

Unrestricted Report

ITEM NO: 09

Application No.
19/00715/FUL
Site Address:

Ward:
Great Hollands North

Date Registered:
6 August 2019

Target Decision Date:
1 October 2019

**3 Great Hollands Square Bracknell Berkshire RG12
8UX**

Proposal: **Change of use from retail (A1) to hot food grill and pizza takeaway (A5) and installation of flue to rear.**

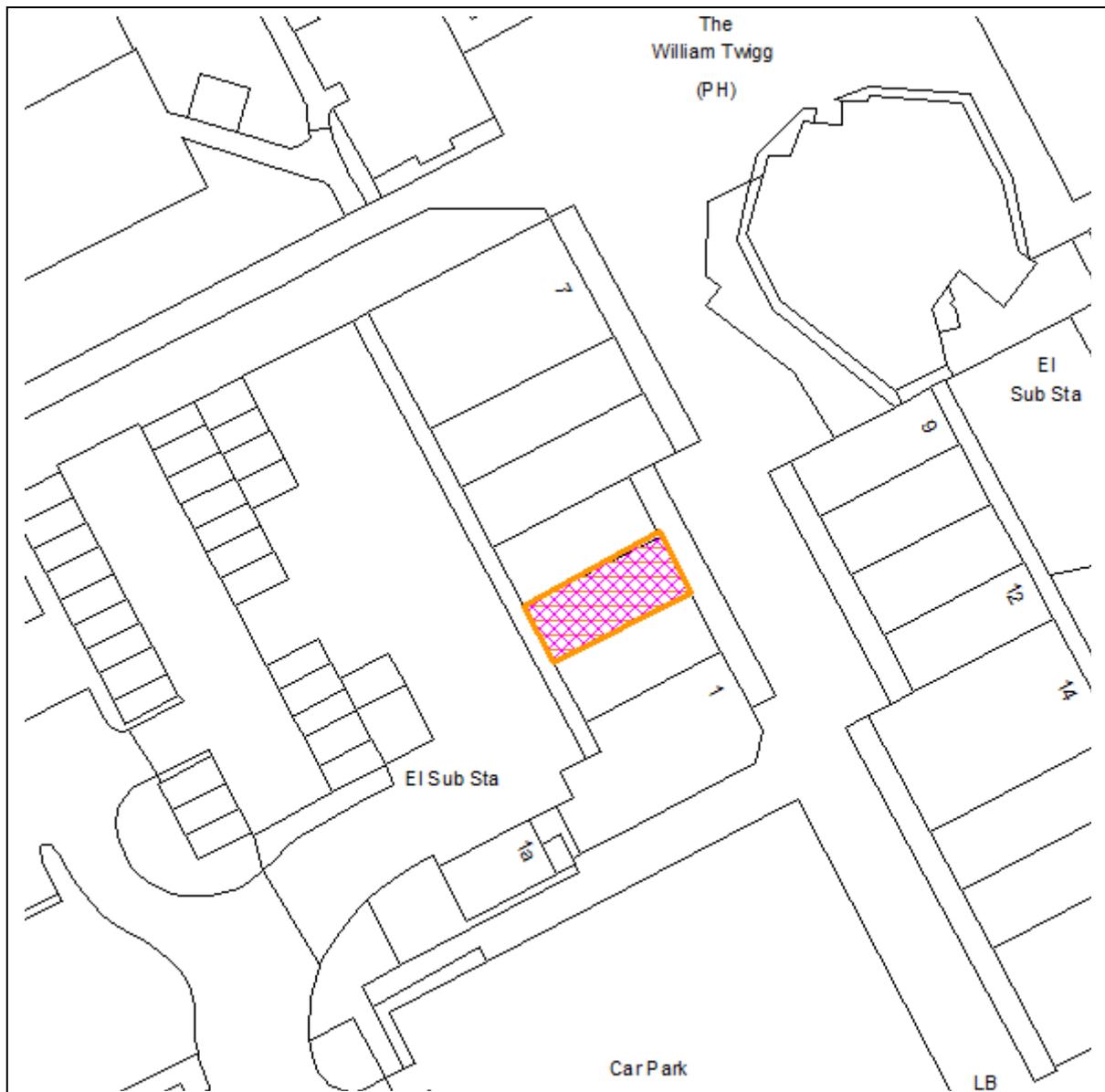
Applicant: Mr Akan Boztepe

Agent: Mr Hakan Er

Case Officer: Olivia Jones, 01344 352000

Development.control@bracknell-forest.gov.uk

Site Location Plan (for identification purposes only, not to scale)



