2021/0727

Mr Mohamad Reza Jalali Bolhasani

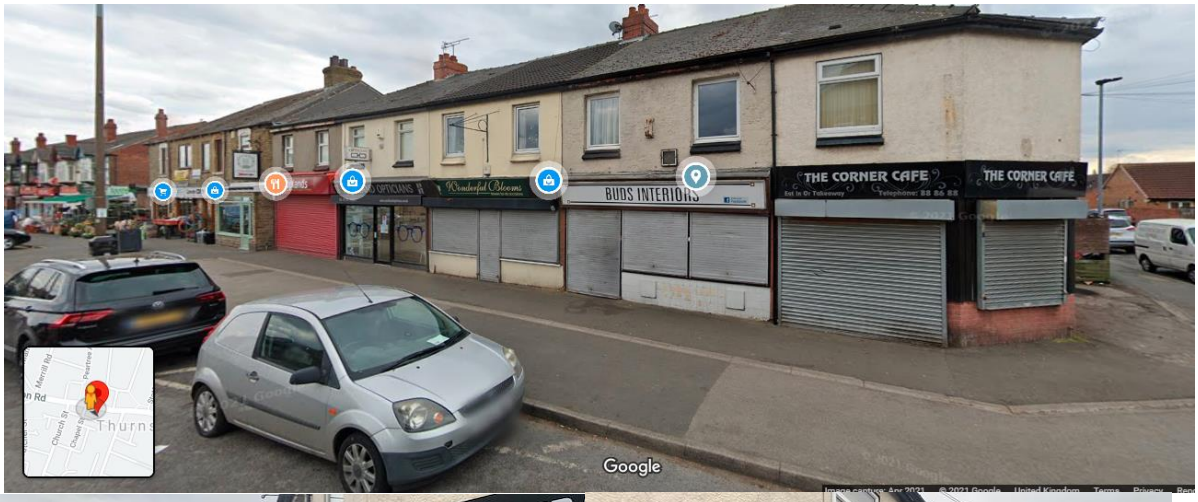
Change of use from café to hot food takeaway (Sui Generis)

Corner Cafe, 117A Houghton Road, Thurnscoe, Rotherham, S63 0NG

Site Location and Description

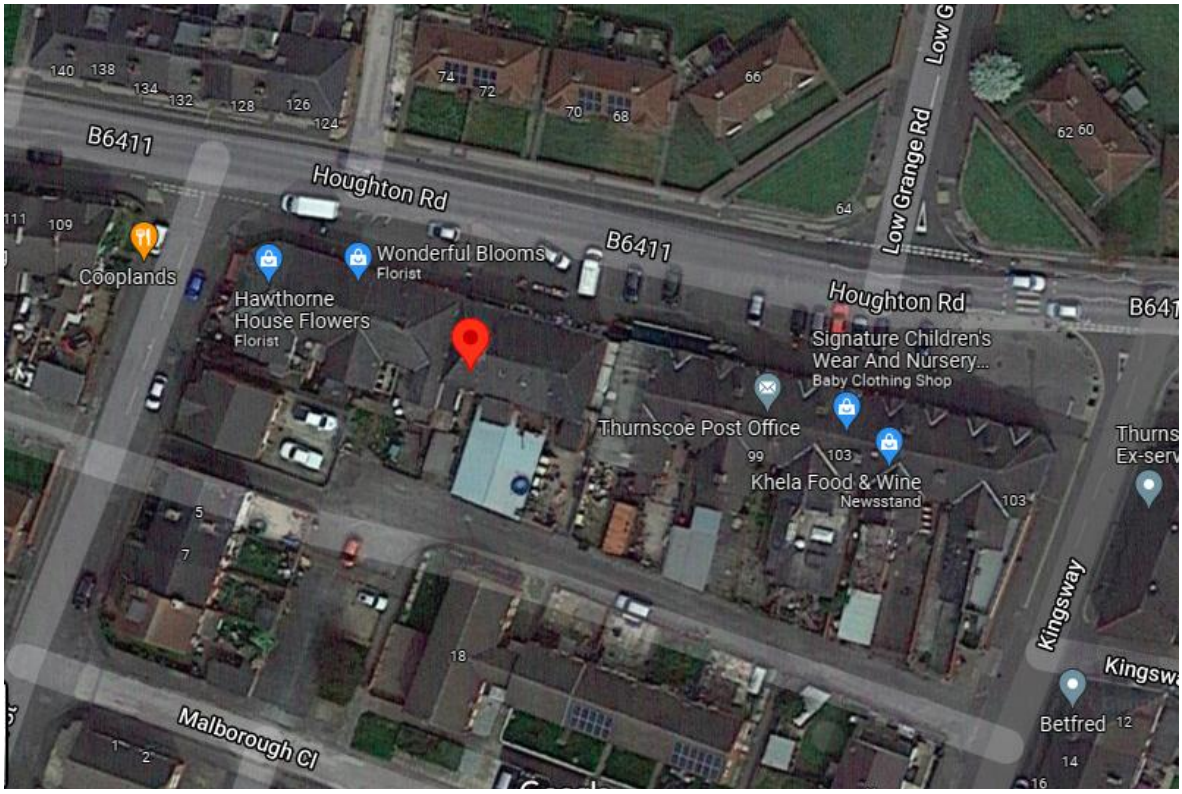
Corner Café is located at the end of a terrace of ground floor shop units, at the junction with Chapel Street within the Local Centre of Thurnscoe.

