

Change of use from a shop (Class A1) to a hot food takeaway (Class A5); installation of extraction/ventilation equipment and other external alterations

Report Item No
A1

10 Bondgate Castle Donington Derby DE74 2NS

Application Reference
18/00049/FUL

Applicant:
N/A

Date Registered:
12 January 2018

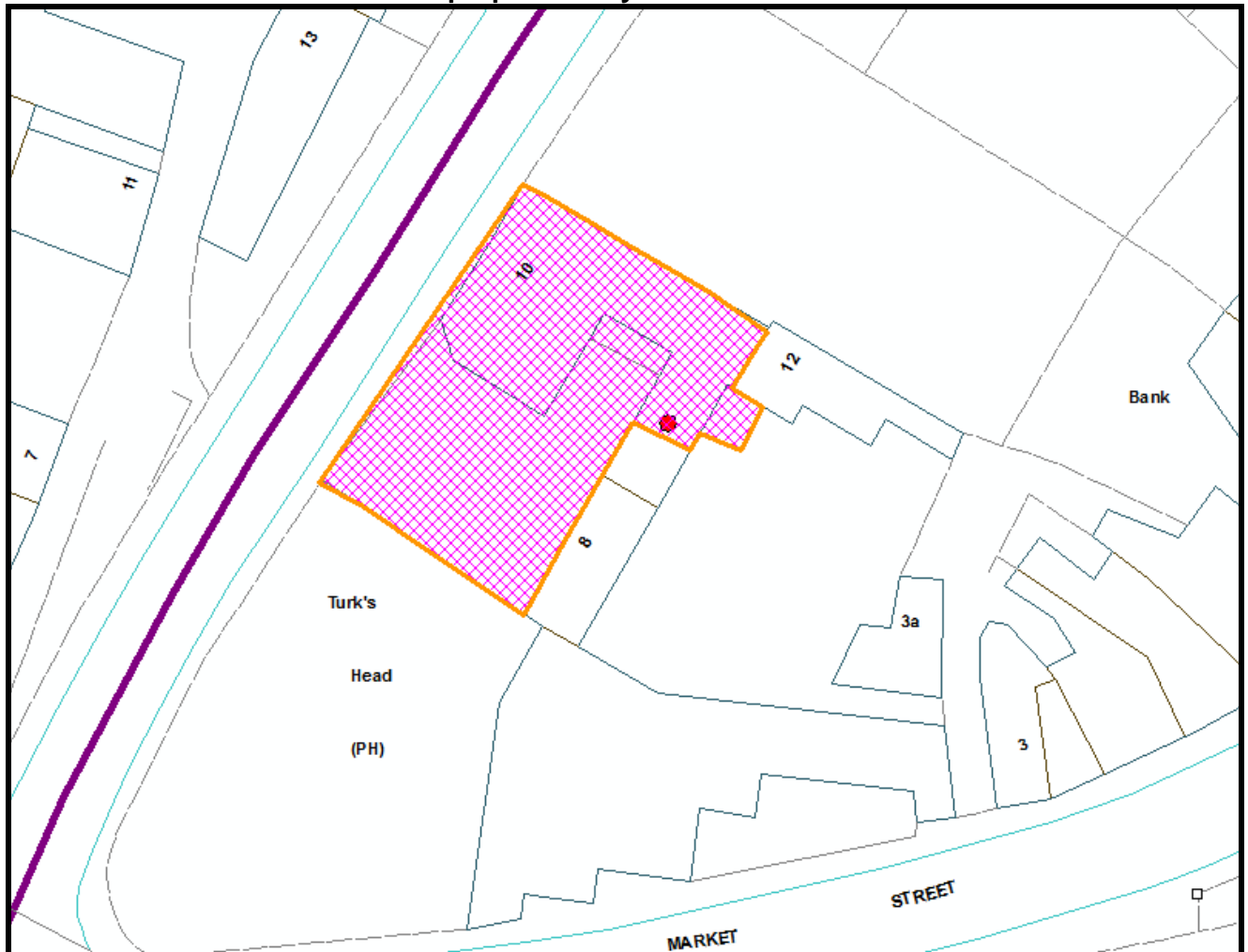
Case Officer:
Eleanor Overton

Consultation Expiry:
21 February 2018

Recommendation:
PERMIT

8 Week Date:
9 March 2018
Extension of Time:
None Agreed

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

The application is reported to the Planning Committee, as it is an application of significant public interest and raises matters which should be referred to the Planning Committee for consideration.

