

Proposed additional A5 use (hot food takeaways) to existing C1 and A3 use

**Report Item No
A5**

**The Halfway House 128 Belvoir Road Coalville Leicestershire
LE67 3PQ**

**Application Reference
19/01565/FUL**

**Grid Reference (E) 442483
Grid Reference (N) 313647**

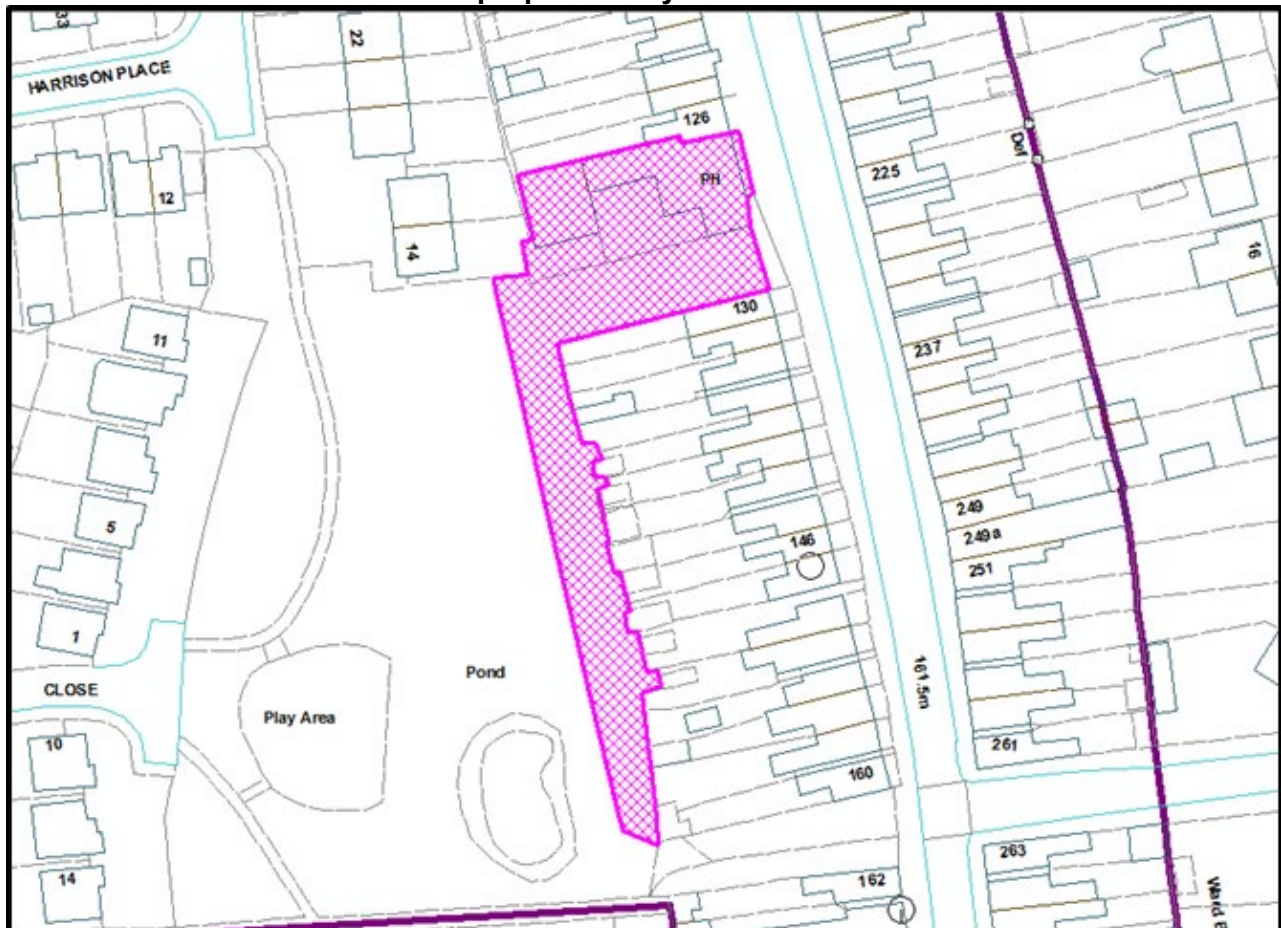
**Date Registered:
9 August 2019
Consultation Expiry:
4 October 2019
8 Week Date:
4 October 2019**

**Applicant:
Mr P Bhella**

**Case Officer:
Karina Duncan**

**Recommendation:
PERMIT**

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Call In

The application is brought to the Planning Committee as Councillor Geary has requested it be called in on grounds of highway safety and public concern.