This area of Houghton Road is characterised by a mix of uses synonymous with a Local Centre location. Within this row there is a mix of Class E uses, then there is a break between the terrace rows and further along Houghton Road to the east there are other Class E uses and two hot food takeaways. On street parking bays are provided to the front of the terrace row and further on street parking is available on Chapel Street as there are no parking restrictions.





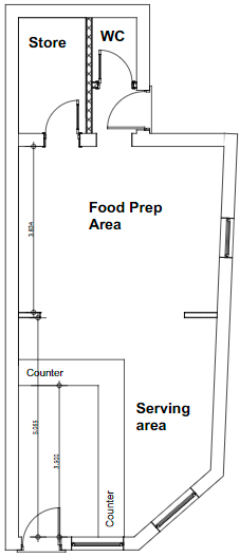




Proposed Development

The applicant seeks permission for the change of use of the existing café (class E) to a hot food takeaway (sui generis)

The unit is proposed to be open 11.30 -10pm Monday to Sunday including Bank Holidays. No parking is available at the site, however on street parking is available on Chapel Street. There appears to be existing extraction systems for the current café use, however the applicant has not indicated whether this existing system will be used or a new one will be installed.



Rev:	Date	Revision Notes
Client:	Mohamad Reza Jalalibolhasani	
Project:	117A Houghton Road, Thurnscoe	
Drawing Title:	Plan as Proposed	
Scale: 1:50	Date:22/09/2021	
Drawn By: AR	Rev:	
Drawing Nr: 1		

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Policy Context

Planning decision should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making.

The new Local Plan was adopted at the full Council meeting held 3rd January 2019 after it was found to be sound by the appointed Planning Inspector following the examination process. This means that it now takes on full weight for decision making process in planning law terms as the development plan for the Borough, superseding the remaining saved policies from the Unitary Development Plan (adopted in the year 2000) and the Core Strategy (adopted in 2011).

Local Plan

The site is allocated as District/Local Centre, Primary Shopping Area and Primary Shopping Frontage within the Local Plan Proposals Maps and therefore the following policies are relevant:

Policy TC1 Town Centres

Support will be given to maintaining and enhancing the vitality and viability of the following hierarchy of centres:
Town: Barnsley Town Centre
District: Cudworth, Hoyland, Wombwell, Goldthorpe, Penistone, Royston
Local: Athersley, Bolton on Dearne (St Andrew's Square), Darfield, Darton, Dodworth, Grimethorpe, Hoyland Common, Lundwood, Mapplewell, Stairfoot, Thurnscoe (Houghton Road), Thurnscoe (Shepherd Lane)

Barnsley Town Centre is the dominant town centre in the borough. To ensure it continues to fulfil its sub regional role the majority of new retail and town centre development will be directed to Barnsley Town Centre.

The District Centres have an important role serving localised catchments and meeting more local needs. To ensure they fulfil this role and continue to complement and support the role of Barnsley Town Centre new retail and town centre development will also be directed to the District Centres.

All retail and town centre developments will be expected to be appropriate to the scale, role, function and character of the centres in which they are proposed.

Policy GD1 General Development
Proposals for development will be approved if, amongst others

- There will be no significant adverse effect on the living conditions and residential amenity of existing and future residents;
- They are compatible with neighbouring land and will not significantly prejudice the current or future use of the neighbouring land;

Policy POLL1 Pollution Control and Protection
Development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people.

We will not allow development of new housing or other environmentally sensitive development where existing air pollution, noise, smell, dust, vibration, light or other pollution levels are unacceptable and there is no reasonable prospect that these can be mitigated against.
Developers will be expected to minimise the effects of any possible pollution and provide mitigation measures where appropriate.

Policy D1 High Quality Design and Place Making
Design Principles:
Development is expected to be of high quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and features of Barnsley.

Policy SD1 Presumption in favour of Sustainable Development
When considering development proposals we will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. We will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

NPPF

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

Supplementary Planning Documents (SPD):

Hot Food Takeaways – provides guidance in the location and concentration of Hot Food Takeaways

Planning Advice Note

Hot Food Takeaways - sets out the Council's approach to dealing with hot food takeaways in respect of meeting the Council's health and wellbeing agenda.

Consultations

Highways DC – No objections
Pollution Control – No objections
Drainage – No objections happy for details to be checked by Building Control
Ward Councillors – No comments received.

Representations

The application was advertised by way of neighbour notification letters and a site notice.