Proposal

Planning permission is sought for the change of use from a shop to a hot food takeaway (Class A5) along with the installation of extraction/ventilation equipment and associated alterations, at 10 Bondgate Castle Donington.

Consultations

Statutory consultees have raised no objections to the application subject to the imposition of conditions.

Castle Donington Parish Council have objected to the application.

Letters of objection have been received from 73 individuals, a standard letter with 144 signatures has been submitted and 8 letters of support have been received. A letter of clarification has also been submitted by the operator of the 'Go Local' shop.

Planning Policy

The application site is located within the Limits to Development, the Castle Donington Primary Shopping area and the Castle Donington Conservation Area. The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

Conclusion

The key issues arising from the amended application details are:

- The principle of a takeaway use on the site
- Impact on surrounding residents
- Impact on highway safety/parking
- Impact on heritage assets and the surrounding area

The report looks into the key planning issues in detail, and officers conclude that the details are satisfactory. The detailed scheme meets the requirements of relevant NWLDC policies.

RECOMMENDATION - PERMIT SUBJECT TO CONDITIONS.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

Planning permission is sought for the change of use from a shop to a hot food takeaway (Class A5) along with the installation of extraction/ventilation equipment and associated alterations, at 10 Bondgate Castle Donington.

The application site comprises the ground floor of a part single storey and part three storey building on the eastern side of Bondgate in Castle Donington. The premises is currently occupied by 'Go Local', a convenience store (Class A1). The upper floors of the three storey element of the building are flats.

To the south of the building is a communal parking area, providing off road parking for the convenience store and the surrounding residential uses.

The site is situated within the defined Local Centre, the Primary Shopping Area and is within the Castle Donington Conservation Area.

There are a range of uses within the immediate vicinity of the site, including residential, commercial and community uses, as well as restaurants and takeaways.

Internally, the layout of the existing shop would be altered to accommodate the proposed use.

Externally, the application proposes the installation of extraction/ventilation equipment. This would include a duct running from the oven and terminating via a louvred grille at the southern elevation of the building, a cold room compressor situated within the courtyard area of the building and the installation of a fresh air intake duct, which would terminate via a louvred grille at the southern elevation of the building.

Existing windows and doors throughout are to be replaced and the brickwork and render upgraded. A louvred shed at the rear of the property is also to be removed, along with an existing window and door.

The application has been accompanied by a Planning, Heritage, Design and Access Statement, an amended Acoustic report, a land use survey drawing and various product specification documents for the extraction units and compressors.

Throughout the course of the application, owing to concerns raised, amended and additional details have been requested by the case officer. These have been subject to a full re-consultation exercise.

Relevant Planning History:-

18/00156/ADC - Installation of 3 no. externally illuminated fascia signs and 1 no. externally illuminated projecting sign - Pending Consideration.

2. Publicity

3 Neighbours have been notified.
Site Notice displayed 16 January 2018.

3. Summary of Consultations and Representations Received

Castle Donington Parish Council have submitted two letters of objection, one in response to the original scheme and one to the amended scheme. These raise the following concerns:-

- Highway safety concerns in regard to the lack of public parking provision within the vicinity of the site and concerns over the site access;
- Detrimental impacts on health and safety and on the environment;
- Adverse impacts on residential amenity as a result of the proposed extraction units
- Concerns over the already excessive number of takeaways within the village; and
- On the basis that the planning application has been inappropriately advertised.