1. SUMMARY

- 1.1 The proposal is for the change of use of the existing unit from a butcher's shop (A1) to a hot food grill and pizza takeaway (A5).
- 1.2 The external changes consist of the installation of a flue on the rear roof slope. Alterations are proposed to the internal layout.
- 1.3 The development would not result in an adverse impact on the vitality or character of the area, the appearance of the host building, the amenities of the neighbouring occupants or highway safety.

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| RECOMMENDATION |
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| Planning permission be granted subject to conditions in Section 11 of this report |
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2. REASON FOR REPORTING APPLICATION TO COMMITTEE

- 2.1 This application has been reported to the Planning Committee following the receipt of 9 objections.

3. PLANNING STATUS AND SITE DESCRIPTION

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| PLANNING STATUS |
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|----------------------------|
| Within settlement boundary |
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|---|
| Within Great Hollands Square Neighbourhood Centre |
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- 3.1 3 Great Hollands Square is a commercial unit located within the Great Hollands Square designated neighbourhood centre, currently used as a butcher's shop (A1 use). There is a Chinese Takeaway ('Amoy') and a Café ('The Look In Cafe') flanking the unit and a garage block to the rear.

4. RELEVANT SITE HISTORY

- 4.1 The relevant site history can be summarised as follows:

02/00806/FUL

Change of use from shop (Class A1) to food and drink use (Class A3) and installation of new shop front.

Refused 09.10.2002 – Appeal Dismissed

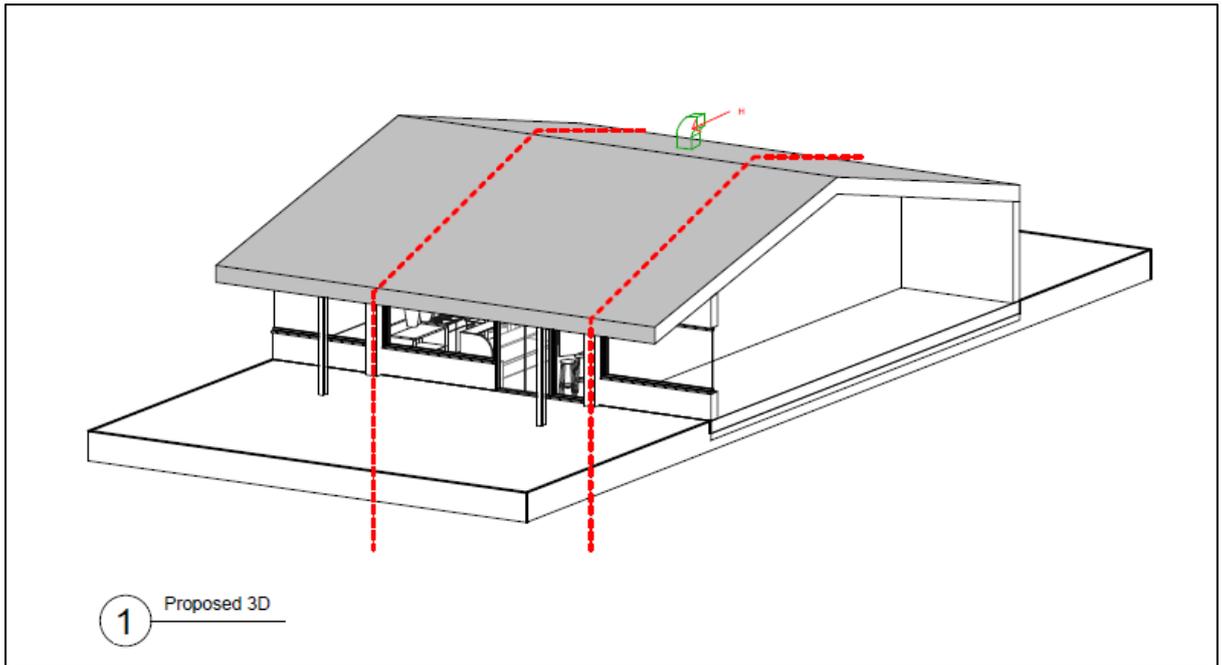
06/00310/FUL

Change of use from butcher's shop (Class A1) to hot food takeaway (Class A5) and installation of 2.5m high extraction flue.

