

**4/03281/16/FUL - CHANGE OF USE FROM BEAUTY SALON (SUI GENERIS) TO A5.
39 FROGMORE STREET, TRING, HP23 5AU.
APPLICANT: Ms Neighbour.**

[Case Officer - Intan Keen]

Summary

The application is recommended for approval.

The proposed use as a takeaway is acceptable in the site's location within the town centre of Tring. No external alterations to the building are proposed and there would not be an adverse impact on the Tring Conservation Area. Environmental Health has confirmed the proposed use could be carried out without the need for installation of a flue or other means of extraction or ventilation.

The site benefits from a town centre location, particularly Tring town centre is served by public car parks which are adjacent to the application site and any car parking generated by the proposed use would not result in significant increases in traffic movements to and from the premises that would lead to adverse highway safety conditions.

The proposal is therefore in accordance with the provisions of the NPPF, Policies CS4, CS8, CS11, CS12 and CS27 of the Core Strategy and saved Policies 58 and 120 of the Local Plan.

Site Description

The application site consists of the ground floor premises which forms part of a two-storey terrace row along the eastern side of Frogmore Street. It lies within the town centre of Tring and the Tring Conservation Area. Its last occupier was a beauty salon.

Surrounding land uses are mixed, with residential at first floor above the site, and a fish and chip takeaway immediately south. A private parking yard wraps around the application site along its northern and western (rear) boundaries. A public (pay and display) car park is located further north and east serving the town centre.

Opposite Frogmore Street to the west are residential properties and a solicitors office.

Proposal

Planning permission is sought for the change of use of the building (the existing premises occupies the ground floor only) from a beauty salon (Sui Generis) to a takeaway (Class A5).

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Tring Town Council.

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)

Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development

CS4 - The Towns and Large Villages
CS8 - Sustainable Transport
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS16 - Shops and Commerce
CS27 - Quality of the Historic Environment
CS29 - Sustainable Design and Construction
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policies 58, 120
Appendix 5

Summary of Representations

36A Frogmore Street

I am writing to state my 'not in favour' position in regards to planning application 4/03281/16/FUL.

I am the owner of flat 36A Frogmore St which is located directly above the retail unit in question. I am currently not the occupier of the flat but my current tenants will also be in touch to voice their concerns. I was the occupant of the flat from March 2013 to June 2015 so have a thorough understanding of the implications of the proposed change of use.

My main concern is the issue of disturbance for the current tenants. I assume, as with most fast food outlets, that there will be late openings on Friday and Saturday nights to attract people leaving pubs (directly comparable Mighty Bite on Akeman street is open until 12am on weekend nights). Frogmore Street already suffers from weekend disturbance from inebriated people walking both ways from The Akeman and The Black Horse. I accept that this is difficult to control but to place a fast food outlet right in the middle of these 2 pubs will no doubt attract countless people directly to the location, most likely hanging around in the street whilst waiting for food, chatting to friends etc.

The fish and chip shop currently 2 units down does not pose the same problem as the restaurant closes at 10pm even on weekends.

Other concerns in regards to this application are those around proximity to other similar outlets, litter, smell and appearance. See points below:

- Oceans fish and chips is 2 units down and Might Bite is situated 140 yards down the road!
- Smell – there is already noticeable smell from the fans at the back of the fish and chip shop so this will only be worsened by another fast food restaurant and will most likely be noticeable in the flat
- Litter – No doubt there will be an increase in litter outside the front entrance to the flat due to people eating whilst standing outside chatting to friends etc
- Appearance – as with the majority of these kind of restaurants, I can only assume it will create an undesirable aesthetic to the street for all residents/visitors

Looking forward, the fast food restaurant would result in the flat being a less appealing rental prospect and I could potentially encounter issues when selling due to limitations on banks approving mortgages for flats above food premises.

Most importantly, all things being considered, there is a high risk of creating unpleasant living conditions for my current tenants, who are in contract until Dec 2017, and the other multiple tenants of the others flats and the houses directly opposite.

36B Frogmore Street

Objection

I would like to object to this application as a neighbour to the premises in question.