Leicestershire County Council Highway Authority - No objection and advise to refer to Standing Advice.

NWLDC Environmental Protection no objections but the manufactures guidelines for the ventilation system must be adhered to.

Third Party Representations

Letters of objection have been received from 73 individuals, raising the following concerns:-

Principle

- Contrary to policies HE1, HE2 and CSU2 of the Local Plan
- The existing shop is thriving and is an integral part of the community; loss of community facility or local service should be avoided
- There are already a large number of restaurants and restaurant delivery businesses in the area, and the figures submitted in support of the application in this regard are disputed.
- The application site is not situated within the primary shopping area
- Domino pizza is not in keeping with the NPPF as it would not support sustainable growth in Castle Donington, would not create a competitive economy and would not compete on the economies of scale. The result would be a net loss in revenue and employment.
- There are currently 13 retail outlets that serve food or offer a take away service. This is over 50% of the current retail outlets and the proposal would result in a clustering of takeaways
- Local businesses are supported in preference to larger chains
- The proposal would be in a residential area and not the town centre/high street
- The proposed use would undermine the economic stability of existing business uses within Castle Donington
- The existing shop staff check that its customers are ok and deliver a lifeline to people who don't have anyone else; replacing the local shop would make it more difficult for the aged population to shop
- The existing shop operates the only newspaper delivery service in town.

Appearance and residential amenity

- The proposal would be detrimental to the village and the conservation area, and nearby Listed Buildings
- The proposal will have a detrimental impact on tourism as it will result in the village looking untidy
- The application is contrary to Policy D2 of the Local Plan and in this regard will have a detrimental impact on the residential amenity of surrounding residents by way of overlooking, overshadowing and will be overbearing
- The proposal would result in overdevelopment and overlook nearby residential properties

Highway Considerations

- No customer parking proposed, only space for two delivery bikes, which is inadequate
- The public car parks nearby, these are almost constantly full
- There have been a number of road traffic accidents within a short distance of the application site
- It is highly likely that the mopeds used to deliver the goods will result in further traffic incidents and dangers to pedestrian and road safety.
- The roads in the vicinity of the site are highly congested
- There is no unloading area for the delivery vehicles
- The layout of the road and the increase in large delivery vehicles will result in highway safety concerns
- The layout of parking spaces makes them hard to navigate and renders them unusable
- Where is the bin storage and what about refuse collection/vehicles?
- The use will result in further vehicle accidents at the junction
- The application is not accompanied by a traffic impact assessment
- Increased use of car; customers will not walk to Dominos - it is incorrectly stated within the supporting documents that customers will use public transport to collect their takeaways
- There are double yellow lines on the road to the front of the establishment, which would further restrict parking, however with the lure of the takeaway and the cashpoint, illegal parking would be likely
- Local residents driveways will be blocked by the likely occurrence of congestion and in street parking

Opening Hours/Noise/Disturbance

- The opening hours are not considered suitable; the opening housing will disrupt sleeping patterns of the occupants of nearby residential properties
- None of the existing pubs/food outlets are open until 1am
- Unacceptable impact in terms of noise generation
- Unacceptable levels of air and light pollution
- Noise concerns related to the Class 1 HGV delivery vehicles
- Additional rubbish and waste
- Increase in vermin
- The activities associated with this type of enterprise would increase incidence of social disorder, violence and inappropriate behaviour and create a crime hot spot
- Is there security, CCTV provision?
- Regardless of Noise from the overall operation of the premises has not been accounted for within the noise survey

