

<b>Application Number</b>	07/2019/7353/FUL
<b>Address</b>	106 Station Road Bamber Bridge Preston Lancashire PR5 6QP
<b>Applicant</b>	Mr Stephen Salter
<b>Agent</b>	Mr Khalid Khan Majid House 109 Whalley Range Blackburn BB1 6EE
<b>Development</b>	Change of use from Class C3 (Residential Dwelling) to Class A5 (Hot food takeaway) with first floor ancillary storage. Erection of 1no extractor flue pipe, 1no air flow pipe to rear. Installation of new shop front with security shutters.
<b>Officer Recommendation</b>	Approval with Conditions
<b>Officer Name</b>	Mrs Janice Crook
Date application valid	12.08.2019
Target Determination Date	07.10.2019
Extension of Time	

**Location Plan**

**1. Report Summary**



1.1 The application proposes the change of use of an existing residential property to an A5 hot food takeaway. The area in which it is located is a mix of residential and commercial. There are no objections from consultees. The proposal is considered compliant with current planning policy and is recommended for approval subject to the imposition of conditions.

## **2. Site and Surrounding Area**

2.1 The application relates to a residential property on the corner of Station Road and Hodson Street in Bamber Bridge. The area is a mix of commercial and residential premises.

## **3. Planning History**

3.1 There is no planning history on this property.

## **4. Proposal**

4.1 The application proposes the change of use from a residential dwelling to a Class A5 hot food takeaway with first floor ancillary storage. The proposal also includes the erection of an extraction flue pipe, an air flow pipe to the rear and the installation of a new shop front with security shutters.

4.2 The existing bay window and front door will be replaced with a shop window and door combination measuring 4.2m wide by 2m high with a new sign board above. The window and door will be in powder coated aluminium finished in black.

4.3 The extraction flue pipe will be 500mm in diameter and 5m in height, projecting above the eaves line by 1m. It will be located to the rear on the southern elevation of the rear 2-storey outrigger. The flow pipe will be 300mm diameter and a height of 4.4m, projecting 0.5m above the eaves line. Both pipes will be painted in brown.

4.4 Internally the property will have a customer standing area to the front with counter, a food prep area and kitchen with an external refuse storage area within the enclosed yard. At first floor there will be two storage rooms, an ancillary office and bathroom.

4.5 The proposed hours of opening are from 11:00 to 23:00 on any day and will employ two full time staff.

## **5. Summary of Publicity**

5.1 Neighbouring properties were notified and a site notice posted with 2 letters of representation being received, both from the same property, objecting to the proposal on the following grounds:

- Already a proliferation of takeaways in the area
- Extraction of odours is not environmentally friendly
- No parking provision
- School close by where children are taught healthy eating not how to eat fast
- Smells and noise from the takeaway will be detrimental to adjacent office premise
- Block contains 6 residential dwellings and 3 commercial shops which odours from takeaway will adversely affect
- Impact on the community in terms of its impact on the retail character and economic health of the town centre
- Impact on the amenity of residents
- Litter and antisocial behaviour

## **6. Summary of Consultations**

6.1 **County Highways** have no objections to the proposal.

6.2 **Environmental Health** require a number of conditions be imposed in respect of the submission of details of the noise levels from the extraction/ventilation systems; the submission of an odour assessment; and a restriction on the hours waste collections can take place.

## 7. **Policy Background**

7.1 **Central Lancashire Core Strategy Policy 17: Design of New Buildings** expects account to taken of the character and appearance of the local area, including, among others:

- a) siting, layout, massing, scale, design, materials, building to plot ratio and landscaping.
- c) being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the amenities of the local area.
- d) ensuring that the amenities of occupiers of the new development will not be adversely affected by neighbouring uses and vice versa.
- f) minimising opportunity for crime, and maximising natural surveillance.
- j) making provision for the needs of special groups in the community such as the elderly and those with disabilities.