Frogmore Street itself is already a highly busy road with traffic throughout the day. Changing the use of 39 Frogmore Street would add to additional traffic congestion. Although the road itself has double yellow lines on it these are not observed at any point, especially within the evenings. There is a car park right next to the premises but at current this again is not used by people frequenting the existing takeaway facility on Frogmore Street. Adding an additional takeaway would further add to the traffic that is parked on the road/pavement at all times during the day and night.

Changing the use of this premises to be a takeaway facility will adversely add to the noise that is on Frogmore Street, and especially noise that can be heard within the flats above. There are pubs at either end of the street and noise is already heard from people returning from the pubs back home, especially on Friday and Saturday evenings. By adding takeaway premises on this route would add to people stopping at late hours of the day and adding to the noise pollution. Plus the noise of temporarily parked cars on the double yellow lines as mentioned above (some even with running engines and/or loud music as experienced currently) will increase with the addition of another takeaway. The current proposed hours of operation would add to the points regarding noise, especially in the evenings and weekends. The current takeaway premises next door to this application are not open on a Sunday however this application would be for opening hours on a Sunday including late into the evening, adding far more additional noise than currently experienced.

Access and waste disposal would be a further issue. As it stands the road can be congested with delivery vehicles for the existing retail units and especially the M&S supermarket. Adding a takeaway premises into this mix would add further delivery issues. Waste disposal is currently a major issue within the area. There is limited space to add an additional commercial refuse bin for another premises within the area, and the commercial bins that are already provided are used by business that should not use them, especially in relation to the bins provided for residential purposes.

Ventilation - Currently I cannot see any mention or diagram of any proposed extraction for the new use. This would add greatly to cooking smells within the area. As with other points above, there is already a great amount of cooking smell within the region from the current establishments. Adding another one to this would add more cooking smells, many of which can not only be smelt within Frogmore Street, but also within the adjacent car park, and often within the church grounds also. Extraction systems also add additional noise which can be heard and felt within the premises above, especially late into the evening.

Frogmore Street sits within the Tring Conservation Area. I fear that changing the use of the premises to be a takeaway business would severely lead to the detriment of the area and the way that it currently looks, as opposed to enhancing the area, which is the purpose of conservation areas themselves. There is already a high proliferation of takeaway establishments within Tring, and adding another one to this would not necessarily be needed or required and would not add to the overall style, look and feel of Tring.

I therefore believe that given the points above that this application should be refused in whole.

75 Vicarage Road

Objection

As the owner / landlord of the properties at B/C/D (flats 2/3/4) 36 Frogmore Street I would like to object to yet another fast food outlet opening in the premises below my properties. The lives of my tenants have been constantly blighted by the premises below which have included in the past a charcoal grill type restaurant and now a fish and chip shop. The addition of a further fast food establishment will only increase the noise disturbance, litter issues, traffic which is often inappropriately parked on the yellow lines outside and most importantly the smell involved. There is already an extractor unit at the rear of my premises which spews out noxious smells and grease. The occupant of flat 4 is unable to open the bedroom window as the extracted smoke and grease enters the property and has previously created a film of grease on the walls and ceilings. There appears to be no provision in the plans for further extraction from the proposed premises however this must be a consideration. The extraction unit for the previous charcoal grill caused serious offence to all of the tenants in the property.

Flat 1 36 Frogmore Street

Objection

I am not against local businesses and business people wishing to expand their operations however I honestly believe that Tring has sufficient food outlets and additional provision in Frogmore Street is complete over kill.

We are writing to you regarding planning application reference 4/03281/16/FUL to state that we are not in favour of the proposed change of use.

We are tenants living in Flat 1, 36 Frogmore Street, which is
In addition, we are concerned about the increased noise level this would cause.

Our bathroom is directly above the unit in question and to allow ventilation we always leave the bathroom window slightly open to stop the room becoming damp. It is a very large window and having to keep this open means that we would never be able to shut the noise out.

We are also very concerned about the smell and noise that would come from the fans and the cooking processes in the shop. There is already a noticeable smell from the fish and chip shop and this will be much worse with another fast food takeaway. The smell will rise directly through our open bathroom window and into the rest of the flat.

