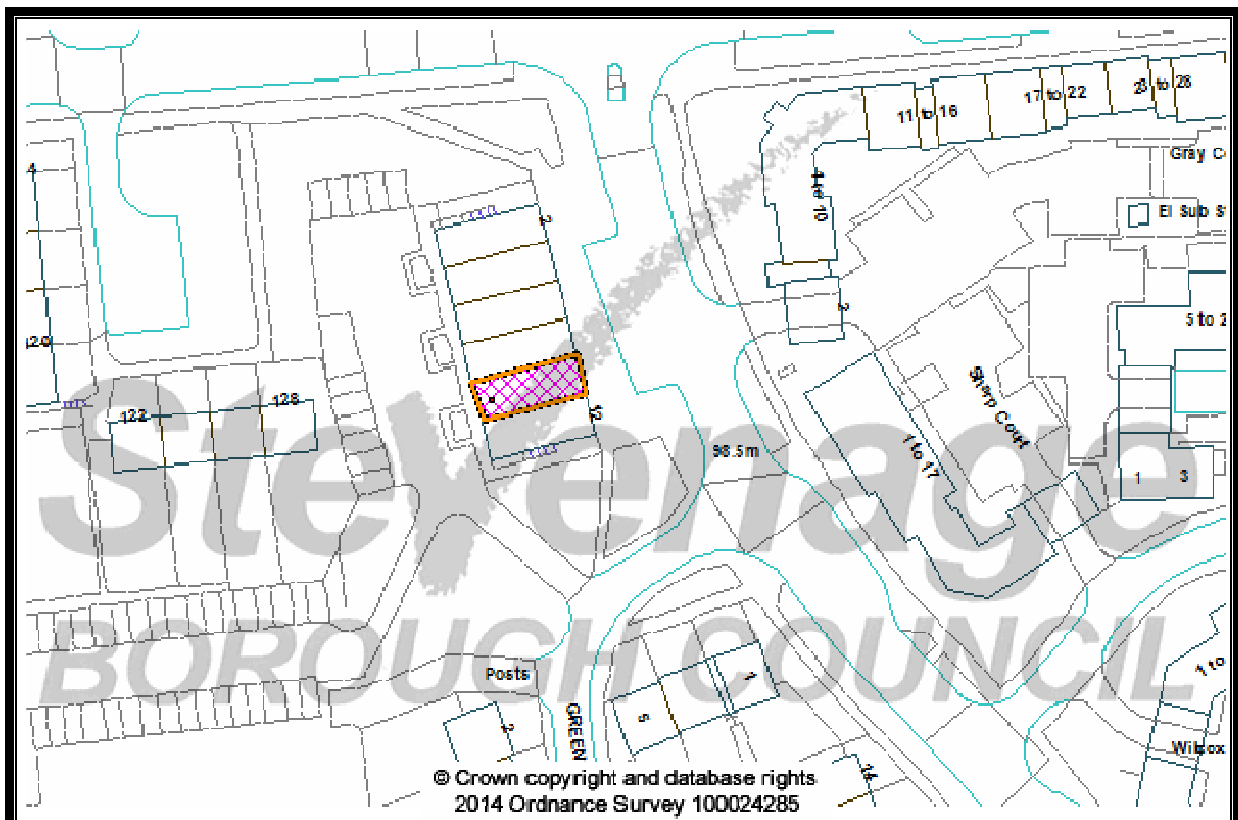


Meeting:	Planning and Development Committee	Agenda Item: 6
Date:	15 September 2015	
Author:	Dave Rusling	01438 242270
Lead Officer:	Zayd Al-Jawad	01438 242257
Contact Officer:	Clive Inwards	01438 242837

Application No.:	15/00183/FP
Location:	10, Popple Way, Stevenage
Proposal:	Change of use from A1 (shop) to A5 (Hot Food Take Away) and installation of rear extraction duct.
Drawing Nos.:	Site location plan and drawing 1074:01
Applicant:	Mr Forhad Chowdhury
Date Valid:	12 May 2015
Recommendation :	GRANT PLANNING PERMISSION.



1. SITE DESCRIPTION

- 1.1. The application site is the shop unit 10 Popple Way and its associated curtilage. The property is one in a row of six premises comprising 4 retail shops, a take away and the

offices of the Stevenage Labour Party. The shop unit is currently trading as a grocer within the small Neighbourhood Centre and has a gross floor area of 90m². Above the shop is residential accommodation and the neighbouring unit to the south is a Chinese take away with a Barbers shop immediately to the north.

2. RELEVANT PLANNING HISTORY

- 2.1. Planning permission granted under ref 00/00429/FP in October 2000 for change of use from class A2 to headquarters for two charities for local blind and partially sighted, including a recording studio, meeting place and advice centre.
- 2.2. Planning permission granted under ref 03/00096/FP in May 2003 for change of use from recording studio and advice centre to launderette.