Other Matters

- Will result in the loss of the ATM machine
- There has been no attempt made to engage with the general public on this application
- There is significant local opposition against this application, which must be a material consideration in this application
- No moral, social, or public policy considerations have been taken into account to consider the health impacts of opening a fast food outlet; one school is within 240 metres
- The development will intensify the problem of childhood obesity
- The proposal would result in job losses elsewhere
- The inclusion of an external franchise would be in direct conflict with the existing business and retail community in the village and this proposal would not be in keeping with the types of business within the village.
- Local businesses illustrate the country's inherent strengths by being moralistic and ethical in their approach to business. They would not hire on things such as zero hour employment policies without background checks.
- Dominos is not in keeping, nor the solution and could tip the community back into a state of decline.
- The proposal would devalue surrounding properties
- There are errors within the supporting statement submitted by the agent which are misleading
- The additional vibrations caused by traffic could result in additional damage to the old properties along the road
- The Baptist Church is no longer a church, but is three dwellings.
- Mortgage companies are very reluctant to lend money on properties close to such uses
- The use of the existing premises has been incorrectly described within the Design and Access Statement as a mobility scooter retail outlet.

A standard letter with 144 signatures has been submitted, objecting on the following grounds:-

- The alterations are entirely unsympathetic to the local conservation area
- Loss of shop and amenity, particularly to the elderly members of the community
- Insufficient parking on the site or close by to support customers or employees
- Existing traffic congestion; traffic hazards will be increased and highway safety jeopardised
- Adverse effect on living conditions from Noise, smell, litter, light pollution, loss of privacy and general disturbance
- The NPPF states that the LPA have a responsibility to promote healthy communities and there are two schools in close proximity to the site
- De-stabilise the local economy, making it unsustainable and result in the loss of jobs;
- Local customers can already get a Dominos delivered from Long Eaton and 42% of the retail business in the village are involved with food retail and a significant number of these provide a take away services

8 letters of support have been received, stating the following:-

- More variety and choice for the village
- Reflects the changing demographic
- Welcome the change to meet the demands of the growing population with recent housing and large companies moving to the area

- Create more jobs; local jobs for local people
- A thriving business in the area, might result in more businesses opening locally
- Positive outcomes for Castle Donington
- The area is no longer a village and more like a mid-sized town and would have a strong customer base
- The proposed area of the village is slightly shabby with a barely used shop, so the takeaway would improve the look of the area
- Dominos no longer deliver from their branch in Long Eaton
- Parking is not an issues as studies show that the vast majority of customers use the delivery service and nearby parking for those who wish to collect their order
- Increase trade during events such as Download
- Some objections are not valid, for example - the compliant regarding HGVs delivering to the location - the location is already a shop and a shop requires deliveries from a HGV.
- The use would not increase the noise from the existing situation - it is located on a main road from the airport and Donington Park as we as transport hubs, commuters, buses that run 24/7 and daily noise from the aircraft and racetrack.

The landlord and proprietor of Go Local has submitted a letter which raises the following issues:-

- Within the letters of objection, many detail included about my business are factually incorrect
- Many people who have written in have rarely or never used my shop
- Dominos is not forcibly taking over the business - any agreement between Go Local and Dominos would be a mutually agreed deal acceptable to both parties and the long term viability of my business does not change should the outcome of the application be negative.

The full contents of all the letters of representation are available for members to inspect on the case file.

4. Relevant Planning Policy

National Planning Policy Framework

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraph 9 and 10 (Achieving sustainable development);
Paragraph 14 (Presumption in favour of sustainable development);
Paragraph 23 (Ensuring the vitality of town centres);
Paragraphs 56, 57, 58, and 64 (Requiring good design);
Paragraph 70 (Promoting healthy communities);
Paragraph 109 (Conserving and enhancing the natural environment);
Paragraphs 131,132,134,137 and 141 (Conserving and enhancing the historic environment).

Draft National Planning Policy Framework (2018)

In March 2018, the Ministry of Housing, Communities and Local Government commenced consultation on a draft revised NPPF. In view of the early stage of this consultation process, it is considered that only limited weight may be attached to the policies of the draft NPPF at this

time, and greater weight should be attached to the 2012 version. However, there is nothing in the draft NPPF that would materially change the recommendations made on this application.

