

Application Number: F/YR14/0359/F
Minor
Parish/Ward: March Town Council
Date Received: 28 April 2014
Expiry Date: 25 July 2014
Agent/ Applicant: Mr P Guarnaccia

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

Location: 46 High Street, March, Cambridgeshire, PE15 9JA

Reason before Committee: This application is before committee as an elected Member has an interest in the site. Should this not have been the case it would have been determined under delegated powers by Officers.

1. EXECUTIVE SUMMARY/ RECOMMENDATION

This application seeks full planning permission for the change of use of the existing A1 retail use to an A5 takeaway use.

The key issues to consider are;

- Policy Considerations;
- Design and Appearance
- Impact on amenity
- Health & Wellbeing
- Economic Growth

The site is located within the town centre of March, outside the Primary Shopping Area but within a designated Conservation Area. The existing shop is currently vacant and lies in the centre of a terrace of 3 outlets. The establishments either side both currently operate as A5 hot food takeaways.

The proposal will have little effect on the character and appearance of the Conservation Area. The method of extraction for the management of odour and noise resulting from the operational use is acceptable in environmental terms.

The recommendation is therefore to approve the application as it accords with policies LP2, LP6, LP16 and LP18 of the Fenland Local Plan 2014 and sections 2, 7 and 12 of the NPPF.

2. HISTORY

Of relevance to this proposal is:

2.1 No relevant planning history.

3. **PLANNING POLICIES**

3.1 **National Planning Policy Framework:**

- Paragraph 2: Planning law requires that applications for planning permission must be determined in accordance with the development plan.
- Paragraph 14: Presumption in favour of sustainable development.
- Section 2: Ensuring the vitality of town centres
- Section 7: Requiring Good Design
- Section 12: Conserving and enhancing the Historic Environment

3.2 **Emerging Fenland Core Strategy:**

- LP2: Health & Wellbeing
- LP6: Employment, Tourism, Community Facilities and Retail
- LP16: High Quality Environments
- LP18: Conserve and enhance the historic environment.

4. **CONSULTATIONS**

4.1 **Town Council**

Recommend Approval

4.2 **CCC Highways**

No Objections

4.3 **FDC Environmental Protection**

4.2 *“The submitted information is noted and accepted, the scheme should provide suitable reduction in odour to prevent nuisance.*

The level of predicted noise from the fan is also noted, the fan appears to be located within the building and as such is considered unlikely to cause a noise nuisance issue, it is assumed that this and the extract system as a whole will be maintained in accordance with the manufactures instructions and mounted on anti-vibration mounts.

Although the scheme appears to be acceptable from the information provided, if permission is granted and complaints are received an investigation will be undertaken to see if a statutory nuisance is occurring. In the event that a problem was found to exist further works would be required to ensure that residents are not affected.”

4.4 **FDC Conservation**

No Objections

4.5 **Residents**

1 letter received objecting the proposal on the following grounds;

- Litter and refuse issues*
- Noise & Anti-social behaviour arising from late night opening*
- Parking issues*

5. SITE DESCRIPTION

5.1 The site is located within the town centre of March, outside the Primary Shopping Area but within a designated Conservation Area. The existing shop is currently vacant and lies in the centre of a terrace of 3 outlets. The establishments either side both currently operate as A5 hot food takeaways.

6. PLANNING ASSESSMENT

6.1 The key issues to consider are;

- Policy Considerations;
- Design and Appearance;
- Impact on residential amenity
- Health & Wellbeing
- Economic Growth

6.2 Policy Considerations –

The proposal is to change the use of the existing A1 retail shop to an A5 takeaway.

Safeguarding the vitality of town centres is a key consideration of section 2 of the NPPF. Likewise, policy LP6 of the Fenland Local Plan supports the retention appropriate commercial uses at ground floor level within the Town Centre boundary in order to drive economic development, thereby protecting the vitality of town centres.

Section 7 of the NPPF, LP6 of the Local Plan and LP2 seek to ensure a good standard of amenity resulting from the development thereby protecting the health and wellbeing of Fenland residents, for example through avoiding adverse impacts on amenity and creating employment in a sustainable and accessible location thereby not relying on the use of a private car.

LP16 seeks to ensure that when considering proposals for new development, the protection of neighbouring amenity, the control of waste and pollution such as noise and odour is appropriately managed. LP16 along with LP18 seeks to protect and enhance the historic environment, heritage assets and their settings.

