site.
- The proposal would create a danger to pedestrians.
- It would result in an increase in traffic, noise and disturbance, especially later in the evening after pubs close.
- Along with the existing businesses in the parade, the proposed use would result in a significant increase in litter on the streets and in residents' gardens.

- It would result in smells from food being cooked. There are already smells of cooking from the adjacent chip shop.
- Chiller units could result in additional noise from fans.
- The use would attract gangs and unemployed people.
- There is only one disabled toilet for customers therefore men and women would have to share facilities.
- The café use would result in cars parked up rather than coming and going as with a shop; this would result in on-street parking to the detriment of highway safety.
- There are corners close to the site when approaching from either direction and as such this is a dangerous stretch of road for such a use.
- The driveways of adjacent residents are often blocked by traffic using existing businesses and this would be exacerbated.
- Noise from the takeaway would keep children awake at night.
- The property should be tidied up and then more people would be interested in renting it as a retail unit.
- The use would attract vermin.
- This is not a local shopping area, it is a residential area.
- The chip shop only opens until 9.30pm.

ASSESSMENT

The application site is a vacant shop unit located in the middle of a small shopping parade on Newland Avenue in Scunthorpe. The site is located within the development boundary for Scunthorpe close to the General Hospital. There is a small forecourt area to the front of the shopping parade providing a limited amount of off-street parking. Parking on Newland Avenue and the immediate area is restricted by single and double yellow lines. The site is surrounded by residential properties, there is living accommodation above some of the shop units and there are houses to the front and rear. This application seeks planning permission to change the use of the premises to a café (A3) and hot food takeaway (A5) and to install a new shop front.

The site has been subject to previous applications for change of use to a hot food takeaway, these applications being 6/1989/0373, PA/1997/0782, PA/2003/0773 and PA/2014/1203. All of these previous applications were refused, primarily on the grounds that the cumulative effect of two takeaways in the shopping parade would have an unacceptable impact on neighbouring residents with regard to noise, disturbance, litter and parking. The refusal of planning permission PA/1997/0782 was taken to appeal and dismissed, the inspector supporting the council's reasons for refusal.

The main issues to consider in the determination of this application are whether the proposed A3/A5 use would have an unacceptable impact on the amenity of

neighbouring residential properties with regard to noise, disturbance, litter or parking.

Policies S9 (Restaurants and Hot Food Takeaway Establishments) and S6 (Small Local Centres and Corner Shops) of the North Lincolnshire Local Plan are the most relevant policies in this instance.

Policy S9 sets out the criteria against which applications for new hot food takeaways will be assessed. This policy allows takeaways in local centres where individually or cumulatively they would not lead to an adverse impact on the occupiers of nearby residents by virtue of noise and disturbance, litter or on-street parking and provided a suitable system for the extraction of fumes and odours is provided.

Policy S6 allows for the change of use of shops in use class A1 to non-shopping uses, provided it is not a convenience goods store, the unit is no longer viable for retail purposes, and the new use is of benefit to the local community.

The unit in question is currently vacant and was previously used as a second-hand shop and as such was not a convenience goods store. The unit is located in a small parade of shops that are identified in the North Lincolnshire Local Plan as a local shopping centre. The parade includes a fish and chip shop adjacent to the site, a convenience goods store and vacant retail premises at present. Therefore, whilst the surrounding area is predominantly residential in nature, the site is in an area identified for commercial purposes (local centre) and sits alongside existing commercial properties that generate a certain degree of noise, disturbance, litter and vehicular movements. It should also be noted that the site was previously used as a retail unit and could operate as such again without the need for planning permission. The applicant has demonstrated that there is no demand for the unit for retail purposes and has provided additional justification outlining the benefits that the development would bring to the area. On this basis it is considered that, provided the development does not have an adverse impact on the amenity of local residents, the proposal complies with policies S6 and S9 and is acceptable in principle. Further consideration is given to the impact of the proposed development on the amenity of the area below.

The proposed use would attract additional traffic to the area by virtue of bringing the vacant unit back into use, thereby generating noise and disturbance from the stopping, starting and manoeuvring of vehicles. However a similar level of activity could be expected were the site to re-open as a retail unit. The proposed hours of opening are 7.30am to 10pm and many local residents have raised concerns relating to the potential disturbance as a result of the unit being open until 10pm. However there is an existing fish and chip shop adjacent to the site which is open until 9.30pm and a convenience store within the shopping parade that opens until 10pm. The proposed hours of opening are not excessive for a commercial property in a defined local centre, particularly considering that adjacent units are open until a similar time. For these reasons it is considered that the proposed change of use would not have a significant impact on the amenity of neighbouring properties as a result of noise or disturbance, above and beyond what the existing use could be expected to generate.