Adopted North West Leicestershire Local Plan (2017)

The following policies of the adopted Local Plan are consistent with the policies in the NPPF and should be afforded weight in the determination of this application:

S2 - Settlement Hierarchy
D1 - Design of New Development
D2 - Amenity
IF4 - Transport Infrastructure and New Development
IF7 - Parking Provision and New Development
HE1 - Conservation and Enhancement of North West Leicestershire's Historic Environment
HE2 - Shopfront Design
Ec8 - Town and Local Centres: Hierarchy and Management of Development
Ec10 - Town and Local Centre: Primary Shopping Areas - Non Shopping Uses
Ec11 - Town and Local Centres: Primary Shopping Areas - Hot Food Takeaway balance

Other Policies/Guidance

National Planning Practice Guidance - March 2014
Castle Donington Conservation Area Appraisal (2001)
6Cs Design Guide (Leicestershire County Council)
Good Design for North West Leicestershire SPD - April 2017
The Planning (Listed Buildings and Conservation Area) Act 1990

5. Assessment

Principle of Development

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the Development Plan which, in this instance comprises the adopted Local Plan 2017.

This application proposes to change the use of an existing retail unit to a hot food takeaway.

The application site is situated within the defined Local Centre and the Primary Shopping Area. Hot food takeaways are considered acceptable uses in principle in such areas.

Policy Ec10 (1) states that shops will be the predominant ground floor use within these designated areas. The policy continues that development for other main town centre uses within these areas will be acceptable subject to meeting the policies criteria (a - d). Criterion (a) requires alternative uses to make a positive contribution to the diversity of uses on offer; (b) requires that the proposal does not undermine the shopping element within the immediate area of the site, (c) requires that the proposal would not result in a cluster of non- shop uses and (d) requires that the use would not have negative impact on the retail character and vitality and viability of the Primary Shopping Area.

Specifically in relation to the change of use to hot food takeaways, in terms of their in principle acceptability, Policy Ec11 1 (a) requires that clusters of such uses should be avoided.

A considerable volume of objections have been made on the basis that there is an over proliferation of hot food takeaways within the Primary Shopping Area and that this proposal would have further negative impacts in terms of vitality and viability if it were approved.

Objections have also been made on the grounds that the proposal would be in conflict with the relevant policy criteria and specifically that the proposal would result in the loss of the only retail unit within the area.

As part of the appraisal of this application, the Council have undertaken a survey of the Primary Shopping Area, to establish the current mix of uses.

The percentage breakdown of uses within the area are detailed below: -

Use	No. of Uses	Percentage
A1	32	38.1%
A2	6	7.1%
A3	6	7.1%
A 3/5 mix	1	1.2%
A4	2	2.4%
A5	2	2.4%
B1	5	6.0%
C1	1	1.2%
C3	25	29.8%
D1	3	3.6%
D2	1	1.2%

The results of the survey illustrate that retail uses are the predominant ground floor use and this would not alter if this application were approved.

There is an A3 use adjacent to the premises and the first part of Market Street includes one takeaway use, however due to the separation between these units and the presence of alternative uses within the area, the proposal would not result in a cluster of such uses. Furthermore, owing to the range of alternative uses within the vicinity of the site it could not be argued that the proposal would result in an over-concentration of non-shop uses.

The application proposes a use, which is considered to be an acceptable use in principle in Local Centres and Primary Shopping Areas, and therefore is considered to make a positive contribution to the diversity of uses on offer. Furthermore, as the use would operate outside of 'standard' shopping hours, it would have a positive impact on the night time economy and thus would enhance the vitality of the area in this regard. The proposal would result in the loss of a retail unit, but there would be inadequate grounds to resist the proposed change of use on this basis, given that retail use are currently, and would continue to be the main use within the area.

Overall, the use proposed is not considered to have a negative impact on the retail character of the area, would not result in a cluster of takeaway uses, but would enhance the vitality and viability of the Primary Shopping Area. The proposal is therefore in conformity with policies Ec8, Ec10 and Ec11 of the adopted Local Plan and is considered acceptable in principle subject to other material considerations.