6.3 Design and Appearance

The proposal does not seek to alter the shop front, save for a change to the fascia signage. An extractor is proposed to be sited at the rear of the premises and a louvre cover measuring approximately 450mm by 450mm will be visible on the rear external wall facing onto the car park. This is considered to be visually preferable over for example extractor ducting which can be seen on adjacent premises. No objection has been raised from FDC's Conservation Team on this proposal. The design and appearance of the proposal is therefore considered acceptable as it protects the historic environment and maintains the character of the area in which it is set.

6.4 Impact on residential amenity

The proposal will introduce a takeaway use at the site. Of immediate concern is the control of odour and noise emanating from cooking operations. It is noted that takeaways exist either side of the site and rely on external ducting to extract odour from the site. The application site is constrained in this regard and therefore relies on an internal extract system to deal with filtering of odour and relies on baffles to suppress the noise of the extractor.

FDC's Environmental Protection Team have reviewed the specifications for the extractor system proposed and have concluded that, subject to the correct installation, the system would be adequate in filtering fumes and odour from the site whilst protecting the residential amenity of neighbouring properties.

Comments received from a local resident objecting to the proposal on the grounds of litter and refuse issues, noise and anti-social behaviour arising from late night opening and parking issues have been noted. Whilst it is unfortunate that litter can arise from takeaway use, adequate facilities are available for responsible patrons to dispose of their waste cartons and food with bins located at regular intervals within the town centre. The nearest bin is sited less than 10m from the entrance. In addition, the applicant has advised that they will use the services of a private waste contractor to supply commercial waste bins which can be sited at the rear of the premises. Whilst it is noted that the objector regularly finds the existing bins to be overflowing, this is really a matter for the Council's Streetscene team to address and is not a material planning consideration.

On the matter of anti-social behaviour through late-night opening, it is noted that the adjacent kebab takeaway opens until 2am and this application proposes to do the same. Given the town centre location of the site and its location amongst existing takeaway outlets, it is considered that there will not be a perceived increase in anti-social behaviour resulting from the development. It is however recommended to reduce the opening hours on Sundays and Bank Holidays to 11pm in order to provide some relief for residents living nearby.

County Highways have been consulted on the application and are satisfied with the parking arrangements available at the rear of the shop in Bevills Place which will provide 2 spaces, although not formally allocated. Given the nature of the use and its town centre location, the parking provision is considered satisfactory in this instance.

6.5 Health & Wellbeing

The proposal will create employment in a sustainable and accessible location whilst protecting the amenity of neighbouring users and the location in general.

6.6 Economic Growth

The proposal will bring back into use currently vacant commercial premises in a Primary Shopping Area thereby ensuring the vitality of viability of the March town centre and supports economic development.

7. CONCLUSION

7.1 The application has been considered in-line with core planning principles of the National Planning Policy Framework and with policies LP2, LP6, LP16 and LP18 of the Fenland Local Plan 2014.

7.2 It is considered that the proposal is acceptable as it will protect and enhance the historic environment in which it is set, in-line with policies LP16 and LP18 of the Fenland Local Plan. The development will also have a positive impact on the vitality and viability of the town centre through reintroducing a commercial use within the town centre, thereby creating employment and generating economic growth, whilst protecting the amenity of neighbouring users. The development is therefore considered to be sustainable addressing social, economic and environmental considerations and in accordance with paragraph 14 of the NPPF is recommended for approval.

8. RECOMMENDED CONDITIONS

8.1 The development permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

8.2 The approved scheme for the ventilation and extraction of fumes from the premises as detailed in plan entitled "Technical Data for extractor fan" dated 10th July 2014 and "Technical specification for ventilation canopy" dated 10th July 2014, shall be implemented prior to the commencement of use in accordance with the approved details and retained thereafter in perpetuity.

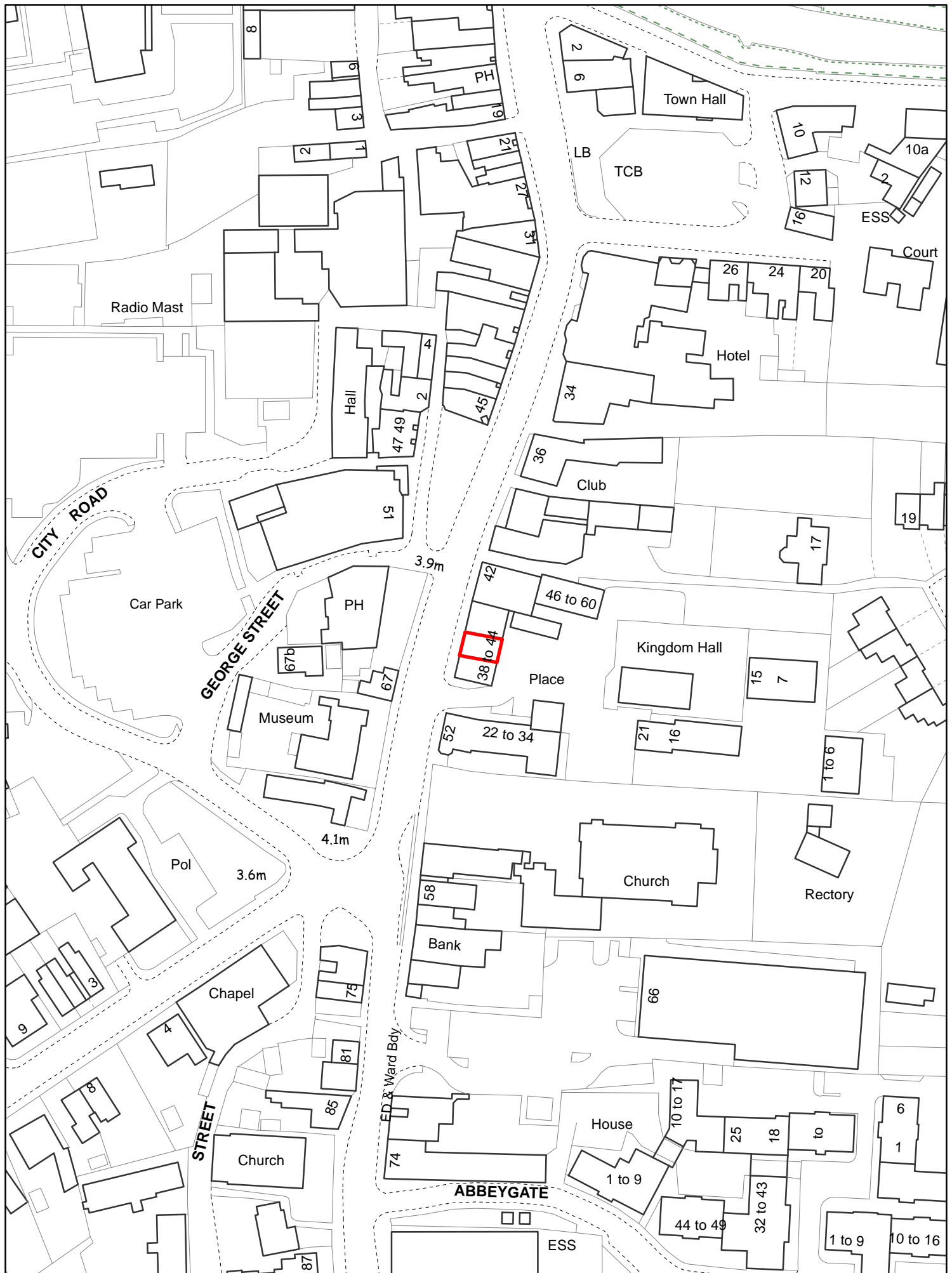
Reason - In the interests of residential amenity.

8.3 The use hereby permitted shall only operate between the hours of 11:00am and 02:00am Mondays to Saturdays and between the hours of 11:00am and 11:00pm on Sundays and Bank Holiday Mondays.

Reason - To safeguard the amenities currently enjoyed by the occupants of adjoining dwellings.

8.2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).



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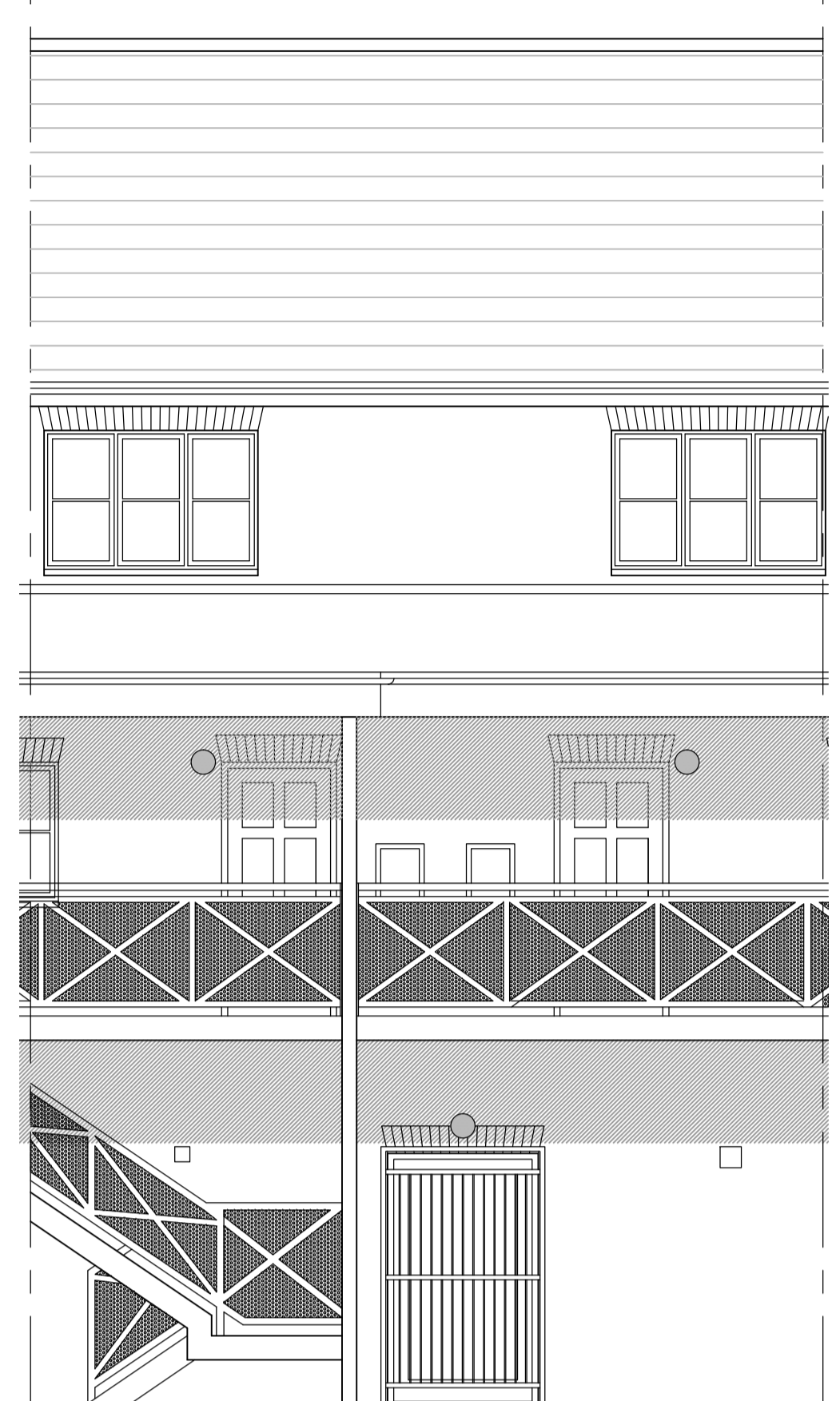
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Notes
 Any discrepancies to be brought to the attention of the author as soon as possible.
 All dimensions shown in 'feet' unless otherwise stated.
 Unless otherwise stated otherwise, this drawing has been assessed for risks and nothing is deemed to be outside of normal good Health and Safety practice that would be covered by the contractor in their Construction phase health and safety plan.
 Do not scale from drawing.



Existing Front Elevation
 Scale 1:50



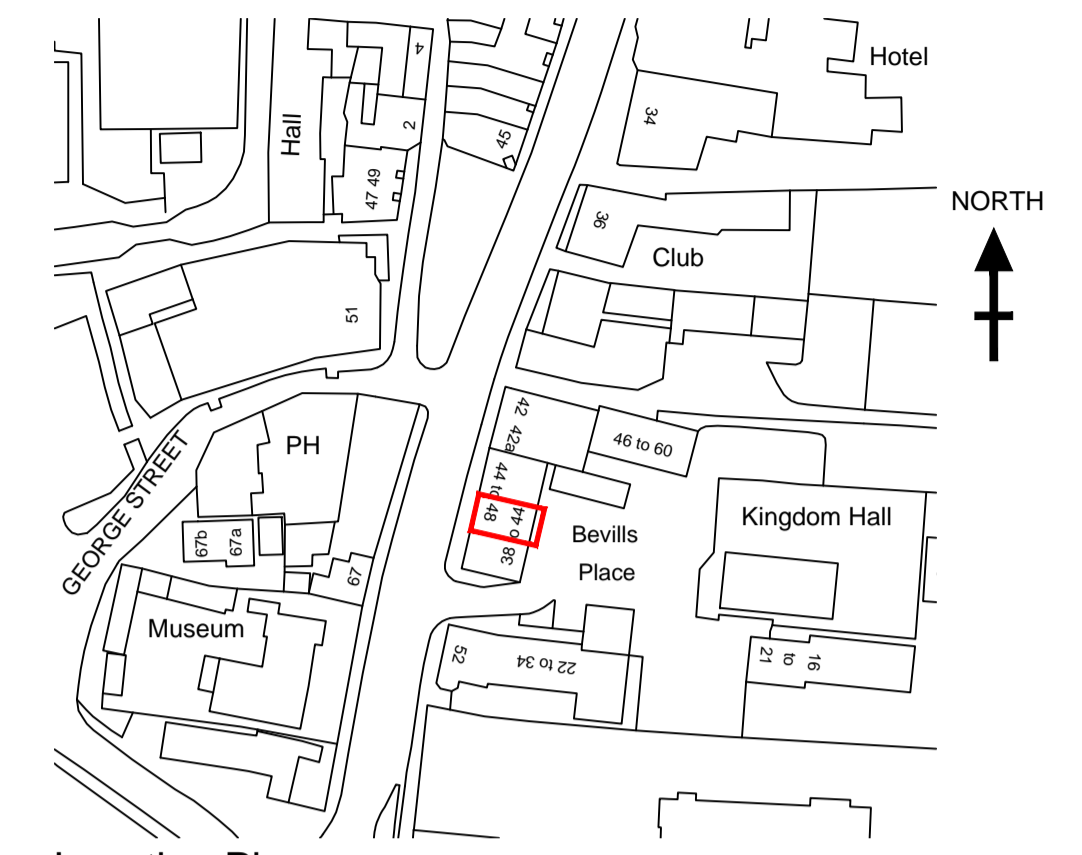
Existing Rear Elevation
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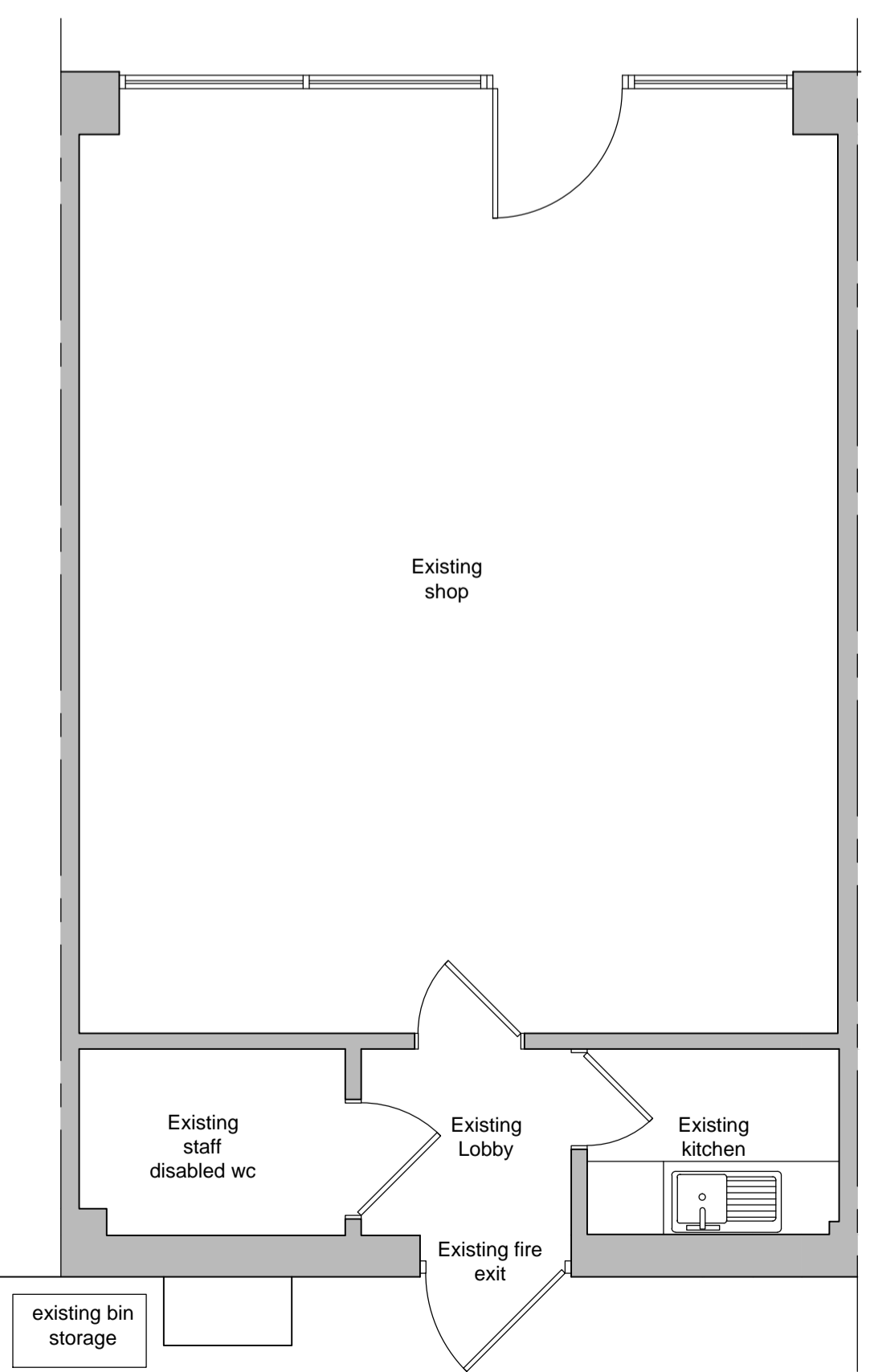
Proposed Front Elevation
 Scale 1:50



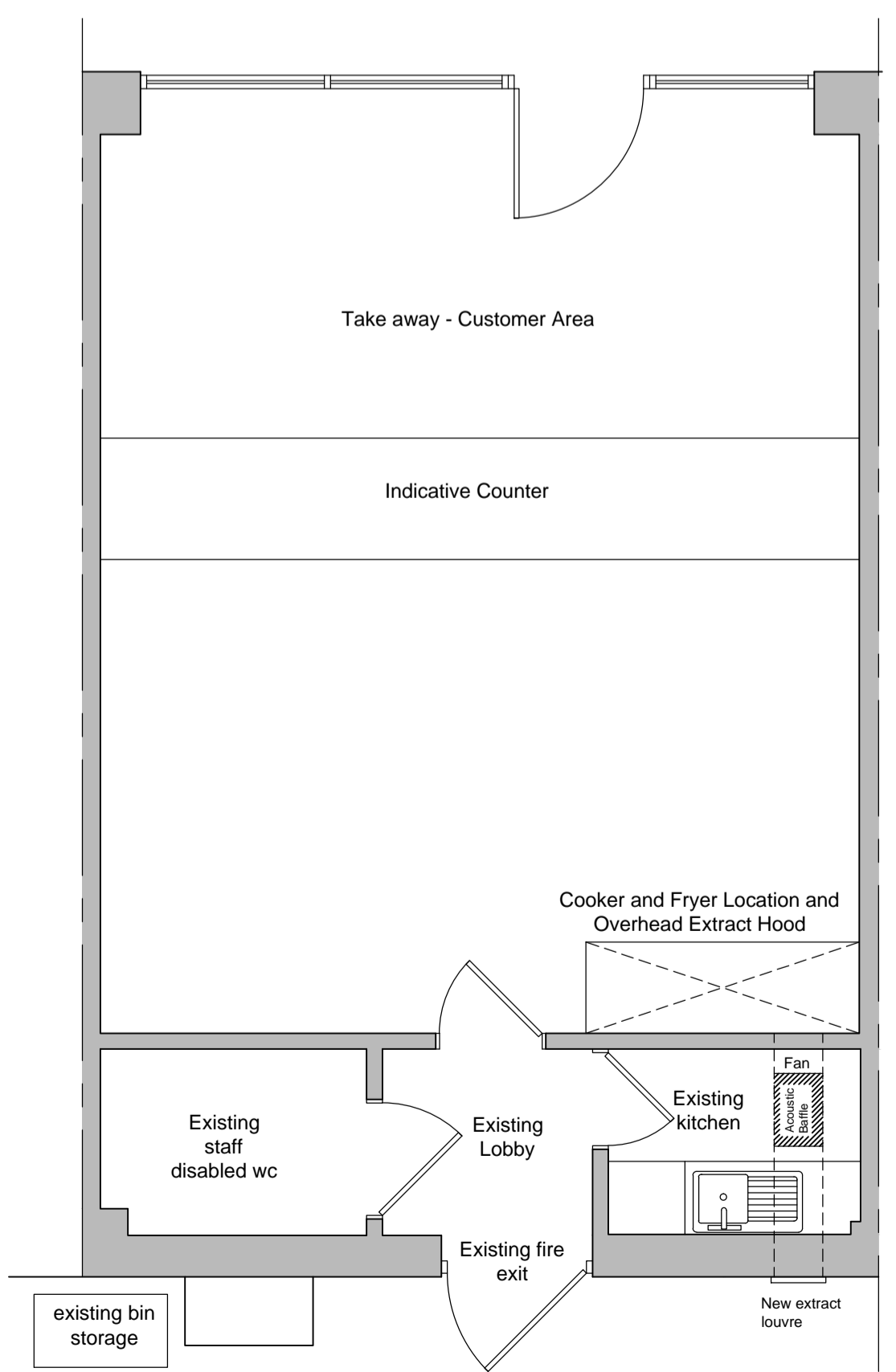
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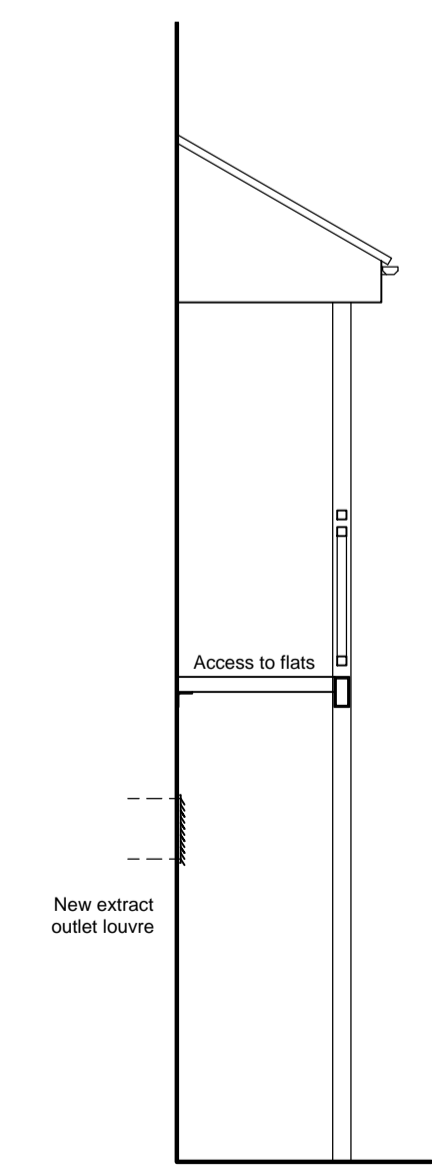
Location Plan
 Scale 1:1250