In addition, we are concerned about litter that is likely to be left outside the retail unit such as takeaway packaging and food and drink containers left on the floor. This is especially likely to happen in the late evenings when intoxicated people go to the takeaway after drinking at the local pubs.

Further, with the position of the takeaway there will be no allocated parking spaces for customers. People already pull up and leave their cars on the double yellow lines along Frogmore Street and in the Marks and Spencer loading area to order and pick up food from the Fish and Chip shop. Another takeaway will double the number of cars parking illegally.

For the above reasons we are strongly against the change of use from a beauty salon to a fast food takeaway as it will create a very unpleasant living environment for us. We are in contract to stay in the flat until December 2017 and would be very unhappy living above a fast food takeaway.

2 Frogmore Street

Objection

1. Disturbance to residents

We already have to tolerate drunken behavior late into the night and early mornings without support from the police. Another fast food place would likely attract more drunken louts causing residents upset/distress and property damage.

2. Parking

In the afternoons/evenings particularly on Fridays, cars regularly park on the double yellow lines when going to the chip shop or off Licence. The council already fail to enforce the parking restrictions. Another takeaway in that parade of shops will cause more unauthorised parking and road chaos.

3. Rubbish

There is already a rat problem in that area, local cafes are not securing their rubbish adequately or clearing up the mess left from their customers. Another takeaway may cause more litter and food for the rodents.

4. Character of Tring

Tring had a lot of character, which is slowly being spoilt and taken over by food and drink outlets. Another takeaway is not needed.

Delwick Cottage, Rays Hill, Hawridge

Objection

Tring has numerous, cafes, takeaway food outlets, pubs and restaurant. Can another takeaway in the town is justified at the expense of a shop? In Frogmore Street alone there are three cafes, a restaurant and public house. It also has a takeaway fish and chip shop, the customers of which cause traffic congestion on the street rather than parking in the car park.

I am concerned that opening another takeaway will only increase:

the number of delivery vehicles; noise from late night openings; litter from discarded takeaway packaging; further road congestion along with the smells from any kitchen extract system. These will all have an adverse effect on the neighbourhood and lead to less pleasant experience for people living close by.

Tring Town Council

The council recommended refusal of this application on the following grounds: The area is already very busy because of existing takeaways; illegal parking and parking damaging to the pavement with a lack of enforcement; no details on venting and odour prevention

Conservation and Design

39 Frogmore Street is a shop on the ground floor of a large late 20th century development fronting Frogmore Street, it has a shopfront with fascia sign above. The change of use will not entail any significant alteration to the shopfront (except for a signage change) so in principle the change of use may be acceptable.

However, as part of a change to A5 (hot food takeaway) use will there be need for additional flues / extraction systems associated with this use? If this were to be the case there may be an impact upon the character / appearance of the Conservation Area which could be an issue –

there are views of the rear of this property from the adjacent public car park.

Environmental Health

I have had a look at the plans but I could not see any details relating to the proposed ventilation for the cooking and preparation areas. Would you ask the applicant to provide details please? It would be most useful if the information provided includes the expected sound level output of any mechanical ventilation as well as air change rates.

I have no objections to the proposal in principal but wish to avoid any chance of future nuisance, or even problems with our food team which could arise if the ventilation proves inadequate.

Environmental Health further comments

This is just a confirmation of our previous conversations regarding Environmental Health not necessarily requiring a full extraction system, if the premises is not going to be used to actually cook the food? We would however want the premises fit for purpose, so the requirement for mechanical ventilation could resurface if food safety was being compromised by high temperatures or they did start to cook the food onsite?

Following this mornings telephone conversation I spoke to Emma and she asked the two obvious questions:

- (1) Where is the food going to be cooked?
- (2) If this is just a point of sale why have they applied for a change of use?

I recommend you should ask the applicant to the answer those questions and then suggest that they contact Emma direct to obtain specialist advice relating to food safety and food legislation.