Impact on Character and Design and the Historic Environment

Paragraph 131 of the NPPF states that planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. It further indicates (at paragraph 132) that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 133 of the NPPF states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, consent should be refused unless it can be demonstrated that public benefits would outweigh the substantial harm. Similar tests are contained within Policy He1 of the adopted Local Plan whilst Policy D1 of the adopted Local Plan is concerned with design and the impact upon the character of buildings and the wider area.

The proposed development must also be considered against section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which states that special regard shall be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

The proposed development must also be considered against section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which states that special regard shall be had to the desirability of preserving or enhancing the character or appearance of a conservation area.

The site is situated within the Castle Donington Conservation Area and is within close proximity to the Grade II Listed former Baptist Church, on the opposite side of Bondgate.

Policy He1 seeks to ensure that proposals within such areas conserve or enhance the significance of heritage assets and their setting and policy D1 is supportive of development that is well designed.

The proposal would involve some external alterations to the building, including the installation of extraction/ventilation equipment, alterations to the fenestration and entrance and general maintenance and upgrading.

The extraction unit would terminate at the southern elevation of the building, facing the car park. This would be painted to match the existing wall. There is already a ventilation grille on this elevation of the building, which would be removed as part of the proposal and the opening serving this would be infilled and painted.

The compressor would be situated at a low level, in the location of the existing louvred shed. The louvred shed is in a poor state of repair and would be removed, along with an adjacent window and door. Two new replacement doors are proposed, and this elevation would be re-rendered and painted.

The positions and design of the ventilation equipment and compressor have been influenced by their functional requirements. The visual impact of the equipment would be reduced through its colour finish, which will match the existing building and where possible the equipment would be screened by existing features, further reducing their prominence.

Overall, although such equipment would not be in keeping with the characteristics of the Conservation Area, on balance it is considered necessary for the functioning of the use and in this case would not result in harm to the setting of the nearby Heritage Assets or upon the

character of the Conservation Area.

The existing entrance door at the south western corner of the building would be replaced with a single aluminum door and the existing shopfront windows are also to be replaced.

Comments have been received from the Council's Conservation Officer in relation to the design detail of the windows and to address these, notwithstanding the details provided, it is considered necessary to impose a condition requiring specific details of the fenestration and entrance proposed.

As the existing building offers little in the way of architectural or historic interest, and no increase in the areas of glazing have been proposed, subject to the imposition of conditions, the amendments to the shop front and entrance are considered acceptable.

On the basis of the above, and on balance, the design, character and appearance of the proposal is considered acceptable and in this regard there would be no significant impacts on the heritage assets and the development would accord with the principles of Paragraphs 131, 132, 137 and 141 of the National Planning Policy Framework. The proposal would also comply with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and policies D1 (Design of new development) and He1 (Conservation and Enhancement of North West Leicestershire's historic environment) of the adopted Local Plan.

Impact upon Residential Amenity

Concerns have been raised within the letters of representation on grounds that the proposal would result in various unacceptable impacts in terms of residential amenity by way of noise and disturbance, impact on privacy, overshadowing and overbearing impact, light pollution, odour, health and as a result of the impacts associated with increased refuse/litter and vermin.

There are residential uses to each elevation of the application site; there are flats on the upper floors of the attached building and dwellings adjacent to and on the opposite side of Bondgate.

Policy D2 states that development should be designed to reduce its impacts on residential amenity. Criterion (1) requires that development should not have an adverse impact through loss of privacy, overshadowing or be overbearing and criterion (2) states that proposals should not generate a level of activity, noise, vibration, pollution or odour, which cannot be mitigated to an appropriate standard. The policy also requires that lighting schemes be designed to minimize pollution from glare or spillage of light.

