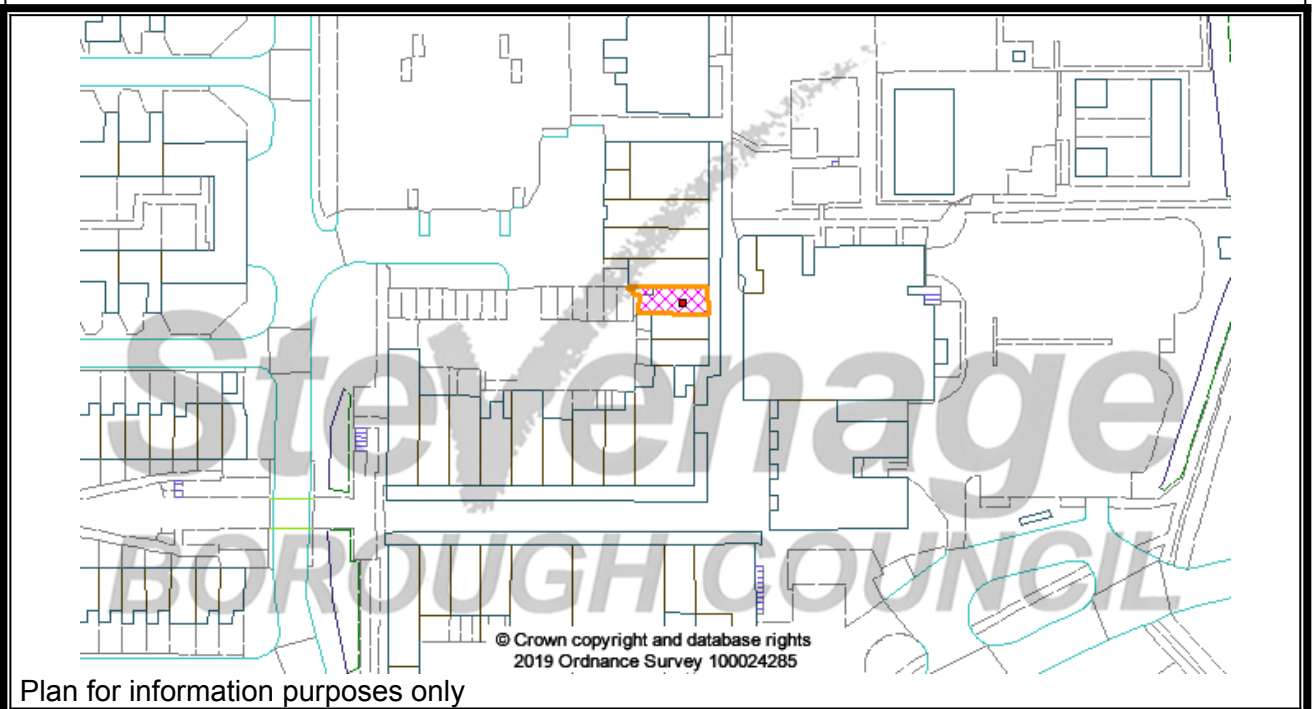


<b>Meeting:</b>	<b>Planning and Development Committee</b>	<b>Agenda Item:</b>
<b>Date:</b>	<b>11 August 2020</b>	
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Application No:	20/00029/FP
Location:	25, The Oval, Stevenage Herts
Proposal:	Change of use from Class A1 (Dry Cleaners) to Class A5 (Hot Food Take Away)
Drawing Nos.:	Site location plan, proposed layout plan
Applicant:	Miss Resna Begum
Date Valid:	14 February 2020
Recommendation:	GRANT PLANNING PERMISSION.



## 1. SITE DESCRIPTION

- 1.1 The application site is located within the northern part of The Oval, which is a designated Local Centre. The site comprises a single storey flat roof building within a parade of shops. The premises are adjoined by a Launderette to the north and a Take Away to the south. To the east, opposite, is the Community Centre, whilst to the rear the property backs onto a service area and garages. The property, which is currently vacant, and has been so since May last year, was previously used as a Dry Cleaners.