3. THE CURRENT APPLICATION

- 3.1 The current application seeks planning permission to change the use of the existing A1 shop to an A5 Hot Food Take Away. The proposal would retain the existing shop front and proposes internal alterations to facilitate the kitchen and serving area. The only external alteration is to provide an extractor duct on the rear elevation which would be discharged at low level.
- 3.2 The retail unit the subject of this application is in the ownership of Stevenage Borough Council and as objections have been received to the proposal it is necessary for the application to be referred to the Committee for determination.

4. PUBLIC REPRESENTATIONS

- 4.1. The application has been publicised by way of letters to adjoining premises and the posting of a site notice. In response to this consultation, two letters have been received from the occupier of 12 Popple Way (Hings Takeaway) objecting on the grounds that it was their understanding that there would only be 1 takeaway in this parade of shops and to have two within 6 establishments would limit diversity for the community. Additionally, concern is raised at the impact on their own livelihood. They also raise concern about the management of refuse associated with the business.

5. CONSULTATIONS

5.1. Environmental Health

- 5.1.1 Raise no objection to the application.

6. RELEVANT PLANNING POLICIES

6.1 Background to the Development Plan

- 6.1.1 In the determination of planning applications development must be in accordance with the statutory development plan unless material considerations indicate otherwise. For Stevenage the statutory development plan comprises:

- Hertfordshire Waste Development Framework 2012 and Hertfordshire Waste Site Allocations Development Plan Document (adopted 2012 and 2014)

- Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007)
- The Stevenage District Plan Second Review 2004.

The former Stevenage Draft Core Strategy and Development Management Policies were withdrawn on 1st February 2012. However, the Site Specific Policies Plan, the Old Town Area Action Plan and the Gunnels Wood Area Action Plan have all been approved locally by the Council's executive as material considerations in the determination of planning applications and continue to be used for Development Management purposes. Additionally, the Council's Interim Planning Policy Statement adopted in April 2012 is a material consideration in the determination of planning applications registered on or after the 18 April 2012.

- 6.1.2 Where a Development Plan Document has been submitted for examination but no representations have been made in respect of relevant policies, then considerable weight may be attached to those policies because of the strong possibility that they will be adopted. The converse may apply if there have been representations which oppose the policy. However, much will depend on the nature of those representations and whether there are representations in support of particular policies.
- 6.1.3 In considering the policy implications of any development proposal the Local Planning Authority will assess each case on its individual merits, however where there may be a conflict between policies in the existing Development Plan and policies in any emerging Development Plan Document, the adopted Development Plan policies currently continue to have greater weight.

6.2 Central Government Advice

- 6.2.1 In March 2012 the National Planning Policy Framework (NPPF) was published and in doing so it replaced many documents including all Planning Policy Guidance Notes and Planning Policy Statements. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. Annex 1 of the NPPF provides guidance on how existing local plan policies which have been prepared prior to the publication of the NPPF should be treated. Paragraph 215 of the NPPF applies which states that only due weight should be afforded to the relevant policies in the adopted local plan according to their degree of consistency with it.
- 6.2.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is itself a material consideration. Given that the advice that the weight to be given to relevant policies in the local plan will depend on their degree of consistency with the NPPF, it will be necessary in the determination of this application to assess the consistency of the relevant local plan policies with the NPPF. The NPPF applies a presumption in favour of sustainable development.
- 6.2.3 In addition to the NPPF advice in the National Planning Practice Guidance (March 2014) also needs to be taken into account. It states that, where the development plan is absent, silent or the relevant policies are out of date, paragraph 14 of the National Planning Policy Framework requires the application to be determined in accordance with the presumption in favour of sustainable development unless otherwise specified

6.3 Adopted District Plan

NC2 Small Neighbourhood Centres
 TW8 Environmental Safeguards

6.4 Supplementary Planning Guidance/Documents

Stevenage Design Guide 2009

Parking Provision Supplementary Planning Document January 2012.

7. APPRAISAL

7.1 The determining issues relevant to this application relate to the acceptability of the proposed change of use in land use policy terms, the impact on the character and appearance of the area and impacts on neighbouring residential amenity.

7.2. Land Use Policy Considerations

7.2.1 The application site is located within the Popple Way Small Neighbourhood Centre as designated in Policy NC2/9 of the District Plan.

7.2.2 Policy NC2 states that in small neighbourhood centres the provision of convenience shopping will be encouraged. However, where it can be demonstrated that such uses are no longer viable other uses will be considered where they;

- a) provide a particular local service or additional housing; and
- b) are not detrimental to the principal shopping function; and
- c) do not have a detrimental effect on the surrounding environment or residential areas.

7.2.3 The application is currently occupied as a retail unit and, therefore, the retention of the retail unit is encouraged in accordance with the policy. However, the fact that the unit is occupied is not a reason to refuse permission for an alternative use. In this instance, in accordance with the policy the impact on the principal shopping function of the small neighbourhood centre needs to be assessed. In this regard the parade of shops comprises 4 retail units a take away and the offices of the Stevenage Labour Party. The premises are used as a specialist retail unit selling Groceries and Halal meat. The loss of this unit to accommodate a further take away, whilst resulting in the loss of the retail unit would still ensure that 50% of the premises are given over to retail floorspace. In view of this, it is not considered that the application would have a detrimental impact upon the principal shopping function of the small neighbourhood centre.

