



Appeal Decision

Site visit made on 1 March 2022

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 May 2022

Appeal Ref: APP/X4725/W/21/3286483

10 Beancroft Road, Castleford WF10 5BW

- 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 Waheed Akhtar against the decision of Wakefield Metropolitan District Council.
 - The application Ref 21/01780/FUL, dated 6 July 2021, was refused by notice dated 2 September 2021.
 - The development proposed is described in the application form as 'Conversion to hot food takeaway and new shop front and external flue to the rear'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on public health and on the local environment with particular regard to noise and odour.

Reasons

Public Health

3. Beancroft Road is a mixed commercial and residential area containing a variety of different uses including takeaways, a post office, convenience store, church and several hairdressers and beauty salons interspersed with predominantly terraced dwellings. The appeal site is a vacant unit that was most recently used as a hairdressing salon, located between an existing takeaway and a hairdressers.
4. In the interests of protecting public health, particularly children, Policy RTC5 of the Wakefield Retail and Town Centre Local Plan (2017) (the RTLP) states that proposals for hot food takeaways located within 400 metres of schools and outside centres identified on the Wakefield Policies Map (2017) will not be supported.
5. Although within a mixed commercial and residential area, the appeal site is located outside of any retail centre identified on the Policies Map. The Council confirms that the site lies within 400 metres of a primary school. Whilst the appellant questions whether the appeal site is actually within this distance if walking as would be walked, the appellant has not provided me with a measurement of what they view as the distance between the appeal site and the school. The onus is principally on an applicant to provide appropriate information in support of their proposal in this regard.

6. Nonetheless the school is close to the takeaway and is, to my mind, within convenient walking distance for schoolchildren, in line with the policy justification. Furthermore, I saw road signage indicating a school crossing patrol on the opposite side of the road, close to the appeal site. Taking the above into account and the evidence before me, it is reasonable to assume that the appeal site lies on a route used by schoolchildren and their parents walking to the nearby primary school and is a convenient walking distance from it.
7. The Planning Practice Guidance (PPG) indicates that planning can influence the built environment to improve health and reduce obesity and excess weight in local communities. Where the evidence demonstrates it is appropriate, the PPG indicates that planning can seek to limit the proliferation of particular uses. In doing so it indicates that, amongst other things, decision makers should have regard to the proximity to locations where children and young people congregate, evidence indicating high levels of obesity, deprivation, health inequalities and general poor health, and an over concentration of certain uses in an area.
8. The Council has highlighted the proliferation of various hot food takeaways along Beancroft Road, including a bakery, café, restaurant and existing fast-food takeaway. This is consistent with my impressions on site. The proposal would increase concentration of these types of uses within a relatively small area, which lies on a school route where children are likely to congregate. As such, in my view, this could influence their food choices, to the detriment of their health. Children would be exposed to the ready availability of takeaway food at least twice daily regardless of whether particular premises are serving food at the time of walking past.
9. Whilst I have not been provided with evidence from either party indicating the levels of obesity or other health indicators in the area, the Council highlights its commitment to improving health and that school children in the district are consuming too many takeaway meals. It is partly on this basis that Policy RTC5 has been prepared and adopted.
10. I accept that takeaways will, to an extent, be reliant on delivery trade. However, it is clear from the proposed plans showing a sales and waiting area, that walk-in trade would be catered for. This does not therefore overcome my concerns with regard to public health. I am also mindful that the premises could be used for alternative uses that could lead to the sale of unhealthy foods. However, I am required to make a decision on what is before me, on the basis of the development plan.
11. I therefore conclude that the proposal would have an unacceptable effect on public health. It would conflict with Policy RTC5 of the RTLP, reasoned above. There would also be conflict with the provisions of the National Planning Policy Framework (the Framework) which seeks to ensure planning decisions achieve healthy, inclusive and safe places which, amongst other things, enable and support healthy lifestyles, especially where this would address identified local health and well-being needs, including through improving access to healthier food.

Noise and Odour

12. The proposal includes the provision of an external flue to the rear of the building. It is assumed that this installation would require mechanical

extraction and odour neutralisation equipment, although no such details have been provided as part of the submission. No comments have been received from the Council's Environmental Health section, however mechanical extraction can lead to noise, whilst odours from cooking are possible. Both of these can adversely affect living conditions.

13. No technical information, such as specification of the equipment and noise assessment data, has been provided to support the application. In the absence of such information, having regard to the proximity of the extraction equipment to nearby properties, including residential properties, the proposal could result in a significant increase in noise and disturbance for those occupiers, notwithstanding the mixed use character of the area. Furthermore, as I have no substantive evidence to indicate that suitable mitigation could be achieved, it would not be appropriate to leave such matters entirely to conditions.
14. Therefore, I conclude that it has not been demonstrated that the proposed flue would not adversely affect the living conditions of the occupiers of nearby properties having regard to noise levels or odours that would potentially arise. The proposal would therefore conflict with Policy D9 of the Wakefield Development Policies Document (2009) (the DPD) which seeks to ensure development proposals do not have a significantly detrimental effect on living conditions of neighbouring occupiers. There would also be conflict with Policy D20 of the DPD which only permits development where it is demonstrated that emissions that may have an unacceptable effect on the amenity of the area can be minimised. The proposal would also conflict with Framework paragraph 185, which seeks to ensure new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on living conditions.

Other Matters

15. The processing and level of communication during the planning application is an administrative matter, whereas I have determined the appeal scheme with regard to its planning merits.
16. The proposal is estimated to provide the equivalent of seven full time jobs which weighs in its favour. Economic benefits would also arise from the associated construction works and the reoccupation of an existing commercial unit with associated new shop front. Nevertheless, taken together these comparatively minor benefits would not outweigh the harm that I have found above, and achieving an active use for the property is not inherently reliant on the particular scheme before me.

Conclusion

17. For the reasons given above, having considered the development plan as a whole, the approach in the Framework and all other relevant material considerations, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR