

Application Ref: 12/01340/FUL

Proposal: Change of use from A1 (retail) to A5 (hot food takeaway)

Site: Netherton Post Office, 5 Winslow Road, Netherton, Peterborough
Applicant: Mr R Hansraj

Agent: Mr Sajjad Panjwani
Referred By: Ward Members

Site visit: 28.09.2012

Case officer: Mr D Jolley
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Recommendation: REFUSE

1 Description of the site and surroundings and Summary of the proposal

Site and surroundings

The site is an A1 (shop) unit with living accommodation above, located within the Netherton Local Centre, 1 mile west of the city centre. The local centre is made up of a small collection of shops, hot food takeaways, and various service establishments, such as a vets and is served by a small area of parking adjacent to Ledbury Road containing 29 parking spaces.

Proposal

Permission is sought for a change of use of the application site from A1 (shop) to A5 (Hot food takeaway).

2 Planning History

No relevant planning history

3 Planning Policy

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

Nation Planning Policy Framework

Section 13 - Unacceptable Adverse Impacts

Should be avoided on the natural and historic environment, human health and aviation safety. The cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality must be taken into account.

Section 11 - Noise

New development giving rise to unacceptable adverse noise impacts should be resisted; development should mitigate and reduce to a minimum other adverse impacts on health and quality of life arising. Development often creates some noise and existing businesses wanting to expand should not be unreasonably restricted because of changes in nearby land uses.

Peterborough Core Strategy DPD (2011)

CS16 - Urban Design and the Public Realm

Design should be of high quality, appropriate to the site and area, improve the public realm, address vulnerability to crime, be accessible to all users and not result in any unacceptable impact upon the amenities of neighbouring residents.

Peterborough Planning Policies DPD (Submission Version 2012)

Whilst this document is not yet adopted planning policy, it is at an advanced stage of preparation. In accordance with the National Planning Policy Framework (paragraph 216), considerable weight can be given to the policies contained within the document in decision-making.

PP02 - Impacts of New Development

Permission will not be granted for development which would result in an unacceptable loss of privacy, daylight, opportunities for crime and disorder, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution.

PP11 - Parking Standards

Permission will only be granted if appropriate parking provision for all modes of transport in accordance with the standard set in Appendix A is made.

Peterborough Local Plan (First Replacement) (2005)

R09 - Non-Retail Uses in Other Retail Frontages of District and Local Centres

Permission will be granted subject to the appropriateness of the use and its impact on traffic and local amenity.

4 Consultations/Representations

Transport and Engineering Services (04.10.12)

No objections

FAO Emma Doran Pollution Team (18.10.12)

No objection subject to the conditioning of odour control scheme and opening hours.

Police Architectural Liaison Officer (22.10.12)

I would advise that the area historically has experienced above average levels of antisocial behaviour issues.

An additional takeaway outlet would do little to improve the situation and may lead to a further increase of noise and disturbance for neighbours.

However, the proposed site is within an existing retail/local centre and there is not a high concentration of similar takeaways or licensed premises locally.

Local Residents/Interested Parties

Initial consultations: 8

Total number of responses: 37

Total number of objections: 36

Total number in support: 0

37 objections and a 125 page petition have been received in relation to the proposal.

the following points were raised in the objection:

- Against local/government policy
- Extra traffic
- Health risk
- Impact on local community
- Intensified use
- Litter
- Loss of existing local facility
- Noise
- Nuisance (general)
- Opening hours
- Parking problems
- Smell
- Youths congregate
- Not necessary
- Too many A5 uses in a small centre
- Loss of trade to other units
- Attraction of wild animals

5 Assessment of the planning issues

The main considerations are:

- Visual impact of extraction equipment
- The impact of the proposal on the amenity of the occupiers of neighbouring dwellings
- Crime and disorder
- Litter
- Parking and traffic

The visual impact of extraction equipment

The proposal will not result in material changes to the front of the unit. Extraction equipment would be required to the rear of the property as is shown on the submitted plans. This type of installation is common place on units within local centres and is therefore not likely to appear incongruous. The extraction equipment will be visible to the residents of Winslow Road but its presence is not considered to be unduly harmful to the character of the area and it would be unreasonable to refuse the application based on the harm caused by the appearance of the extraction equipment.

The impact of the proposal on the amenity of the occupiers of neighbouring dwellings

A number of local residents have raised concerns that the hot food take away would result in harm to amenity through cooking smells. It is considered that providing the correct type of filtration and ventilation is installed at the premises that the level of nuisance caused by cooking smells is unlikely to result in material harm to the amenity of the occupiers of neighbouring dwellings. The environmental health officer has no objection to the proposal providing robust conditions are appended to the permission regarding filtering, ventilation and opening hours.

Crime and disorder

Of greater concern is the impact of the proposal upon levels of anti social behaviour within the centre. Local police have submitted representation detailing the history of the site and how it has suffered from antisocial behaviour in the past. Dispersal orders have in the past been used to prohibit on street gatherings. Though these orders have now expired, it is clear that the police consider that there is a realistic prospect of antisocial behaviour reoccurring.

The police consider hot food takeaways to be 'honeypots' for antisocial behaviour, especially where concentrations of such establishments exist. The police have stated that the area historically experienced above average levels of antisocial behaviour issues and that an additional takeaway outlet would do little to improve the situation and may lead to a further increase of noise and

disturbance for neighbours. It is therefore considered that an additional A5 outlet could result in material harm to the amenity of the occupiers of nearby dwellings through increased levels of antisocial behaviour and such incidents could not be controlled adequately by way of planning conditions attached to the application. The proposal is therefore considered to be contrary to policies R9 of the Peterborough Local Plan (First Replacement) 2005 and PP1 of the emerging Peterborough Planning Policies (DPD) 2011.

Litter

It should be noted that on the issue of litter that the levels of litter generated could be adequately controlled by condition and do not form the basis of a refusal reason of the application.

An objector has also stated that any increase in litter within the centre could attract wild animals such as foxes. This is not considered to be a material reason for the refusal of the application because as stated above it is considered that litter could be adequately controlled by way of condition.

The impact upon highway infrastructure

It is acknowledged that at certain times of the day there is pressure for parking spaces for the local centre, however under emerging policy PP12 of the Peterborough Planning Policy (DPD) 2012 both A1 and A5 uses require the same level of parking provision at 1 space per 20sqm of floor space. The Local Highways Authority has raised no objection to the proposal. The takeaway is considered unlikely to generate materially more traffic that is generated by its current use as an A1 retail unit with post office.

Impact on health

A number of objectors have stated that an additional A5 outlet could cause harm to the health of the local population of school children who visit the centre before and after school. Whilst the Local Planning Authority agree with the concerns regarding health, it is considered that the issues could be adequately addressed though conditions restricting opening times to those hours outside of times when school children would be likely to visit the centre.

The above also relates to objections regarding the lack of stated opening hours on the application form. Whilst it is clear that uncontrolled opening hours could result in serious harm to the amenity of the occupiers of nearby dwellings the issue is not considered to be a material reason for refusal of the application as opening times could be adequately controlled through planning conditions.

Loss of Post Office

Many objectors have raised that the proposal would result in the loss of the local post office. Whilst this would be unfortunate the Local Planning Authority (LPA) do not consider that there is the policy framework to refuse an application on this basis. It should also be noted that any refusal of the application does not guarantee the continued operation of the post office. This is because keeping the post office is reliant on; the newsagent renewing the lease on the property and the current newsagent agreeing with the post office to continue running a counter. The LPA has also received representation stating that the food store adjacent would be interested in taking on the operation of a post office counter and news agent, retaining these facilities within the centre.

Many objectors have also questioned the need for an additional A5 unit within the centre. This issue is not considered to be a matter for the LPA to consider and the policy framework does not exist to control such matters.

Viability of the future

An objector has stated that the loss of the post office and newsagent may in turn reduce footfall to the centre causing a knock on effect to other proprietors, harming the long term viability of the centre. The LPA do not consider this to be a material reason for the refusal of the application and do not consider there to be the policy framework available to refuse an application on this basis.

6 Conclusions

The proposal is unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reasons given below.

7 Recommendation

The case officer recommends that planning permission is **REFUSED**

R 1 The proposed change of use from an A1 retail unit to A5 hot food takeaway is likely to result in increased levels of rowdy/nuisance and anti-social behaviour already experienced within the area. As such, the proposal will result in an increase in crime and disorder and increased noise and general disturbance to the occupants of surrounding residential properties, to the detriment of their amenity and contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011), Policy R9 of the Peterborough Local Plan (First Replacement) (2005) and policy PP02 of the emerging Peterborough Planning Policy (DPD) which state:

Policy CS16 - New development should not result in unacceptable impact on the amenities of occupiers of any nearby properties.

Policy R9 - At locations within District and Local Centres but outside primary retail frontages, planning permission will be granted for non-A1 uses, provided that the proposal would not:

- (d) Be likely to have an unacceptably detrimental effect on the amenities of occupiers of nearby properties.

PPO2 - Development should not result in noise and or disturbance to occupiers of nearby residential dwellings.

Copy to Councillors Arculus N, Dalton M J, Maqbool Y

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