Proposal

This is a full application for the addition of an A5 use (hot food takeaways) at The Halfway House, 128 Belvoir Road, Coalville. The site is located to the west of Belvoir Road and has planning permission for a mixed use of C1 (bed and breakfast) and A3 (restaurant).

It should be noted that the application also proposes a delivery service to be operated from the site.

Consultations

A total of 8 letters of objection have been received during the course of the application. None of the statutory consultees have raised any objection to the proposal.

Planning Policy

The site is located within the Limits to Development as defined within the Policy Maps to the adopted Local Plan. The application has also been assessed against the relevant paragraphs within the NPPF, the adopted Local Plan and other relevant guidance.

Conclusion

The report below indicates that the principle of the addition of an A5 use to the existing premises would be acceptable. The proposal is not considered to result in any unacceptable residential amenity impacts in the area, or result in any adverse impacts to highway safety. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the development plan and the NPPF. It is therefore recommended that the application be permitted subject to suitably worded planning conditions.

RECOMMENDATION:-

PERMIT, SUBJECT TO THE IMPOSITION OF 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 Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1.0 Proposals and Background

This is a full application for the addition of A5 use (hot food takeaways) to the existing C1 and A3 use at The Halfway House, 128 Belvoir Road, Coalville.

In March 2019 it was resolved to grant planning permission for the change of use from A4 to a mixed use of C1 (bed and breakfast) and A3 (restaurant), erection of two storey side and rear extension, and alterations to car parking arrangements at the site. This application relates to the additional A5 use to be carried out as part of the existing business, and does not relate to the extension of the existing building.

Amended plans have been received during the course of the application to propose two additional parking spaces to the site and to allocate two of the existing parking spaces to be used by vehicles in connection with the proposed takeaway delivery service.

It is understood that the application is retrospective as A5 uses have been operating from the site.

It has been confirmed by the agent for the application that the proposed A5 use would operate within the existing operational hours of:-

Monday - Thursday 11:00 am - 22:00 pm

Friday - Sunday 11:00 am - 23:00 pm

2. Publicity

69 neighbours notified.

Site Notice displayed 21 August 2019.

3. Summary of Consultations and Representations Received

Leicestershire County Council Highway Authority - has no objections subject to a condition being attached to any permission granted.

North West Leicestershire District Council Environmental Protection has no environmental observations to make.

Third Party representations

Representations have been received from 8 individuals. A summary of the objections is provided below:

Highway Safety/Parking:

- Highway safety concerns, including lack of speed restrictions on Belvoir Road and the potential for accidents to occur;
- Lack of available off-street parking, exacerbation of existing parking problems as a result of the existing B&B use;
- Impacts on existing on-street parking within the area and ability for residents to access their properties;

- Increase in volume of traffic along Belvoir Road;
- Impact on the ability for emergency service vehicles to utilise Belvoir Road.

Other:

- Brightness of the lights to the front of the premises;
- Number of takeaways located within Coalville and within close proximity to the site;
- Noise and smells.