7.2.4 Further to the above, the advice in the NPPF focuses on favouring sustainable development and the promotion of a strong and competitive economy and ensuring the vitality of town centres are paramount in delivering sustainable development. Paragraph 23 of the NPPF states that town centres should be recognised as the heart of their communities and that centres should be formed on a hierarchy to be resilient to economic change. As a New Town, Stevenage has a clear hierarchy of centres, with large and small neighbourhood centres visible throughout the town, providing facilities to meet the day to day needs of local residents. Whilst the proposal would introduce a further take away in this parade, it accords with the advice in the NPPF in providing further customer choice and diversity of the retail offer.

7.2.5 Whilst an assessment of the impact on the surrounding environment is undertaken elsewhere in this report, it is considered that the introduction of a take away in this location would not harm the function of this small neighbourhood centre in accordance with policy NC2.

7.3. Impact on the Character and Appearance of the Area

7.3.1 With regard to the impact on the character and appearance of the area, in addition to the proposed change of use, the application also seeks a new extractor duct on the rear elevation. It is considered that the proposed extractor duct would only have a minor visual

impact and given its positioning on the rear elevation would not have an undue harmful impact on the character and appearance of the area.

7.4. Residential Amenity

7.4.1 Noise and odour

7.4.1.1 The proposed hot food takeaway use will require the installation of appropriate ventilation/extraction systems to mitigate against the likely noise and odour problems associated with such uses. The details submitted as part of the application have been assessed by the Council's Environmental Health Section. The extraction and carbon filter system proposed does not require an external flue system, remaining internal except for a low level extract grill on the rear elevation at ground floor level. The details indicate that noise and odour levels will be acceptable; however, a condition would need to be imposed on any grant of permission to ensure adequate control over this issue.

7.4.2 Opening hours

7.4.2.1 The opening hours of the takeaway are proposed to be between 11.00 to 23.00 hours, Monday to Sunday, including public and bank holidays. This would accord with the opening hours permitted when permission was granted in 1994 for the takeaway at No.12 which were restricted to the opening hours of 09.00 to 23.00 hours.

7.4.2.2 In considering the proposed use and the businesses occupying the neighbouring units within this parade of shops and the residential units above, the proposed opening hours are considered acceptable in this case, however, a condition can be imposed to appropriately control the hours.

7.5 Issues Raised by Objectors

7.5.1 The representations received raised concerns over the fact that the objector believed that there would be only be 1 takeaway in this parade of shops, management of refuse and the impact on their own livelihood. With regard to the principle of the addition of a further take away establishment, this has been dealt elsewhere in this report. There is adequate room for refuse storage and collection from these premises at the rear and the management of the refuse is covered by separate environmental legislation. Finally, matters of competition are not material planning considerations.

8. CONCLUSIONS

8.1 The proposed change of use of the A1 retail unit to an A5 hot food takeaway is considered acceptable in land use policy terms as set out in the NPPF and Policy NC2 of the District Plan. Through appropriate and necessary conditions the impact of the proposed use on noise, odour and neighbour amenity can be controlled such that the proposal is considered acceptable. Accordingly, it is recommended that planning permission be granted.

9. RECOMMENDATION

9.1 Planning permission be GRANTED subject to the following conditions:-

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan and 1074:01.
REASON: - For the avoidance of doubt and in the interests of proper planning.

- 2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
- 3 The use of the premises for the purposes hereby permitted shall operate only between the hours of 11.00 and 23.00 Mondays to Sundays, including Public and Bank Holidays and at no other time.
REASON: - To protect the amenity of the occupiers of adjoining and nearby residential properties.
4. Prior to the first use of the premises as an A5 takeaway, the extraction system as submitted with the application and the technical details provided by Ventam Systems Ltd shall be installed and permanently retained in good working order thereafter.
REASON: - To reduce humidity, heat, cooking odours and airborne particles from the kitchen environment, without causing an impact to neighbouring properties through noise, odour or vibration in the interests of amenity.
5. No demolition or construction work relating to this permission shall be carried out on any Sunday, Public or Bank Holiday nor at any other time, except between the hours of 0800 and 1800 on Mondays to Fridays and between the hours of 0900 and 1300 on Saturdays.
REASON: - To safeguard the amenities of the occupiers of neighbouring properties.

Pro-active Statement

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

10 BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage District Plan Second Review 1991-2011.
3. Central Government advice contained in the National Planning Policy Framework March 2012 and National Planning Policy Guidance 2014.
- 4 Letters received containing representations referred to in this report.
5. Stevenage Design Guide SPD 2009, Car Parking Standards SPD 2012 and Interim Planning Policy Statement SPD 2012.
6. Responses to consultations with statutory undertakers and other interested parties referred to in this report.