## **2. RELEVANT PLANNING HISTORY**

2.1 None Relevant.

## **3. THE CURRENT APPLICATION**

3.1 The application seeks planning permission to change the premises from a Dry Cleaners (Use Class A1) to a hot food take away (Use Class A5). It is not intended to undertake any external alterations to the premises, save for any requirements that may be needed to introduce extraction equipment within or at the premises to deal with cooking odours.

3.2 This application comes before the Committee for determination as the property is in the ownership of Stevenage Borough Council and there have been more than 5 objections to the proposal.

## **4. PUBLIC REPRESENTATIONS**

4.1 This planning application has been publicised by way of a site notice and letters to the occupiers of adjoining properties.

4.2 At the time of drafting this report, objections had been received from the occupiers of 1, 3, 4/6, 12A, 13, 15, 17A and 23 The Oval, 5, 7, 61, 93 and 247, Jessop Road, 16 Wisden Road, 22 Mildmay Road, 207, Vardon Road and 32 Stevenage Road, Walkern. A further objection was received from an unknown address. The objections are:-

- There are already a number of hot food outlets serving the local community. A further outlet would saturate the area.
- There is already anti-social behaviour in the area and this will be increased by another food outlet as it will attract more customers.
- Another hot-food outlet will increase the amount of noise and refuse pollution in the area.
- There are a lot of residential flats in the vicinity of the shop. Another premises trading on that part of the road will reduce the residents' enjoyment of life by creating noise, pollution and nuisance.
- Have not been informed what type of fooderie it will be as with an A3 they can open up a shop with what they please, this is a huge concern

## **5. CONSULTATIONS**

### **5.1 Council's Environmental Health Section**

5.1.1 No objection, subject to the imposition of conditions relating to details of food extraction.

## **6. RELEVANT PLANNING POLICIES**

### **6.1 Background to the development plan**

6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that the decision on the planning application should be in accordance with the development

plan unless material considerations indicate otherwise. For Stevenage the statutory development plan comprises:

- The Stevenage Borough Council Local Plan 2011-2031
- Hertfordshire Waste Development Framework 2012 and Hertfordshire Waste Site Allocations Development Plan Document (adopted 2012 and 2014); and
- Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007).

## **6.2 Central Government Advice**

6.2.1 A revised National Planning Policy Framework (NPPF) was published in February 2019. This largely reordered the policy substance of the earlier 2012 version of the NPPF albeit with some revisions to policy. The Council are content that the policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan should be considered up to date for the purpose of determining planning applications. The NPPF provides that proposals which accord with an up to date development plan should be approved without delay (para.11) and that where a planning application conflicts with an up to date development plan, permission should not usually be granted (para.12). This indicates the weight which should be given to an up to date development plan, reflecting the requirements of section 38(6) of the 2004 Act. The NPPF and the PPG, with which Members are fully familiar, are both material considerations to be taken into account in determining this application.

## **6.3 Planning Practice Guidance**

6.3.1 National Design Guide (2019).

## **6.4 Stevenage Borough Local Plan 2011-2031 (Adopted 2019)**

Policy SP8: Good design;  
SP4 - Vital Town Centre;  
IT5 - Parking and Access;  
HC1 - District, Local, Neighbourhood Centres;  
TC13 - Retail Impact Assessments;  
FP7 - Pollution;

## **6.5 Supplementary Planning Documents**

Parking Provision Supplementary Planning Document January 2012.  
Stevenage Design Guide Supplementary Planning Document January 2009.

## **6.6 Community Infrastructure Levy Charging Schedule**

6.6.1 Stevenage Borough Council adopted a Community Infrastructure Levy Charging Schedule in 2020. This allows the Council to collect a levy to fund infrastructure projects based on the type, location and floorspace of a development.

# **7. APPRAISAL**

7.1 The main issues for consideration in the determination of this application are its acceptability in land use policy terms, design and visual impact on the surrounding area, impact upon neighbouring amenities and adequacy of car parking.