4 Representations have been received which raise the following concerns:-

- Too many takeaways in the area

- Loss of business to existing takeaways within the area/competition
- Parking problems
- Antisocial behaviour
- Littering
- Noisy vents/extraction systems
- Rats
- The junction is difficult to pull out of with the parked cars

Assessment

Principle of development

Planning permission for Hot Food Takeaways is unlikely to be granted where premises are located outside of defined shopping centres or concentrations of shops, or where the living conditions of the occupants of nearby residential accommodation would be significantly affected.

The site is within Thurnscoe Local Centre where it is expected that such uses should be located and the proposal is therefore acceptable in principle, subject to complying with the SPD and the PAN Hot Food Takeaways.

Concentration/Visual Amenity

Although Hot Food Takeaways contribute to the mix of retail areas, in some areas they are starting to dominate certain areas and restrict the different types of food on offer. This is starting to impact on the vitality and viability of shopping areas. Also the prevalence of hot food takeaways means that local communities have limited choice and access to fresh food. The clustering of hot food takeaways also breaks up the continuity of the retail frontage. This detracts from the retail function and results in shops which are detrimental to local residents.

In terms of visual amenity, the SPD Hot Food Takeaways states that 'to protect the street scene, achieve a diverse mix of shops and maintain good standards of design, planning permission will not be granted for A5 uses where it would result in a clustering of A5 uses to the detriment of the character, function or vitality of a centre/parade of shops, or if it would have an adverse impact on the standard of amenity for existing and future occupants of land and buildings. Therefore in order to avoid clustering, there should be no more than one A5 use in any one length of frontage.'

The site is within Thurnscoe Local Centre where it is expected that such uses should be located. This area of Houghton Road is characterised by a mix of uses synonymous with a Local Centre location. The existing café is set at the end of a terrace row and within this row of units there are a number of Class E uses, then there is a break between the terrace rows, then there is a further row along Houghton Road where there are other Class E uses and two Hot Food Takeaways. Whilst there are other Hot Food Takeaways along Houghton Road there are none immediately adjacent to, or adjoining, the application site, or even on the same frontage, as such, the proposal would not result in an overprovision, in accordance with the SPD.

The applicant has not proposed any external alterations to the building, however, if there are any future amendments required to the shopfront, they would be subject to further approvals. In addition, the signage for the new use would be subject to a separate advertisement consent application. As stated above there are no other Hot Food Takeaways along this frontage, therefore there should not be any significant impact upon the street scene in accordance with policy D1 of the Local Plan and the SPD Hot Food Takeaways.

Residential amenity

The protection of the living conditions of nearby residents is a significant issue when considering applications for Hot Food Takeaways. NPPF states the planning system should contribute to and enhance the natural and local environment by: preventing both new and existing development from contributing to or being put at an unacceptable risk from, or being adversely affected by unacceptable levels of soil, air water or noise pollution or land stability.

It is recognised that Hot Food Takeaways pose particular difficulties because activities are often at their peak in the evening and late at night when background noise levels tend to be low. The disturbance that can be caused by traffic and associated car parking should not be underestimated.

The proposed use would potentially generate smells/fumes via the extraction systems which could be potentially detrimental to residential amenity; however, this could be mitigated against dependant on the type of extraction system used. There appears to be existing extraction systems for the current café use, however the applicant has not indicated whether this existing system will be used or a new one will be installed. Given the lack of information submitted with the application, this information will be requested as a condition. In terms of litter, the applicant has stated that a bin will be provided outside of the takeaway to collect any litter.

The application property is set on the corner of Houghton Road and Chapel Street. There are some residential properties along Chapel Street and along Houghton Road, however the site is within the allocated Thurnscoe Local Centre, which is predominantly commercial in nature. The Pollution Control Officer has no objections to the proposal. Given the opening hours are limited until 10.30pm and that there are other uses along Houghton Road which would open into the evening, the proposal would not be out of character with the area or result in excessive noise and disturbance to neighbouring residents or business owners, in accordance with Local Plan Policy GD1 and the SPD.

Highway Safety

The SPD states that Hot food takeaways tend to generate significant volumes of traffic, short term on street parking and associated vehicle turning movements. Where on-street parking would lead to highway safety problems, planning permission may be refused.

The site is located within a sustainable location within Thurnscoe Local Centre and is served by good public transport links. The site is located at the end of a long and very varied row of shops and businesses in the centre of Thurnscoe. There are around 16 businesses along this stretch of Houghton Road and they benefit from the provision of on-street parking bays. In total there is sufficient space for around 21 vehicles to park along the frontage of this row of shops/businesses.

Taking in to account the location of the site and that it could again operate as a café if so desired, the proposals are considered to have minimal highway implications. The Highways Officer has no objections to this change of use to hot food takeaway on highways development control grounds.

As a result of the comments above, the proposed use would not have an unacceptable impact on the highway, in accordance with the NPPF and Local Plan Policy T4.

Other issues raised

Objections have been received with regard to competition and the impact upon other Hot Food Take Away Businesses, unfortunately this is not a material consideration as it not the role of the planning system to restrict competition.

Recommendation

Approve with conditions