Full details of representations are available for inspection on the file.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework 2019

The following sections of the National Planning Policy Framework (NPPF) are considered relevant to the determination of this application:

Paragraphs 8, 11 and 12 (Achieving sustainable development)

Paragraphs 47, 54, 55 and 56 (Decision-making)

Paragraphs 86, 87 and 89 (Ensuring the vitality of town centres)

Paragraphs 102, 103, 106, 108, 109, 110 and 111 (Promoting sustainable transport)

Adopted North West Leicestershire Local Plan (2017)

The application site is within Limits to Development as defined in the adopted North West Leicestershire Local Plan. The following Local Plan policies are relevant to this application:

Policy S2 - Settlement Hierarchy

Policy D1 - Design of new development

Policy D2 - Amenity

Policy Ec8 - Town and Local centres: Hierarchy and Management of Development

Policy Ec9 - Town and Local centres: Thresholds for Impact Assessments

Policy IF4 - Transport Infrastructure and new development

Policy IF7 - Parking provision and new development

Other Policies / Guidance

Good Design for North West Leicestershire Supplementary Planning Document (SPD)

Leicestershire Highway Design Guide (Leicestershire County Council)

5. Assessment

Principle of Development

In terms of the principle of the development, it is considered that there are two distinct elements which are required to be assessed and these would be as follows:

- The Sequential Approach to Site Selection; and
- The Impact of the Development on Town and Local Centres.

Planning permission is now sought for an additional A5 (hot food takeaways) use to the existing mixed C1 (bed and breakfast) and A3 use. The existing use was granted planning permission under application reference 18/01466/FUL.

Paragraph 8.65 of the Local Plan states that hot food takeaways are a main town centre use. It is noted that the site is located outside of the town centre boundary. Local Plan Policy Ec8 - Town and Local Centres: Hierarchy and Management of Development, states that proposals for retail and other main town centre uses will be expected to be located within the town and local centres, and only if suitable sites are not available in either of these locations should out-of-centre locations be considered. This is also supported by paragraph 86 of the NPPF which states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan.

Paragraph 90 of the NPPF states that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in Paragraph 89, it should be refused.

No sequential information has been submitted to support the application. Consideration has been given to paragraph 87 of the NPPF which states that when considering edge of centre proposals, preference should be given to accessible sites which are well connected to the town centre. It further states that local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

Given that the works proposed relate to an additional use which would be supported by the existing facilities on site, and given that the proposal would not result in additional floor area to accommodate the proposed additional use, it is considered unreasonable for the Local Planning Authority to request that the applicant consider alternative sites within a Town Centre location, and as such a sequential test has not been applied in this instance.

In this case the site is located approximately 265 metres from the town centre boundary, and therefore the site is located within an edge of centre location. The site can be accessed by a range of sustainable transport options by virtue of existing bus services, with stops located directly outside and within 100 metres of the premises (Bus Nos. 15, 26, 120 and 159), as well as the continuous footpath located to both sides of Belvoir Road leading to Coalville Town Centre. Given the above, it is considered that the edge of centre location would be acceptable when having regard to paragraph 87 of the NPPF.

For the above reasons, it is considered that the impacts to the vitality and viability of the Town Centres would not be so adverse that a reason to refuse the application could be justified in this instance. The proposal, due to its scale, is also not considered to result in any impact on existing, committed and planned public and private investment.

Summary

For the above reasons, the principle of the development is considered to be acceptable and would not conflict with the principles of Paragraphs 86, 89 and 90 of the NPPF or Local Plan Policy Ec8. The proposal is therefore considered to be acceptable subject to all other matters being adequately addressed.

Other Matters

Third party letters of objection have been received on grounds of the number of hot food takeaways located within Coalville and within close proximity to the site.

It is noted that the Local Plan benefits from Policy Ec11- Town and Local Centres: Primary Shopping Areas- Hot Food Takeaway Balance, which aims to avoid clusters of takeaway uses.

It should be noted that as the proposal is not located within a primary shopping area of the Town Centre, consideration cannot be given to the factors set out within this particular policy. There are no policies within the Local Plan which restrict the number of hot food takeaways in the vicinity of this particular site, and on this basis a reason for refusal is not considered to be justified on grounds of oversaturation of hot food takeaways.

Design and Layout

The application does not propose any external alterations to the building and therefore the proposal would not result in any conflict with Policy D1 of the Local Plan or the guidance set out within the Council's Good Design for North West Leicestershire SPD.

Highway Safety and Parking

Policies IF1 and IF4 of the adopted North West Leicestershire Local Plan set out, amongst others, the relevant requirements of new development in respect of its accessibility, and its impacts on highway safety and the infrastructure of the wider highway network.

Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Third party letters of objection have been received on grounds of highway safety, including lack of speed restrictions on Belvoir Road and the potential for accidents to occur; lack of available off-street parking, exacerbation of existing parking problems as a result of the existing B&B use, impacts on existing on-street parking problems within the area and ability for residents to access their properties, increase in volume of traffic along Belvoir Road and the impact on the ability for emergency service vehicles to utilise Belvoir Road.

The proposal would result in two of the existing off-street parking spaces being designated as parking bays for vehicles in connection with the proposed takeaway service. An additional two parking spaces are also proposed to the rear of Nos. 152 and 156 Belvoir Road. On this basis, the proposal would not lead to a loss of off-street parking spaces secured under planning application 18/01466/FUL.

The County Highways Authority (CHA) have been consulted on this application and are satisfied that sufficient space for vehicles to turn within the site to enter and exit the highway in forward gears would be achieved as part of this proposal.

The CHA have confirmed that there are no parking standards relating to use class A5. In summary, given that the proposed A5 use would apply to 169sq metres (the footprint of the existing A3 use) and given that the proposal does not result in the extension to the footprint of the existing premises, it would be unreasonable to consider that the proposal would result in a shortfall of parking spaces and seek to resist the proposal on this basis.

Consideration has been given to the fact that, notwithstanding the above, the proposal would generate additional trips to the site and consequently a demand for parking. The CHA have considered that existing waiting restrictions at Belvoir Road outside the premises, and have stated that on both sides of the road, there is a no waiting Monday - Saturday 8am - 6pm restriction. Therefore, lawful on-street parking in the direct vicinity of the premises during the day is not permitted. The CHA considers it unreasonable to assume that the number of customers of both the permitted restaurant and B&B would be at its highest level during the evening. Weight has therefore been given to the fact that this could provide a greater opportunity for on-site parking between the hours of 8am and 6pm, when the no waiting

restrictions are in operation.

The CHA have stated that there is a public car park located approximately 0.2 mile from the site, which equates to an approximate 5 minute walk. In addition to this, the site is located close to Coalville Town centre, therefore providing opportunity for both employees and customers to access the site by means other than private motor car.

Other Matters

Consideration has been given to a number of highways related pre commencement conditions attached to the previously permitted application (reference: 18/01466/FUL) which have not been formally discharged by the Local Planning Authority at the time of writing this report.

Conditions 4, 5 and 9 which relate to; the access width, closure and reinstatement of an existing access, and the provision of pedestrian visibility splays at the highway boundary respectively, have not been discharged. However, it is noted that an application to discharge these conditions has been received by the Local Planning Authority and the CHA have provided comments. An objection has been received in relation to the discharge of conditions 4 and 5 pending the submission of technically approved drawings to secure technical approval for the works.

Amendments are required to the initially submitted details received in respect of the application to discharge condition 9, to secure pedestrian visibility, in accordance with Figure 22 of Part 3 of the Leicestershire Highway Design Guide.

Given that the CHA have raised no objection to the access and parking arrangement submitted in respect of this application, it is considered that suitably worded conditions could be attached to any permission granted to secure suitable parking and access arrangements to the site.

Third party representations

Third party objections have been received on the basis of highway safety impacts. The CHA have considered personal injury collision data over the past 5 years, and have stated that given the trend in decline in the number of collisions, and the lack of common causation factors, it is not considered that this proposal would exacerbate the likelihood of further such collisions occurring.

Objections have also been received on grounds of the impact on emergency service vehicles being able to utilise the road and to access neighbouring properties. It is not considered that this application would exacerbate any existing issues in terms of highway obstructions which may impede emergency service vehicular access. Similarly, concerns raised in relation to the ability for neighbouring residents to access their properties is not considered to be exacerbated in the event that planning permission be granted for this proposal. It is advised that such obstructions would fall outside of the Local Planning Authorities control, but instead could be controlled under separate Highway legislation.