Policy Ec11 requires that regard is had to the following factors; criterion (1b) impacts on amenity by way of smells, fumes, noise, traffic or safety issues, criterion (1c) the potential impacts on the health of local residents, where it can be demonstrated that the proposal will raise health issues.

As previously stated, the site is situated with the Local Centre and the Primary Shopping Area. In such areas a degree of noise and disturbance is expected as a direct consequence of the range of uses present. Within the principle section above, it has already been established that hot food takeaway uses are acceptable uses within such areas.

In terms of disturbance, as the opening hours for the proposed use would be longer than the opening hours of the existing shop, the proposal would result in more coming and goings from the premises over a prolonged period of time.

The hours proposed are between 11am and midnight Sunday to Friday and between 11am and 1am on Saturdays. These are the same operating hours as those of the adjacent restaurant and bar (Atithi). As such, it would not be reasonable to impose further restrictions on this use/property.

Subject to a condition restricting the hours of operation to those stated, it is not considered that the proposal would result in a significantly harmful impact in terms of disturbance.

In regards to noise and disturbance, it has been specifically raised within the letters of objection that the means by which the proposed hot food takeaway would deliver its products (mopeds) would result in unacceptable impacts in this regard.

This application is for a generic A5 use and as such, the specifics of any potential operator cannot be taken into account within the determination process; even if such could be considered, it would not be necessary or reasonable to restrict the type of delivery vehicles used in these circumstances.

The site is situated within a Local Centre, where there is a concentration of activity and so disturbance from a range of sources over a prolonged period of the day, against this backdrop it is not considered that the operation of a hot food takeaway would result in any further significant impacts in terms of noise or disturbance.

An acoustic report has been submitted to assess the noise implications of the proposed ventilation and compressor units. This report has been considered by NWLDC Environmental Protection who have raised no objection on the basis that the recommendations within the report are followed. The recommendations will therefore be secured by way of condition. Subject to the imposition of this condition there are considered to be no significant impacts raised in terms of noise.

In terms of odour, the extraction system would be fitted with a carbon filter system in an attempt to ensure that the air which is expelled is as clean as possible. Specific details of the filtration system have been provided with the application (Proforma Annex B).

Within the accompanying information, it has been explained that the proposal would be for a pizza takeaway which would involve heating products in the oven and would not result in frying or deep fat frying.

To ensure that no frying would take place at the premises, the agent has suggested that a condition be imposed to this effect. Therefore, upon the suggestion of the agent, to ensure that there would be no materially harmful impacts in terms of odours, smoke or grease a condition to this effect would be imposed.

Concerns have also been raised on grounds of privacy. As the proposal would not include any new or enlarged windows and as the unit is already host to a public use, the proposed use would not result in any further impacts upon the privacy of surrounding residential properties.

It has also been stated that the proposal would be overbearing and would result in overshadowing. As no significant building works are proposed by this application, it is not considered that the proposal would result in any harmful impacts in this regard.

It has been raised that the proposal would result in light pollution. There is no lighting scheme proposed by the application. The proposed advertisements, which are subject to a further

application are to be illuminated, but this is not a consideration of this application.

Given the extended opening hours, the premises may be lit for a longer period of time than the existing shop, however light omissions from an internal source are not considered to result in materially harmful impacts in terms of residential amenity.

Objections have also been raised on grounds that the proposal would promote unhealthy eating and as a consequence would result in adverse health implications.

As previously mentioned, this application proposes a generic A5 use, as such, the unit could therefore be host to a wide range of occupiers. Notwithstanding this, the planning system is unable to control/restrict customer choice and preference in this regard and as such behaviours of the end user. Furthermore, there is no submitted evidence to demonstrate that the proposal would result adverse health impacts and so these concerns could not result in grounds to object to the scheme.

Concerns have been raised that the proposal would result in increased litter. Criterion (2) of policy Ec11 requires that proposals for hot food takeaways should include the provision of a litterbin. Whilst commercial waste facilities have been illustrated on the plans, a litterbin has not been. There is considered to be adequate space on the site to accommodate such, therefore a condition would be imposed to secure the provision and maintenance of such. The imposition of this condition would ensure such concerns are addressed.