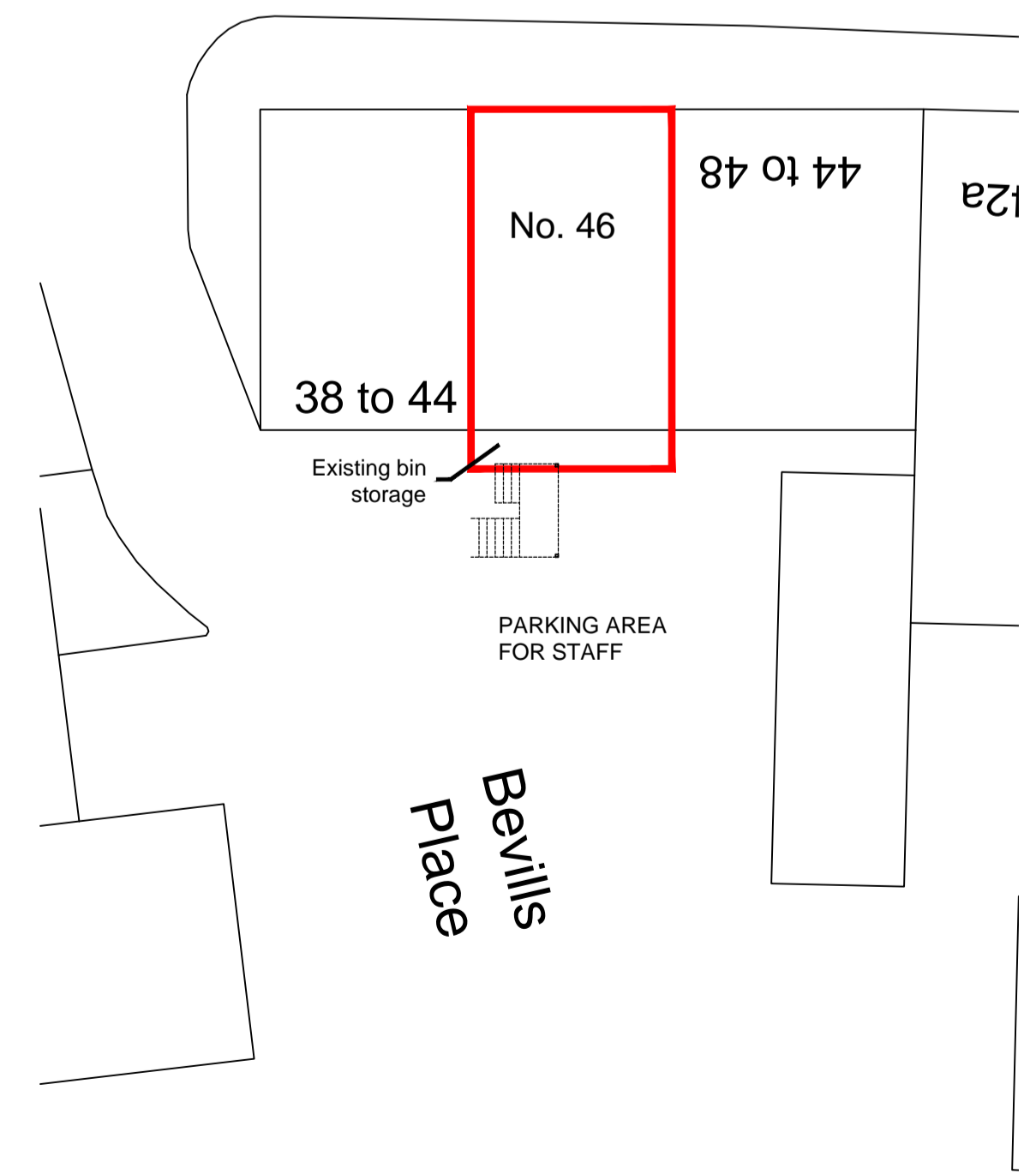
Existing Ground Floor Plan
 Scale 1:50



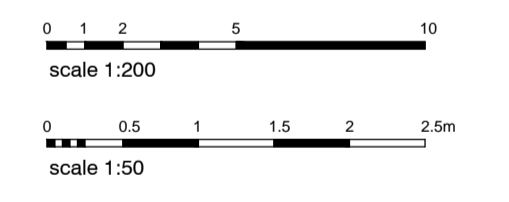
Proposed Ground Floor Plan
 Scale 1:50



Proposed Side Elevation/
 Section
 Scale 1:50



Existing and Proposed Site Plan
 Scale 1:200



Rev	Date	Amendment
A	10/07/14	Amendments to ducting and extract system

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Job Description
 Proposed Alterations and Change over use to 46 High Street, March

Drawing Title
PLANNING DRAWING
 Existing and Proposed Plans and Elevations, Location and Site Plan

Date	Scale	Drawing No.	Rev
25.04.14	var @ A1	027-01	A