Refused 16.08.2006

5. THE PROPOSAL

- 5.1 It is proposed to change the use of the existing unit from a butcher's shop to a hot food takeaway. The only external alterations consist of the installation of a flue on the rear roof slope. This flue would project above the ridge height by approximately 1 metre.



6. REPRESENTATIONS RECEIVED

Bracknell Town Council

6.1 No objection

Other Representations

6.2 9 letters of objection have been received. These objections have raised the following concerns:

- (i) The impact on the existing units;
- (ii) An imbalance in the different uses within the shopping parade;
- (iii) A takeaway could result in more rubbish on the streets and unhealthy eating;
- (iv) Insufficient parking for delivery vans and employees;
- (v) Similar proposals have been refused in the past at this site;
- (vi) Late opening hours could result in anti-social behaviour; and
- (vii) The flue could result in smells, noise and smoke.

A petition objecting to the proposed change of use with 65 signatures was also received.

6.3 102 letters of support have been received. A petition supporting the proposed change of use with 79 signatures was also received.

7. SUMMARY OF CONSULTATION RESPONSES

Highway Authority

7.1 No objection.

Environmental Health

7.2 No objection subject to suitable conditions.

Planning Policy Officer

7.3 No objection

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

8.1 The primary strategic planning considerations applying to the site and associated policies are:

| | Development Plan | NPPF |
|--|---|---|
| General policies | CS1 and CS2 of the CSDPD | Consistent |
| Use | 'Saved' policies E5 and E11 of the BFBLP, CS21 of the CSDPD | Consistent |
| Design | CS7 of the CSDPD | Consistent |
| Amenity | 'Saved' policy EN20 of the BFBLP | Consistent |
| Highways | 'Saved' policy M9 of the BFBLP CS23 of the CSDPD | Consistent - Para. 105 refers to LPAs setting their own parking standards for residential development |
| Supplementary Planning Documents (SPD) | | |
| Bracknell Forest Borough Parking Standards Supplementary Planning Document 2016 | | |
| Other publications | | |
| National Planning Policy Framework (NPPF) | | |
| Housing, Communities and Local Government Committee report on 'High streets and town centres in 2030' (21 February 2019). | | |
| 'Government response to the Eleventh Report of Session 2017 – 19 of the Housing, Communities and Local Government Select Committee inquiry into high streets and town centres in 2030' | | |

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i. Principle of Development
- ii. Impact on Character and Appearance of Surrounding Area
- iii. Impact on Amenity
- iv. Transport and Highways Considerations

i. Principle of Development

9.2 In the Great Hollands neighbourhood centre there are currently 14 units in Use Class A1-A5 and Sui Generis use, comprising:

| Use Class | Currently | | Proposed | |
|--|-----------|-----|----------|-----|
| | Units | % | Units | % |
| A1 (shops) | 7 | 50 | 6 | 43 |
| A2 (professional and financial services) | 0 | 0 | 0 | 0 |
| A3 (restaurants and cafes) | 2 | 14 | 2 | 14 |
| A4 (drinking establishments) | 1 | 7 | 1 | 7 |
| A5 (hot food takeaway) | 2 | 14 | 3 | 21 |
| Sui Generis | 2 | 14 | 2 | 14 |
| Total | 14 | 100 | 14 | 100 |