Considerations

Policy and Principle

The application site lies within Tring town centre where a mix of uses is sought under Policy CS4 of the Core Strategy; this includes shopping uses (including financial and professional services and catering establishments).

It follows the proposed change of use is acceptable in principle.

Need for flue or means of external ventilation or extraction

Comments from Environmental Health have been received. It is noted that no objection would be raised in this instance provided that the applicant would not require the installation of extraction or ventilation systems depending on the products that would be prepared or sold on the premises.

Based on the size of the unit and its construction, Environmental Health has not considered it necessary to request details of an external flue at this stage and that the site could be occupied as a takeaway without this.

Impact on parking and highway safety

It is acknowledged that the proposed development does not contain any on-site facilities for parking, loading or unloading.

Parking demand for the proposed use would need to be accommodated for by the existing public car parks on Frogmore Street (or elsewhere in the town centre noting there are some further located from the site off Tring High Street). This would not be unreasonable, noting the site benefits from a town centre location and proximity to a large car park which provides access to shops and businesses off Frogmore Street and the adjacent Dolphin Square. It is important to note that saved Policy 58 of the Local Plan states that operational and customer car parking provision on site will be kept to a minimum.

The staffing numbers on the premises would increase slightly from existing conditions by up to two staff members. Policy 58 goes on to state that employee parking needs should as far as possible not be met on site, and instead should be dealt with through a Green Travel Plan by alternative provision for non motorised or passenger transport, or off site public parking.

The specific maximum standards for a hot food takeaway are set out in saved Appendix 5 of the Local Plan; requiring one space per 3m² of floor space of public area plus three spaces per four employees. The internal public area measures approximately 11.5m² based on the submitted plans. Together with four employees, the maximum parking standard would be seven spaces.

The site is located within Accessibility Zone 3 (with the remainder of the town centre) where 50% to 75% of the maximum parking standard would be sought.

No car parking spaces are accommodated for on site which is common in a Town Centre location.

Whilst the proposal would technically require at least four spaces to meet the policy guidance, the parking arrangements are considered acceptable, noting its specific location proximate to the main town centre car park off Frogmore Street, and also it is anticipated that busiest times would be during the evening and would not coincide with peak times for use of the car park off Frogmore Street.

The proposed use would occupy a relatively small unit and the wider impacts on the surrounding road network would not be adverse particularly noting the availability of the adjacent car park on Frogmore Street.

Consequently the application would not compromise highway safety in accordance with Policies CS8 and CS12 of the Core Strategy and saved Policy 58 of the Local Plan.

Impact on neighbouring properties

Environmental Health has not raised objection with respect to additional fumes as a result from the proposed use and on this basis it is not considered any food preparation which is carried out on the site would give rise to any concerns regarding pollution whether from noise or odour from the proposed use.

Opening hours are considered acceptable noting the site's town centre location and no objections have been received from Environmental Health with respect to this matter.

There are no building works proposed and as a result the development would not have an adverse impact on nearby residential properties with respect to visual intrusion, loss of light or overlooking.

The proposal is therefore in accordance with Policy CS12 of the Core Strategy.

Impact on character and appearance of street scene and Conservation Area

No external changes to the building are proposed and as such the proposal would not adversely affect the character and appearance of the street scene of the Tring Conservation Area in accordance with Policies CS11, CS12 and CS27 of the Core Strategy.

Community Infrastructure Levy (CIL)

The proposal for a change of use involving no additional floor area would not be CIL liable.

RECOMMENDATION – That planning permission be **GRANTED** for the reasons above and subject to the following conditions:

RECOMMENDATION - That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

- 1 **The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2 **The use hereby permitted and the premises shall not be open to customers other than between the hours of 12:00 and 23:00 hours on Mondays to Saturdays; and 17:00 to 22:00 hours on Sundays , Bank Holidays and Public Holidays.**

Reason: In the interests of the amenities of the occupants of neighbouring dwellings in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

- 3 **The development hereby permitted shall be carried out in accordance with the following approved plans/documents:**

**1528 001
MD 0612 01**

Reason: For the avoidance of doubt and in the interests of proper planning.

Article 35

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.