
Appeal Decision

Site visit made on 22 August 2017

by Andrew Owen BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31 August 2017

Appeal Ref: APP/W1850/W/17/3177034

Withington Post Office and Stores, 6 Springfield Road, Withington HR1 3RU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Nirmal Suman against the decision of Herefordshire Council.
 - The application Ref 164113, dated 24 December 2016, was refused by notice dated 24 April 2017.
 - The development proposed is extension and alterations to existing Post Office, stores and dwelling to a form new (A5) hot food takeaway for the sale of fish and chips to be consumed off the premises.
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Decision

1. The appeal is allowed and planning permission is granted for an extension and alterations to existing Post Office, stores and dwelling to a form new (A5) hot food takeaway for the sale of fish and chips to be consumed off the premises at Withington Post Office and stores, 6 Springfield Road, Withington HR1 3RU in accordance with the terms of the application, Ref 164113, dated 24 December 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: WPE 01, WPE 03, WPE 04, WPE 05, WPE 06, WPE 07, WPE 08A, WPE 09A, WPE 10A, WPE 11A and WPE 12A.
 - 3) Before the use hereby permitted takes place, equipment to control the emission of fumes and odours from the use shall be installed in accordance with a scheme to be first submitted to and approved in writing by the local planning authority. The scheme shall take into account the methodology contained in the DEFRA guide on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems and Annex C risk assessment for odour in particular. All equipment installed as part of the approved scheme shall thereafter be operated and maintained in accordance with that scheme and retained for so long as the use continues.
 - 4) No development shall commence until a drainage scheme has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land

water by sustainable means. The scheme shall be implemented in accordance with the approved details prior to the operation of the use hereby permitted and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

- 5) The use shall only be open for customers on Mondays - Saturdays between the following hours: 1200 – 1400 and 1700 – 2100.
- 6) Prior to the first opening of the use hereby permitted, a scheme for the design and siting of litter bins and their ongoing management and maintenance, shall be submitted to and approved in writing by the local planning authority. The bins shall be provided before the operation of the use and their management and maintenance shall be carried out in accordance with the approved details unless the use ceases, at which time, the bins shall be removed.

Main Issues

2. The main issues are the effect of the proposal on highway safety, and the effect on the living conditions of the occupiers of neighbouring properties with regard to noise and disturbance.

Reasons

Highway safety

3. The existing post office and stores is a small commercial unit located centrally within Withington. Outside of the site there is a parking bay. Although the bay is designed to accommodate two cars parked parallel to the road, at the time of my site visit, it was used by cars parking almost perpendicular to the road. Indeed both parties acknowledge this is how these spaces are more commonly used. This results in vehicles projecting into the main carriageway, which is barely wide enough for two cars to pass. Therefore such parking does limit this part of Springfield Road to effectively a single lane. However the road is a cul-de-sac serving a limited number of houses and as such I do not expect that the current parking arrangements significantly affect the flow of traffic. Consequently, the continued parking of vehicles in this manner, in relation to the proposed use, would have a similarly immaterial effect on traffic.
4. It is proposed for the takeaway to open at lunchtimes and evenings. This would overlap to some extent with the opening hours of the post office. However Withington is a fairly small village and, though I note it is expanding, I do not expect the post office attracts a significant amount of patronage. For the same reason I would not envisage the proposed development to attract considerable numbers of customers. I accept the takeaway may be an attractive lunchtime option for workers at the nearby business park, but I would expect the trade from here to be fairly modest and it is likely that the largest number of customers would visit the take away in the evening, after the post office has closed. As such, even at times when both businesses are open simultaneously, I would not anticipate large numbers of customers to be present.
5. In addition, although much of the eastern parts of the village do not have a direct pedestrian route to the site, a large proportion of the likely customers

are within easy walking distance so would not necessarily need to utilise the parking spaces.