It has also been expressed that use would attract vermin. This is not material planning consideration. Appropriate refuse facilities would be required to serve the premises, but increased levels of vermin would be subject to control by NWLDC Environmental Health.

On balance, although the proposal may result in some additional impacts in terms of residential amenity, given that the site is situated within a Local Centre and a Primary Shopping Area, against this backdrop any impacts over and above those existing are not considered to result in a material level of harm that would warrant refusal of the application on these grounds.

There are no other materially harmful impacts identified in this regard that would result in the scheme being unacceptable on such grounds. Therefore, the proposed development is considered to be in accordance with policies D2 and Ec11 of the adopted Local Plan.

Highway Considerations

The County Highways Authority have issued Standing Advice in relation to the proposal.

Numerous objections have been raised within the letters of objection on highways safety grounds and on the basis of inadequate parking provision.

Two employee parking spaces are proposed within the curtilage of the application site and the site access off Bondgate would remain unchanged.

Although no customer parking provision has been proposed, the site is situated within a Local Centre which is served by a good range public transport and is within close proximity to various public car parks. By virtue of its central location, the site is also within walking distance of the settlement it would serve.

Although it would be inevitable that some customers would collect from the premises, the

duration of visits would be short, which would result in a quick turnover of available public parking.

As no changes are proposed to the access and as the proposal would not result in a material increase in vehicles movements at the site, the proposal is not considered to result in any further harm in terms of highway safety and the proposed parking provision is considered adequate.

Paragraph 32 of the NPPF advises that applications should only be refused on highway grounds where the cumulative impacts are severe. On the basis of the above, it is not considered that the proposal would conflict with the principles of this paragraph or the aims of Policy IF4 or IF7 of the adopted Local Plan.

Other Issues

It has been stated that the proposal will have a detrimental impact on tourism as it will result in the village looking untidy. There is no evidence to support this claim and as such this concern will have no bearing on the decision-making process.

Criticism has been raised on the grounds that the application is not accompanied by a traffic impact assessment. There is no requirement for an application of this scale to be accompanied by such an assessment.

Concern has been raised that the activities associated with this type of enterprise would increase incidence of social disorder, violence and inappropriate behaviour and create a crime hot spot. No evidence has been submitted to substantiate this claim and as such the issues raised will have no bearing on the decision-making process.

A query has been raised over security and CCTV provision. There is no requirement to provide security measure on planning applications and as such the lack of provision will have no bearing on the decision made.

Concerns have been raised that the application has not been correctly publicised. Adequate public consultation has been undertaken on the planning application in accordance with the legislative requirements.

In respect of all other matters reported in the third party representation section above that have not been addressed in the assessment section of this report, these are not considered to be material planning considerations and have no bearing on the decision making process.

Conclusion

The principle of new takeaway uses within the Local Centre and Primary Shopping Area of Castle Donington are acceptable, subject to them being compliant with the relevant policy criteria. In the case of this application, the proposal would not undermine the retail element of the area, would not result in a cluster of takeaway uses and would not therefore adversely impact upon the vitality or viability of the centre. To the contrary, the takeaway use would enhance the nighttime economy and therefore lead to improvements in vitality. The proposal is not considered to have any significant detrimental design, residential amenity or highway related impacts and would preserve the character and appearance of the Conservation Area. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is considered to comply with the relevant policies in the adopted

Local Plan and the advice within the NPPF. Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

RECOMMENDATION - PERMIT subject to the following conditions:-

Conditions

1. Time limit
2. Approved plans
3. Details of windows and doors
4. Colour finish of extraction equipment
5. Hours of operation
6. Noise condition - in accordance with the recommendations of the acoustic report
7. No frying of food
8. Provision of a scheme providing a litterbin
9. Parking provision - in accordance with details