7.2 **Policy B1: Existing Built-Up Areas** permits development proposals for the re-use of undeveloped and unused land and buildings, or for redevelopment, provided that the development complies with the requirements for access, parking and servicing; is in keeping with the character and appearance of the area; and will not adversely affect the amenities of nearby residents.

7.3 **Policy F1: Parking Standards** requires all development proposals to provide car parking and servicing space in accordance with the parking standards adopted by the Council. In general, parking requirements will be kept to the standards as set out unless there are significant road safety or traffic management implications related to the development of the site. The parking standards should be seen as a guide for developers and any variation from these standards should be supported by local evidence in the form of a transport statement. Where appropriate, some flexibility will be factored into the standards in relation to the specific local circumstances.

7.4 **Policy G17: Design Criteria for New Development** permits new development, including extensions and free standing structures, provided that, the proposal does not have a detrimental impact on the existing building, neighbouring buildings or on the street scene by virtue of its design, height, scale, orientation, plot density, massing, proximity, use of materials. Furthermore, the development should not cause harm to neighbouring property by leading to undue overlooking, overshadowing or have an overbearing effect; the layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and will provide an interesting visual environment which respects the character of the site and local area; the development would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Policy F1, unless there are other material considerations which justify the reduction such as proximity to a public car park.

## 8. **Material Considerations**

8.1 The application property is outside of the Bamber Bridge District Centre and therefore within the Existing Built Up Area where Policy B1 permits the re-use or redevelopment of properties provided that the development complies with the requirements for access, parking and servicing; is in keeping with the character and appearance of the area; and will not adversely affect the amenities of nearby residents. These are assessed below.

## **8.2 Access, parking and servicing**

8.2.1 There is no dedicated parking provision for the property. Hodson Street has no parking restrictions and is used by residents for parking. To the front of the property on Station Road there is a bus stop and therefore parking is restricted to the front. However, to the north there are layby parking areas either side of Station Road.

8.2.2 The supporting statement submitted with the application advises: *“It is envisaged that most customers will arrive on foot, due to the heavy footfall on the road itself, however there are on street parking available around the application site.”*

8.2.3 Policy F1 allows for some flexibility in the parking standards where appropriate and where related to local circumstances. Policy G17 also specifies that the standards can be relaxed where there are other material considerations to justify the reduction such as proximity to a public car park.

8.2.4 Although the closest public car park is approximately 250m to the south, within the District Centre, given that there are parking laybys close to the premises and no restrictions on Hodson Street, it is considered appropriate to relax the parking standards. Additionally, County Highways confirm they have no objections to the proposed change of use.

## **8.3 Character and Appearance**

8.3.1 Externally, the existing front bay window and entrance door are to be replaced with a shop front window and door combination. This is similar to the adjacent commercial property, an Insurance office, albeit this property is double fronted. Beyond this to the south are two more commercial properties, a tanning studio and a hairdressers, both of which have glazed shop front windows. Additionally, on the opposite side of Station Road there is a row of commercial properties. Therefore the proposed alterations are considered to be in keeping with the character and appearance of this area in this part of Station Road.

## **8.4 Residential Amenity**

8.4.1 In terms of residential amenity, residential properties are located on Hodson Street and on both sides of Station Road to the north of Hodson Street. The proposal has the potential to impact on residential amenity in terms of noise and odour, particularly from the extraction flue.

8.4.2 Environmental Health have therefore requested conditions be imposed requiring that details of the noise levels to be experienced at the nearest property, together with the fixing to be used, be submitted prior to the installation of the extraction/ventilation systems.

Environmental Health also provide details of the design of the extraction/ventilation system, specifying that it be designed so the rating levels for cumulative noise from all noise sources shall not exceed, 10 dB(A) below the existing LA90, at the nearest noise-sensitive premises to the proposed development as assessed in accordance with British Standard 4142 (2014).