6. Any parking demand resulting from the employees of the takeaway would be limited as it is very unlikely that all part time employees would be on site together, notwithstanding the fact that the part time nature of the work and the modest salary would make the jobs particularly viable for local residents, who could walk to work. The proposed parking space to the rear of the site would allow parking for one vehicle, most likely that of the owner, which also reduces the pressure on the space at the front.
7. For all these reasons I consider it unlikely that the space for parking outside the site would be insufficient.
8. Notwithstanding this, even if the parking spaces were not sufficient, there is opportunity for on-street parking in the vicinity. Any on-street parking on Springfield Road would narrow the carriageway to a single lane but, as noted above, this is a fairly quiet road and any such parking relating to the takeaway would be for a temporary period. Therefore it is unlikely that this would interrupt the safe flow of traffic. On-street parking may take place on the bend in Springfield Road just east of the site but, as there is a wide grass verge on the inside of the bend which allows good visibility and in light of the likely slow speeds of vehicles on this part of the road, I do not consider any parked cars would compromise highway safety.
9. There is a turning area at the end of Springfield Road so, whilst I accept cars may turn in the entrance to Greenfields, I would not anticipate this to be a regular occurrence and the effect on the safe operation of this junction would not be significant. I also have no reason to consider that additional traffic would impact on the ability for people to play safely on the green at Greenfields.
10. I note the concerns of some residents that their driveways or accesses would be blocked, but as there is ample on street parking there would be no need for inconsiderate parking.
11. In summary I do not consider traffic generated by the proposal would be likely to result in an adverse impact on highway safety. The proposal would therefore accord with Policies MT1 and RA6 of the Herefordshire Local Plan – Core Strategy (the 'Core Strategy') which seek to ensure that traffic from development can be safely accommodated without affecting the safe and efficient flow of traffic on the local highway network. It would also accord with paragraph 32 of the National Planning Policy Framework (the 'Framework') which requires safe and suitable access to development.

Living conditions

12. Due to the position of the site, surrounded by houses to all sides, any increase in traffic and the associated noise of cars manoeuvring, car doors shutting and people talking, would be in proximity of the neighbouring houses. However as set out above, in view of the modest amount of custom that I consider would be generated by the proposal, I would not expect neighbouring occupiers to be unacceptably disturbed. Moreover by closing at 2100 hours any limited noise or disturbance that did occur would not extend deep into the evening at a time when residents could reasonably expect a quiet environment.

13. Consequently I do not consider the development would cause any noise or disturbance to neighbouring occupiers such that their living conditions would be significantly harmed. As such the proposal would comply with Policy RA6 and SD1 of the Core Strategy which aim to protect the amenity of nearby residents, and paragraph 17 of the Framework which seeks the same.

Other matters

14. I note the concerns relating to potential increases in anti-social behaviour, but I have no evidence to support that view. A litter bin can be secured by way of a planning condition to mitigate for any increase in litter. I do not consider the provision of a single takeaway in a small village would necessarily result in a material increase in unhealthy eating. Reference is made to a similar proposal in Bartestree, but without any details of that scheme I can give it little weight.

Conditions

15. I have considered those conditions suggested by the Council against the requirements of the Planning Practice Guidance (PPG) and the Framework. Where necessary, in the interests of clarity and precision, I have altered the conditions to better reflect this guidance.
16. In accordance with the advice in the PPG and the Framework I have imposed the standard conditions relating to the commencement of development and a condition specifying the relevant plans in order to provide certainty.
17. I have attached a condition relating to ventilation equipment in the interests of protecting the living conditions of nearby residents, a condition relating to the provision of litter bins to protect the appearance of the area, and a condition to secure the satisfactory drainage of the development.
18. The Council's suggested condition relating to opening hours did not reflect that proposed by the appellant or discussed in the officer's report. As such I have imposed a condition to reflect the hours as suggested in the appellant's design and access statement and as repeated in his final comments. These hours would protect the living conditions of nearby residents.
19. Some conditions require compliance prior to the commencement of development so that the effects of the proposal are properly mitigated in order to make it acceptable.

Conclusions

20. For the reasons given above, and taking account of all other considerations, I conclude that the appeal should be allowed.

Andrew Owen

INSPECTOR