
Parish: HADLEIGH

Location: 5 – 7 Long Bessels, Hadleigh

Proposal: Change of use from bakery/shop (Class A1 use) to hot food take-away with eating in facilities (Classes A3 and A5). Installation of replacement extraction equipment.

Applicant: Mr Koksal

Case Officer: Elizabeth Truscott

Date for Determination: 12/05/2010

This application is referred to Development Committee for determination at the request of Councillor Riley due to concerns surrounding the effect on neighbours amenity.

THE SITE

1. The property is a large detached, modern single storey commercial unit, with a large forecourt to the front, close to the junction with Angel Street. Adjacent to the building is 1 -3 Long Bessels, a convenience store and 11 – 13 Long Bessels, (a pair of semi detached dwellings). Opposite the site is St Joseph RC Church. To the rear of the site are residential dwellings on Canterbury Gardens. The site is just outside the Conservation Area which is located on the opposite side of Long Bessels and includes the church.

THE PROPOSAL

2. The application is for a change of use from a bakery (A1 use) to a take-away with eat in facilities (A3/ A5 use). The proposed take-away would sell fried chicken. As part of the proposal a new extractor system would be erected, some of which would be visible externally. This is the only external change to the building. The takeaway would be open 11am – 11 pm Monday to Saturday and 10am – 10 pm Sunday and Bank Holidays and would have three full time employees.

RELEVANT HISTORY

3. B/83/48/
Refused Additional use of site for fast food takeaway during evening hours.
4. B/81/177/
Refused Change of use from Laundrette to office premises.
5. B/81/178/
Granted Change of use from Laundrette to Shop Premises. Existing car park maintained for use by customers visiting the site.
6. B/81/179/
Withdrawn Change of use of laundrette to restaurant.
7. B/81/269/OUT
Granted Demolition of laundrette - residential development.
8. S/68/19/H/
Granted use land as car park in conjunction with shop.
9. S/68/62/H/
Granted Erection of building for laundrette.

NATIONAL GUIDANCE

10. **PPS1** (Delivering Sustainable Development)
11. **PPS 4** (Economic Development)

PLANNING POLICIES

12. The Development Plan comprises the East of England Plan, adopted 2008, saved policies in the Suffolk Structure Plan, adopted 2001, and the Babergh Local Plan (Alteration No. 2) adopted 2006. The following policies are relevant to this proposal:

East of England Plan - 2008:

- **E5** Regional Structure of Town Centres

Babergh Local Plan (Alteration No. 2) 2006

- **EM01** General employment
- **EM24** Retention of employment sites

The relevant documents can be viewed via the internet. Please see Page 4 for details.

CONSULTATIONS

13. Hadleigh Town Council: Object. Inappropriate change of use in a residential area as there would be late night opening and the associated traffic noise and potential litter problems.
14. Local Highway Authority: No objections to the change of use however have some concerns with the submitted parking layout and vehicular access arrangements. The applicant has indicated a parking layout which utilises the existing layout which is likely to result in vehicles reversing onto Long Bessels.
15. Whilst the majority of Long Bessels is narrow, the point at where the site adjoins Long Bessels is at the end of a narrow section of road and adjacent to the convenience store, church and open junction. To avoid vehicles reversing onto this busy area, on-site turning should be provided with a main point of vehicular access.
16. Environmental Health: Proposed development is in close proximity to residential dwellings and therefore has the potential to cause loss of amenity due to both noise and odour. However the noise assessment attached to the application suggests that the ventilation equipment proposed would not give rise to loss of amenity at nearby residential properties.
17. The application gives very little information on the performance of the proposed extractor ventilation with regards to odour removal and as the proposed development would involve the preparation of deep fried food, there is a high likelihood that this could cause loss of amenity at nearby residential properties. Further information is required regarding the proposed ventilation and filtration equipment if this additional information is not forthcoming from the applicant I would recommend that the application be refused.
18. In order to limit further loss of amenity due to noise at night, particularly from vehicle and pedestrian movement, I would also recommend that the hours of the premises operation, to include the hours of operation of the extract ventilation system to be limited by means of a planning condition.

19. The food provided is predominantly for take-away. I would recommend that the application consider installing at least one litter bin outside the premises.
20. Community Safety Officer: Take-aways can attract congregations of people, particularly at pub closing times and as a result can become places where various issues of anti-social behaviour can occur. Police have commented that the other take-aways in Hadleigh do not regularly suffer from this problem although they have been occasional disturbances.
21. The Police do raise some concerns that the location of these premises is, unlike the others, outside the range of the CCTV system in Hadleigh and therefore there should be no trade after 11pm to allow sufficient resources available to police any issues that may arise.
22. The location is not too far away from the Hadleigh Swimming pool and Stonehouse Road car park, two locations which have regular reports of anti-social behaviour by groups of young people that may well be attracted to a take-away such as this one.
23. Litter is almost always an issue around take-aways.
24. In conclusion and taking on board the views of the Police there are not sufficient grounds for an outright objection from a community safety view point, however there are some concerns that should be dealt with through planning conditions.