Concerns have been raised that the use would, in conjunction with the adjacent fish and chip shop, result in odorous emissions to the detriment of the amenity of adjacent residents. The council's Environmental Health department has been consulted on the application and raises no objection to the development subject to conditions limiting hours of opening to those stated above and requiring an acceptable fume/odour extraction system to be agreed

and installed prior to operation. There is the potential for cumulative impact with regard to odours generated by the proposed use and the adjacent take away. However, in accordance with the advice offered by Environmental Health, it is considered that, subject to a suitable extraction system being implemented, the proposed use would not result in an unacceptable loss of amenity as a result of cooking smells.

There is limited off-street parking serving the unit, with two spaces proposed for customers. Concerns have been raised by local residents that the proposed change of use would result in additional on-street parking that would be dangerous in this location. However it should be noted that the application site is a vacant retail unit and its currently consented use could generate a significant level of vehicular traffic. Furthermore, on-street parking in the immediate area is restricted by single and double yellow lines due to the proximity to the hospital. The council's Highways department has been consulted on the application and has raised no concerns from a highway safety perspective. For these reasons it is considered that the proposed use would not result in a significant increase in on-street parking above and beyond what could be expected from the currently consented retail use and that the proposal would not be detrimental to highway safety in the area.

With regard to litter, there are existing litter bins located on the forecourt of the shopping parade. Furthermore, the application site is currently consented for retail use and as such has the potential to generate litter at present. There is no evidence to indicate that the proposed use would result in material problems of litter in the area.

Numerous objections have been received on the grounds that there is no need for a café/takeaway in this area, with many objectors citing the presence of an existing fish and chip shop next door and a convenience store that sells snack food within the shopping parade. Concerns have also been raised that the proposed use would have an adverse impact on these existing businesses. These are not material planning issues and as such do not constitute valid reasons for the refusal of planning permission.

The previous planning application on the site (PA/2014/1203) was refused on the grounds that the cumulative impact of two takeaways on this shopping parade would have an unacceptable impact on the amenity of local residents as a result of increased noise, disturbance, litter and parking problems. Whilst the proposal itself has not changed, the applicant has provided more information with regard to hours of operation and a written justification for the proposal, including the benefits it would generate. The proposed development would have positive impacts by virtue of bringing a vacant commercial unit back into use, thereby generating local employment and improving the appearance of this unit and the local centre.

After considering the additional information it is considered that the proposed use is acceptable in this location and that, whilst there is the potential for some cumulative impact as a result of two takeaways operating in the same shopping parade, this would not be significant and any adverse impacts would be outweighed by the benefits the proposal would bring to the local area with regard to bringing a vacant unit back into use and creating jobs.

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: 406.01.

Reason

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

3.

Prior to the 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 scheme shall also identify the final discharge point of cooking odours from the extraction and filtration system. The approved scheme shall be implemented prior to commencement of the use and maintained thereafter.

Reason

To protect the amenity of neighbouring properties in accordance with policies DS1 and S9 of the North Lincolnshire Local Plan.

4.

The premises shall not be open to customers before 7.30am nor after 10pm.

Reason

To protect the amenity of neighbouring properties in accordance with policies DS1 and S9 of the North Lincolnshire Local Plan.