Or:

LAeq 50 dB 16 hours – gardens and outside living areas (for example balconies)

LAeq 35 dB 16 hours – indoors daytime

LAeq 30 dB 8 hours – indoors night-time (23.00-07.00)

LAFmax 45 dB( 8 hours – indoors night-time (23.00-07.00)

LAFmax 45 dB 4 hours – indoors evening (19.00-23.00)

Whichever is lower.

8.4.3 Environmental Health also seek to restrict the hours waste collections can take place, specifying 07:00am to 18:00 Monday to Friday and 09:00 to 13:00 on Saturdays with no collections on Sundays or Bank holidays.

8.4.4 Finally, Environmental Health also require a condition requiring an odour assessment be undertaken and submitted. The odour assessment should consider the impact from the

proposed development on surrounding premises, together with detailed information on any proposed mitigation measures to minimise the impact of odour from the development.

8.4.5 It is considered these conditions will mitigate against any potential impact on residential amenity, in accordance with Policy B1.

## 8.5 **Other Issues**

8.5.1 Finally, the objection to the proposal on the ground of the number of takeaways already in the area is not a material planning consideration as competition cannot be taken into account. Whilst it is acknowledged this is in terms of health, particularly due to the proximity of the nearby high school,

8.5.2 Although a Central Lancashire Access to Healthy Food Supplementary Planning Document was produced some time ago, this is currently under review and not actively being used, due to additional evidence being required to support the document. Therefore no weight can be attached to this document in determining applications for hot food takeaways and there is nothing in policy to restrict the number of takeaways in an area.

## 9. **Conclusion**

9.1 With the recommended conditions in place, it is considered that the development will be acceptable given that the area is a mix of commercial and residential properties and with a number of similar premises already in the area. Therefore the proposal is considered policy compliant and is recommended for approval.

## 10. **Recommendation**

Approval with Conditions.

## 11. **Recommended Conditions**

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.  
REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. The development, hereby permitted, shall be carried out in accordance with the submitted approved plans Dwg 057/07/19/106/@A1  
REASON: For the avoidance of doubt and to ensure a satisfactory standard of development
3. Prior to the installation of any extraction/ventilation systems full details of the noise levels to be experienced at the nearest properties and the fixings to be used shall be provided to the local planning authority for written approval. The approved system shall then be installed as agreed and thereafter maintained as approved. Any changes to the system shall first be agreed with the local planning authority in writing.  
REASON: In the interests of the amenity of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy
4. Prior to the commencement of any works on site an odour assessment shall be undertaken and submitted to the local planning authority for approval. The odour assessment shall consider the impact from the proposed development on surrounding premises, together with detailed information on any proposed mitigation measures to minimise the impact of odour from the development. Until the odour assessment and proposed mitigation measures are agreed in writing the development shall not commence.

REASON: In the interests of the amenity of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy

5. Waste collections shall not occur outside the hours of 07:00 to 18:00 Monday to Friday and 09:00-13:00 Saturdays. There shall be no collections on Sundays and nationally recognised Bank Holidays.

REASON: In the interests of the amenity of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy

## **12. Relevant Policy**

### **Central Lancashire Core Strategy**

Policy 17: Design of New Buildings

### **South Ribble Local Plan**

Policy B1: Existing Built-Up Areas

Policy F1: Parking Standards

Policy G17: Design Criteria for New Development

## **13. Informative Note**

The extraction/ventilation system relating to condition 3 shall be so designed to ensure the following standards are achieved:

The proposed development shall be designed so the rating levels for cumulative noise from all noise sources shall not exceed, 10 dB(A) below the existing LA90, at the nearest noise-sensitive premises to the proposed development as assessed in accordance with British Standard 4142 (2014): or

LAeq 50 dB 16 hours - gardens and outside living areas (for example balconies)

LAeq 35 dB 16 hours - indoors daytime

LAeq 30 dB 8 hours - indoors night-time (23.00-07.00)

LAFmax 45 dB( 8 hours - indoors night-time (23.00-07.00)

LAFmax 45 dB 4 hours - indoors evening (19.00-23.00)

Whichever is lower.