## **7.2 Land Use Policy Considerations**

7.2.1 Policy HC1 of the Adopted Local Plan identifies The Oval as a Local Centre, therefore, under this policy, permission for development proposals in this centre will be granted where:-

- a. The proposal is in keeping with the size and role of the centre;
- b. District and Local Centres would continue to provide a range of retail, light industrial (use class B1(b)), health, social, community, leisure, cultural and / or residential use and retain at least 50% of ground-floor units and floorspace in the main retail area as Class A1 (shops) use.....;
- d. The proposal does not prejudice the Council's ability to deliver a comprehensive redevelopment scheme; and
- e. An impact assessment has been provided, where required by Policy TC13, and it has been demonstrated that there will be no significant adverse impact.

7.2.2 The proposed development would result in the creation of a take away restaurant (Use Class A5) and would generally conform to the aforementioned policies. However, as the proposed development would result in the loss of an existing shop (Use Class A1) an assessment has to be made as to whether or not the proposal would result in the total level of ground floorspace for A1 retail being below 50%. Following an assessment of the proposed development, it would result in the reduction of the total number of units currently in A1 use from 17 to 16. At present 57% of the units are in A1 use and if permission were to be granted this would be reduced to 53%. Given this, whilst the proposal would reduce the overall retail mix with the centre, it would still ensure that at least 50% of the units would still be within the A1 use class.

7.2.3 Turning to the retail impact assessment, whilst the proposed development is classed as a "Main Town Centre Use" as it would be below the 300 sq.m floor area threshold set out under Policy TC13 of the Adopted Local Plan, the applicant would not be required to submit an Impact Assessment.

7.2.4 Given the aforementioned assessment, the proposed development, despite the loss of the retail premises, would accord with Local Plan Policy. Furthermore, if planning permission were to be granted the development would also help to bring a vacant unit back into use (the premises have been vacant since May 2019).

## **7.3 Design and visual impact**

7.3.1 The proposed development does not seek to extend or alter the existing the building. However, the applicant is seeking to install an external extraction system which, although not clear from the submission, would either be installed on the flat roof area of the building running to the rear or alternatively could be run internally to the rear of the premises and extracted through a vent in the rear elevation of the property. Consequently, should permission be granted a condition would need to be imposed requiring such details to be submitted to the Council for approval.

7.3.2 Whilst the the applicant has not provided any detailed plans showing what the extraction system would look like when fitted to the building externally, it is clear that this would be feasible as is the case with nearby take away premises at Nos.23 and 31 which extract to the rear of the premises.

## **7.4 Impact on residential amenity**

7.4.1 Given the siting and nature of the proposed development, there is the potential for it to have an impact on the amenities of nearby residents. However, in the case of this part of the Local Centre, there is no residential accommodation above the units which are single storey. Furthermore, any extraction of fumes would be directed to the rear of the building toward the rear courtyard area. Whilst there are other residential units elsewhere in the Local Centre these are sufficiently distant not to be affected. Furthermore, it is important to note that this is an established Local Centre which comprises of other hot food takeaway premises, commercial and retail premises.

7.4.2 Turning to the hours of operation, the applicant has not specified the opening hours, however, to accord with similar such premises in the local centre the following hours are recommended:-

- 11am to 11pm Mondays to Thursdays, Sunday and Bank Holidays
- 11am to midnight Fridays and Saturdays.

7.4.3 It is considered that the hours of operation would not harm the amenities of nearby residential properties and would reflect the similar opening hours afforded to similar surrounding businesses.

## **7.5 Car parking**

7.5.1 Policy IT5 of the Adopted Local Plan states that car parking provision should be made at, or below, the maximum provision which is specified in the Council's adopted standards. This policy generally reflects the policies set out in within the NPPF (2019). The Council's Car Parking Standards SPD (2012) sets out the maximum number of parking spaces for a take away use (Use Class A5).

7.5.2 The Parking Standards stipulate that in respect of a take away, 1 space per 3 sqm of floorspace of public area plus 3 spaces per 4 employees should be provided. From the submitted plans, whilst the exact floor area is not provided it does identify a small waiting area to the front of the property. In terms of the number of staff, the applicant has confirmed that this will be a family run business employing 4 members of staff. In view of this, whilst it is not possible to derive a figure in respect of the waiting area 3 spaces would be required for staff.

7.5.3 The proposed development does not seek to provide any off-street parking as there is currently no space within the service yard to the rear to provide the necessary parking. Notwithstanding this, the application site does fall within a Local Centre and, as such, there would be surface car parking available in two large car parks which currently serve the centre. In addition, the site is also accessible by public transport as there are bus stops in close proximity to the site. There are also cycle parking facilities available directly opposite the premises which could be used by staff and customers. Finally, it has to be noted that there is no off-street parking serving the existing/previous use which also relied on the parking of vehicles in the main car parks which serve the Local Centre. Consequently, the parking situation is no different and combined with the fact the site is in a sustainable location, there are insufficient ground to refuse the application.

7.5.4 Given the aforementioned assessment, it is considered that the proposed development would be acceptable as parking would be readily available within the Local Centre to serve the development.

## **7.6 Other Matters**

- 7.6.1 There have been a number of objections to the application in respect of the fact there are sufficient similar units in the Local Centre. However, as demonstrated above, the application accords with the Council's adopted local plan policy for such uses. In terms of competition between similar units this is not a material planning consideration. Similarly, the type of use within use class A5 is not something that can be controlled by the planning legislation.
- 7.6.2 In terms of anti-social behaviour, there is no evidence to suggest that this would be worsened by allowing this additional take away establishment. Matters of noise and disturbance have been addressed elsewhere in this report. Finally, in terms of refuse, there are a number of bins provided within the Local Centre.

## **8. CONCLUSIONS**

- 8.1 In summary, it has been demonstrated that the proposed development would be acceptable in land use policy terms, any alterations to the appearance of the building by way of extraction can be controlled by the imposition of a condition. The development is located such that it would not harm the amenities of nearby residential properties and, finally, there is sufficient car parking serving the Local Centre to accommodate users of the premises and staff.

## **9. RECOMMENDATIONS**

- 9.1 That 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, proposed layout plan.  
**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. Notwithstanding the details of the proposed extraction system which has been submitted with this application, prior to the commencement of the development hereby permitted, details of how the plant, ducting and extraction system are to be installed to the rear of the building shall be submitted to and approved in writing by the local planning authority. The approved system shall thereafter be installed in accordance with the approved details prior to the first use of the development and the extraction system shall be maintained in accordance with the manufacturer's specification.  
**REASON:-** In order to protect the character and appearance of the building, the visual amenities of the area as well as the amenities of nearby residents and business premises and to preserve the wider environment.
  4. The use of the premises for the purposes hereby permitted shall operate only between the hours of 11.00 and 23.00 Mondays to Thursdays, Sundays and Bank Holidays and 11.00 to midnight Fridays and Saturdays and at no other time.  
**REASON:** To protect the amenity of the occupiers of adjoining and nearby business and residential properties.

## **Informative**

### 1. Community Infrastructure Levy

Stevenage Borough Council adopted a Community Infrastructure Levy (CIL) Charging Schedule at Full Council on 27 January 2020 and started implementing CIL on 01 April 2020.

This application may be liable for CIL payments and you are advised to contact the CIL Team for clarification with regard to this. If your development is CIL liable, even if you are granted an exemption from the levy, please be advised that it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (as amended) that CIL Form 6 (Commencement Notice) must be completed, returned and acknowledged by Stevenage Borough Council before building works start. Failure to do so will mean you risk losing the right to payment by instalments and a surcharge will be imposed. NB, please note that a Commencement Notice is not required for residential extensions if relief has been granted.

Stevenage's adopted CIL Charging Schedule and further details of CIL can be found on the Council's webpages at [www.stevenage.gov.uk/CIL](http://www.stevenage.gov.uk/CIL) or by contacting the Council's CIL Team at [CIL@Stevenage.gov.uk](mailto:CIL@Stevenage.gov.uk) .

## **Pro-active statement**

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraph 38) 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 Borough Council Supplementary Planning Documents – Parking Provision adopted January 2012 and Stevenage Design Guide adopted October 2009.
3. Stevenage Borough Local Plan 2011-2031 adopted 2019.
4. Hertfordshire County Council's Local Transport Plan 4 adopted May 2018.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework February 2019 and Planning Policy Guidance March 2014.