REPRESENTATIONS

25. One letter of support from a neighbouring property has been received stating that it would bring back into use a redundant building and help maintain the viability of the other outlet in the parade of shops. The take-away would be in an easily accessible location and proposed opening times appear reasonable. A litter bin and adequate filtration system for odours should be provided.
26. Thirty-nine letters of objections from properties within Hadleigh have been received referring to the following issues:
 - Anti-social behaviour and vandalism
 - Litter
 - Traffic and parking
 - Noise
 - Odours
 - Inappropriate within a residential area
 - Need for development
 - Encouraging obesity
 - Loss of privacy
 - Light pollution
 - Inappropriate in close proximity to the church
 - Effect on Conservation Area

PLANNING CONSIDERATIONS

Principle of development

27. The proposal is for a change of use of an existing retail use to a take-away and restaurant. Therefore, in accordance with Policy EM01, the principle of the development is acceptable subject to it not having a detrimental effect on residential amenity, environmental quality, traffic generation and road safety. The proposal also involves the retention of an existing business use which is supported by Policy EM24.

Impact on the character of the area

28. The proposal would involve only minor changes to the external appearance of the building, the ventilation system will be visible externally but as the building is modern and of little architectural merit, this is not considered detrimental to the character of the area. The presence of the nearby Hadleigh Conservation Area does not affect the proposal as it involves an existing commercial building and only minimal changes are involved.
29. Objections have been raised that the proposals are inappropriate within a residential area. However the premises are within an existing parade of three shops, and it is not unusual for take-away premises to be included within small shopping parades close to the centre of towns. The building's current lawful use is an A1 retail premise with no limitations on hours, and could be converted into a late night convenience shop without the need for planning permission. The previous bakery use included the premises being used in the early hours of the morning.

Impact on residential amenity

30. Policy EM01 states that employment proposals should not be detrimental to residential amenity. With regards to the possible loss of amenity from the premises due to noise and odours, the Environmental Health Officer is satisfied that there will be no significant loss of amenity due to noise from the extractor equipment or from disturbance from pedestrians or cars provided the hours of opening are controlled and conditioned. The further information requested regarding a filtration system has been provided and is currently being considered. Any further comments will be reported to Committee.
31. Litter may also effect neighbours amenity, it is proposed to include a condition that a litter bin will provided outside the premises, however it is difficult to control litter further away from the premises.
32. Neighbours have objected to loss of privacy, especially due to the eat in facilities. The take-away would only have windows to the front which is 43 metres to the nearest ground floor front window of neighbouring properties. At this distance it is not considered that the proposed use will result in loss of privacy. Light pollution has also been raised as a reason for refusing the application, Angel Street is lit by street lamps, although Long Bessels is not. However the premises will close at 11 pm and therefore should not have a major effect on light pollution.

Highways

33. The site is close to the junction with Angel Street and opposite the church car park. The Local Highway Authority has not objected to the proposal provided that a parking layout is achieved which results in vehicles not reversing onto the road. Plans show that such a layout can be achieved which would provide six parking spaces. The site is within a residential area and therefore easily accessible on foot. Six parking spaces would comply with the advisory parking standards.

Potential anti-social behaviour

34. Section 17 of the Crime and Disorder Act places a statutory duty on local authorities to consider the impact on their decisions on future crime or anti-social behaviour. The Community Safety Officer has not objected to the proposal due to the potential to encourage anti-social behaviour but has recommended conditions including hours of opening.

REASONS FOR APPROVAL

35. The proposed development is considered to be in accordance with in addition to saved Policies EM01 and EM24 of the Babergh Local Plan Alteration No.2, by reason of this scheme constituting a development that is acceptable in terms of neighbour amenity and character of the area.

RECOMMENDATION

Subject to confirmation from the Environmental Health Officer that the measures to restrict odours are sufficient, the Chief Planning Control Officer be authorised to grant planning permission subject to the following conditions:

- Standard Time limit
- Conditions relating to ventilation and extraction equipment
- Opening hours and ventilation and extraction equipment use to be 11am – 11pm Mon – Sat, 10am – 10 pm Sunday and Bank Holidays
- The installation of a litter bin within the forecourt
- Parking arrangements to allow for vehicles to turn within the site
- Any further conditions as suggested by the Community Safety Officer