An objection has been received in relation to the lack of speed restrictions, it is noted that Belvoir Road is subject to a 30mph speed limit. It is not considered that the proposal would justify the implementation of any off-site traffic calming measures in this instance.

Concerns have been raised in relation to the potential for the proposal to increase the volume of traffic along Belvoir Road. The County Highways Authority have raised no objection in relation to the proposals impact on the increase in volume of traffic in the area.

Summary

The CHA are satisfied that due to the presence of existing on-street parking controls, and considering the extant use of the premises, that the operation of the highways network would not be detrimentally effected by the proposal and could therefore not substantiate a reason for refusal on highway grounds.

The CHA have advised for a condition to be attached to any permission granted, to require the proposed parking and turning facilities to be implemented prior to the development being occupied. As the application is retrospective, the Local Planning Authority consider that a 3 month timeframe from the date of any permission being granted to be a reasonable timeframe for implementation.

Subject to the imposition of suitably worded conditions, the proposal is considered to be acceptable in relation to Local Plan policies IF4 and IF7, as well as the guidance set out within the Leicestershire Highways Good Design Guide.

Residential Amenity

In terms of amenity issues (and the scheme's performance in respect of Policy D2 of the adopted North West Leicestershire Local Plan), with particular regard to noise and smells as a result of the additional A5 use, the agent for the application has confirmed that the proposed A5 use would utilise the existing flue serving the existing restaurant use.

The application does not seek permission for additional fume ventilation and extraction equipment over and above that of the existing arrangement. The Council's Environmental Protection team have been consulted on the application and have raised no objections to the proposal. It is considered that whilst the proposal may result in an increased demand for food production given the increase in services provided within the site, the additional smells generated by the addition of an A5 use would not result in an unacceptable impact to the living conditions of neighbouring occupants to warrant a refusal of planning permission on this basis.

It is considered that the proposal may result in an increase in traffic movements over that already permitted, with the potential for additional footfall to also cause noise and disturbance to residential properties surrounding the site. Consideration has been given to the fact that the parking associated with the premises is to the side of the site and to the rear of Nos.130-160 Belvoir Road, it is likely that this off-street parking would be utilised which would reduce the noise impacts associated with on-street parking to the front of neighbouring properties located on Belvoir Road which sit close to the highway. With particular regard to the impacts on those neighbouring properties which feature spaces to the rear of the rear garden areas, the spaces are located approximately 20 metres from the dwellings and therefore the impact of any intensified use of these spaces is not considered to result in any unacceptable noise and disturbance impacts to warrant a refusal of planning permission in this instance.

Summary

It is not considered that the level of additional noise and disturbance generated by the proposed A5 would result in any adverse impacts on residential amenity when having regard to the existing restaurant and B&B uses already permitted and taking place at the site. The application is not considered to result in any unacceptable smell impacts to warrant a refusal of planning permission, and no additional noise would be generated through the operation of additional fume extraction and ventilation equipment above those already featured within the site.

On the basis of the above, therefore, it is considered that the requirements of Local Plan Policy D2 would be met and no objections are raised by the District Council's Environmental Protection

team in respect of neighbouring residents' amenity issues.

Other matters

The Local Planning Authority have received third party letters of objection relation to the brightness of the external lighting to the front of the site. As this application does not relate to the alterations to the existing external lighting, the Local Planning Authority are unable to consider this objection as part of the assessment of this planning application.

Conclusion

The principle of the addition of an A5 use to the existing premises would be acceptable. The proposal is not considered to result in any unacceptable residential amenity impacts in the area, or result in any adverse impacts to highway safety. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the development plan and the NPPF. It is therefore recommended that the application be permitted subject to suitably worded planning conditions.

RECOMMENDATION- PERMIT, subject to the following conditions;

- 1 Time limit
- 2 Approved plans
- 3 Hours of A5 use
- 4 Implementation of parking within 3 months of the date of decision
- 5 Submission of a scheme for parking signage
- 6 Access width
- 7 Closure of existing access
- 8 Visibility splays
- 9 Pedestrian visibility splays
- 10 Use as specified