Informative

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



Title: PA/2015/0410

Drawn by: Sue Barden

Date: 16/06/2015

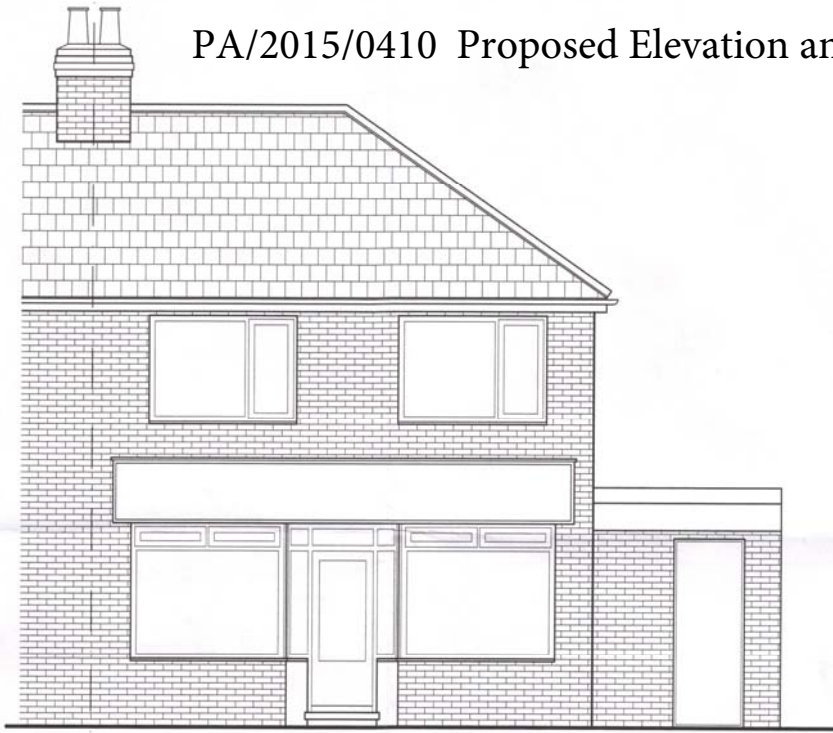
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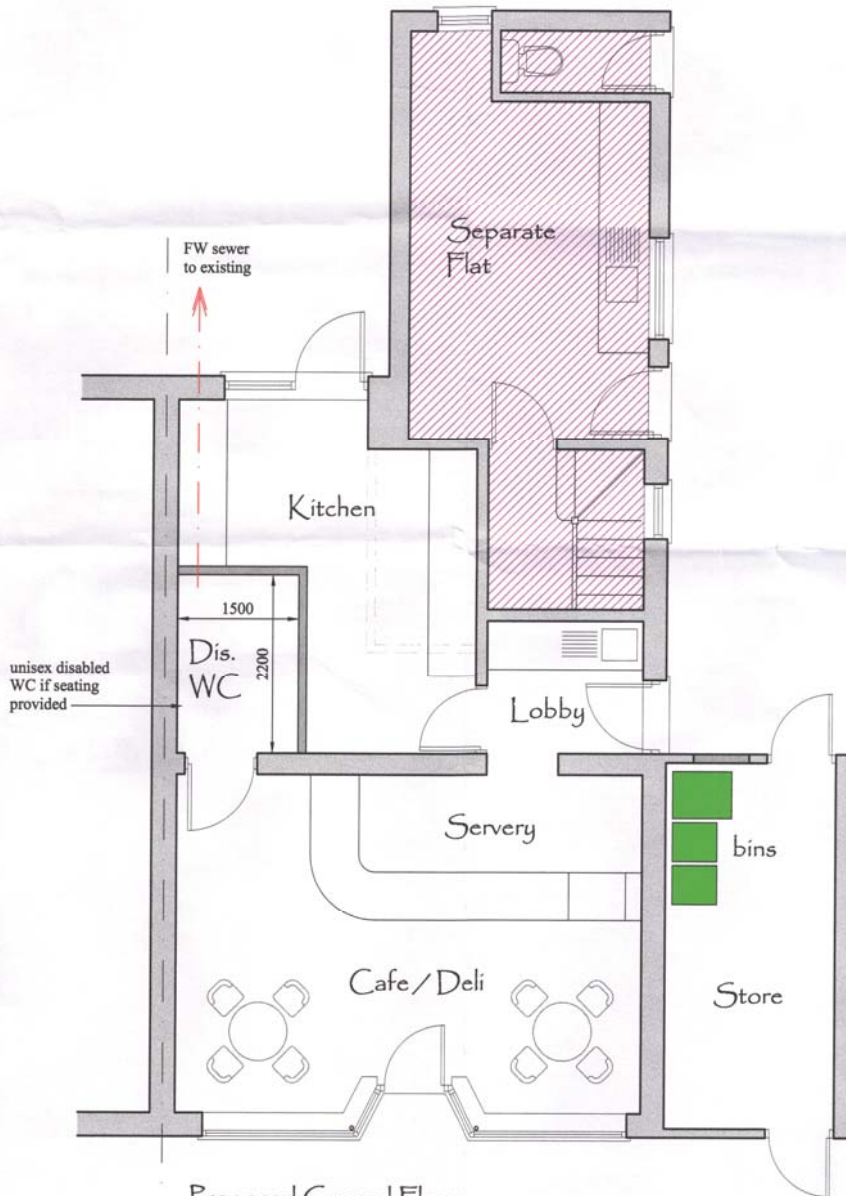
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Director of Places
Peter Williams
BSc,DMS,CEng,MEI,MCMI,AMIMechE



Proposed East Elevation



Proposed Ground Floor