- 9.3 The latest retail survey (2018), states that of the 14 units in the retail area 7 units are operating as A1, equating to 50%. This is around average for local and neighbourhood centres across the borough. Similar to other neighbourhood centres, vacancy levels have historically been low at this particular centre.
- 9.4 The proposal would result in the loss of one A1 unit (shops) to a A5 unit (hot food takeaways). This would result in there being three units of 14 in A5 use, and the percentage in A1 use reducing from 50% of all units to 43%.
- 9.5 To support the application, applicant has submitted evidence that the unit had been marketed for retention as an A1 unit since business ceased trading in October 2018. The advert submitted appears to advertise the butcher business specifically, as opposed to explicitly offering to rent or sell the unit for general A1 use or other uses not requiring planning permission under permitted development rights.
- 9.6 Notwithstanding this, the proposal needs to be considered in the context of i) the current mix of uses in the centre, ii) whether this proposal would undermine the vitality and viability of the centre protected by local planning policy, iii) the NPPF's drive to support the economy and iv) material considerations that advise on a flexible approach to help centres adapt to a changing retail environment.
- 9.7 This proposal would add to the variety of food on offer in the centre without leading to an over-proliferation of A5 uses – this would be the third in the centre. Whilst the proposed use could mean the premises being closed for periods during the day, the proposal would not result in a dead frontage and would generate a footfall that could benefit other retailers. The proposal would not lead to an unacceptably adverse impact on the standard of local retail provision on offer and would not undermine the viability and vitality of the centre.
- 9.8 It is acknowledged that similar proposals have been refused at the application site in 2002 and 2006. However, since these decisions the NPPF has been adopted, as have recent reports from the Housing, Communities and Local Government Committee and the Government. The NPPF states that planning decisions should be supportive of economic activity, subject to the proposal not having sufficiently adverse impacts that would outweigh the benefits. Further to this, the Housing, Communities and Local Government Committee report recognised that centres fulfil many functions and increasingly encompass more than just the retail sector.
- 9.9 The NPPF's overarching economic objective (Para 8(a)) is for the planning system to help build a strong, responsive and competitive economy. It goes further to state that planning policies and decisions should:
- i. "help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development" Para 80;
 - ii. "support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation" Para 85;
 - iii. "define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries" Para 85(a);
 - iv. "promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other" Para 91(a);

- v. “guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs” Para 92(c); and
- vi. “ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community” Para 92(d).

9.10 The Housing, Communities and Local Government Committee report on ‘High streets and town centres in 2030’ stated that “high streets and town centres will survive, and thrive, in 2030 if they adapt, becoming activity-based community gathering places where retail is a smaller part of a wider range of uses and activities. Green space, leisure, arts and culture and health and social care services must combine with housing to create a space that is the “intersection of human life and activity” based primarily on social interactions rather than financial transactions. Individual areas will need to identify the mix that best suits their specific characteristics, local strengths, culture and heritage. Fundamentally, community must be at the heart of all high streets and town centres in 2030.” (Paragraph 38)

9.11 The Government, in its response (‘Government response to the Eleventh Report of Session 2017 – 19 of the Housing, Communities and Local Government Select Committee inquiry into high streets and town centres in 2030’), stated that: “High streets and town centres fulfil many functions and increasingly encompass more than just the retail sector. As the way in which people shop changes in the future, the importance of retail on the high streets is likely to decrease further. While retail will continue to be a part of the high street, research has shown that the local services and experiences provided by high streets and town centres are also important. People are looking for a range of experiences on the high street, from shopping to leisure to health services.”

9.12 It is therefore considered that the proposed change of use from A1 to A5 would not have a significant detrimental impact on the vitality of the neighbourhood centre.

ii. Impact on the Character and Appearance of the Surrounding Area

9.13 The only external change proposed as part of this application is the installation of a flue to the rear of the building. This flue would extend above the ridge of the roof by approximately 1 metre. A similar flue can be found to the rear of 4 Great Hollands Square (Amoy). It is not considered that the proposed flue would unduly prominent or appear out of keeping with the existing character of the area.

iii. Impact on Amenity

9.14 The Environmental Health officer has raised no objection to the proposed scheme, and does not consider that the proposed opening times would result in adverse noise impacts. The proposed flue is considered sufficient to avoid adverse impacts on the occupiers of the neighbouring residential properties.

9.15 Should there be adverse noise, odour or pollution as a result of the development this could be dealt with through Environmental Health legislation.

iv. Transport and Highway Considerations

9.16 The proposed A5 takeaway use would generate similar parking requirements/ demands to the existing A1 use. This takes into account the Council’s parking standards for A1 use is one parking space per 19m², and one parking space per 10m² of A5 use; and the existing and proposed floor plans. The unit is located within

a local neighbourhood centre with two public car parks, and the applicant's Design and Access Statement notes there are 64 parking spaces; though there is also a similar amount of additional public car parking in the car park accessed off Wordsworth. These car parks are shared with other local facilities, though the parking demand for an A5 takeaway is unlikely to conflict with peak parking demand from other users; also customer parking demand for a takeaway is very short-stay. Thus, it is not considered that the proposal would give rise to capacity issues within these public car parks, or over-spill on-street parking issues.

- 9.17 Staff parking demand for the existing and proposed uses would be similar. There is a wide residential catchment; and the site is accessible by bus. Also, there is an existing parking area, and existing delivery/servicing access to the rear of the unit. An existing A1 use and proposed A5 use would give rise to similar levels of trips/traffic.
- 9.18 There are no proposed changes to the existing waste storage and disposal arrangements, where bins are stored and collected from the rear.

10. CONCLUSIONS

- 10.1 It is considered that the development is acceptable in principle and would not result in an adverse impact on the vitality, character and appearance of the surrounding area, the amenities of the occupiers of the neighbouring properties or highway safety. It is therefore considered that the proposed development complies with 'Saved' policies E5, E11, EN20 and M9 of the BFBLP, Policies CS1, CS2, CS7, CS21 and CS23 of the CSDPD and the NPPF.

11. RECOMMENDATION

- 11.1 The application is recommended to be **APPROVED** subject to the following conditions:
1. The change of use hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990.
 2. The change of use hereby permitted shall be carried out only in accordance with the following approved plans and other submitted details received by the Local Planning Authority:
 - Location Plan (Drawing Number: EA/101) – Received 17th October 2019
 - Site Plan (Drawing Number: EA/102) – Received 17th October 2019
 - Proposed Ground Floor Plan (Drawing Number: PA/101) – Received 17th October 2019
 - Proposed Roof Plan (Drawing Number: PA/103) – Received 17th October 2019
 - Proposed Front Elevation (Drawing Number: PA/201) – Received 17th October 2019
 - Proposed Rear Elevation (Drawing Number: PA/203) – Received 17th October 2019
 - Proposed Section A (Drawing Number: PA/301) – Received 17th October 2019
 - Proposed Section B (Drawing Number: PA/302) – Received 17th October 2019
 - Detail 1 (Drawing Number: PA/902) – Received 17th October 2019

- Design and Specifications of Extraction Ventilation System – Received 17th October 2019
- ESP Filter Unit Technical and Operations Manual – Received 6th August 2019
- UV-O Odour Control Units Technical and Operations Manual – Received 6th August 2019
- Grease Goblin Details – Received 6th August 2019
- Purified Air Commercial Kitchen Exhaust Filtration Details – Received 6th August 2019
- Multicarb Activated Carbon Discarb Units Details – Received 6th August 2019
- Activated Carbon Panels Details – Received 6th August 2019
- GigaBox Centrifugal Fans Details – Received 6th August 2019
- Attenuator Details – Received 6th August 2019
- Transformer Speed Controllers Details – Received 6th August 2019

REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

3. The flue hereby permitted shall be constructed of materials similar in appearance to that outlined on the approved email received from the agent on 17.10.19.

REASON: In the interests of the visual amenities of the area.

4. The use hereby permitted shall not operate other than between the hours of 11:00 am to 11:00 pm Monday to Sunday. This includes deliveries to and from the premises.

REASON: To safeguard the amenity of the neighbouring properties.

5. Before the use hereby permitted commences, fume extraction, mechanical ventilation and filtration equipment shall have been installed at the premises in accordance with the details in the Design & Specification document submitted with the application. The equipment shall thereafter be retained, operated and maintained in its approved form and in accordance with the manufacturer's recommendations for so long as the use hereby permitted remains on site.

REASON: To ensure that no nuisance or disturbance is caused to the occupiers of neighbouring properties.

Informative(s):

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. No details are required to be submitted in relation to the following conditions; however, they are required to be complied with:
 1. Time limit
 2. Approved plans
 3. Materials
 4. Hours of operation
 5. Installation of equipment
3. The applicant should note that this permission does not convey any authorisation to enter onto land or to carry out works on land not within the applicant's ownership.

4. This is a planning permission. Before beginning any development, you may also need separate permission(s) under Building Regulations, the Party Wall Act or other legislation. It is your responsibility to check that there are no covenants or other restrictions that apply to your property.