

**Application Number** 07/2018/2811/FUL  
**Address** Unit 201B  
Moss Side Village Centre  
Dunkirk Lane  
Moss Side  
Leyland  
Lancashire  
PR26 7SN

**Applicant** Mason Partners LLP

**Agent**  
Mr Peter Joyce  
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L2 0PJ

**Development** Change of use from Class A1 (Retail use) to  
Class A5 (Hot food takeaway)

**Officer Recommendation** **Approval with Conditions**  
**Officer Name** **Mrs Catherine Lewis**

Date application valid 05.09.2018  
Target Determination Date 31.10.2018  
Extension of Time 08.11.2018



## **1. Report Summary**

1.1 This application requests planning permission for the change of use of a retail shop (Class A1 use) located within the Moss Side Village Centre to a hot food take away (Class A5). No letters of representation have been received from neighbouring properties. However, the Environmental Health Officer has raised concerns and recommended refusal due to insufficient and inadequate information submitted relating to noise and odour control.

1.2 Given that the proposed hot food takeaway would be adjacent to an existing fish and chips shop conditions controlling these aspects are recommended.

1.3 The application is recommended for approval.

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

2.1 The site is located off Dunkirk Lane, Leyland within an area known as Moss Side Village Centre – a terrace of retail/commercial units located on land designated under Policy B1 (Existing Built Up Area) of the South Ribble Local Plan.

2.2 The Village centre which lies approximately 1km to the west of Leyland town centre, is a popular group of shops and includes a hot food take away, pharmacy, a large Co-op and a vets. To the east is a car park to the units, whilst to the west and north are residential properties. Moss Side Community Centre lies to the south west of the group of shops.

2.3 Formally the newsagents, this unit was the subject of a previous application to subdivide the existing retail unit into three units which was approved in November 2017.

2.4 Revised plans were requested due to inconsistencies with the address on the application form and the details on the plans. The application form stated that the change of use related to Unit 1. However, the plans appeared to relate to Unit 3.

## **3. Site History**

3.1 There are a number of planning applications for the Village Centre and the most relevant and recent being:

3.2 07/2017/2722/FUL Sub-division of existing retail unit into 3 units (Classes A1-Retail A2-Financial and professional services and A3-Restaurant and cafe) with external alterations. Approved 2017.

## **4. Proposal**

4.1 The application proposes the change of use from Use Class A1 (retail) to Class A5 (Hot Food Take away). The application has provided revised drawings to demonstrate the indicative location of a flue to the rear of the unit.

4.2 Proposed employees are 3 full time and 2 part time.

4.3 Requested hours of opening are:

Mon-Sat 10:00 to 01:00

Sunday 10:00 to 01:00

These hours have been amended to 08:00am to 23:00pm Monday to Sunday.

## **5. Summary of Publicity**

5.1 A site notice has been posted and neighbouring properties have been notified. Following the receipt of revised plans to clarify the address further consultation has been undertaken and a verbal update will be provided at the meeting.

## **6. Summary of Responses**

6.1 **Lancashire County Highways:** raise no objections

6.2 **South Ribble Borough Council Environmental Health Team:** Initially raised concerns due to insufficient and inadequate information submitted relating to noise and odour control. However, subject to conditions controlling these aspects together with hours of operation and deliveries has raised no objection.

6.3 **Architectural Liaison Unit:** There have been high levels of crime reported in the area and a number of site specific measures including height of service counter, CCTV cameras, fencing and storage areas to be appropriately secured are recommended. A copy of this consultee response has been forwarded to the developer.

## **7. Policy**

### **7.1 NPPF Revised Planning Policy Framework**

#### **Section 6 Building a strong competitive economy**

**Paragraph 80** Planning policies and decisions should help create 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 the wider opportunities for development.

### **7.2 Central Lancashire Core Strategy**

**Policy 1: Locating Growth** supports development.

**Policy 17: Design of New Buildings** provides guidance for the design of new buildings. Designs should consider a number of criteria including the character and uses of the local area and minimise opportunity for crime.

**Policy 26: Crime and Community Safety** encourages the use of Secure by Design principles in new development.

### **7.3 South Ribble Local Plan adopted July 2015.**

**Policy B1: Existing Built-up Area** permits development proposals for the re-use of undeveloped and unused land and buildings, or for redevelopment providing that the development complies with the requirements for access, parking and servicing; is in keeping with the character of the local area and would not adversely impact the amenity of nearby residents.

**Policy F1: Parking Standards** advises that parking and servicing space should accord with the adopted parking standards. Any variation from the standards should be supported by a transport statement based on local evidence.

1,000 population. The stated standards are to be flexible and appropriate for each individual development.

**Policy G17: Design Criteria for New Development** permits new development provided that, the proposal does not have a detrimental impact on 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.

## **8. Other Material Considerations**

8.1.1 The application site is subject to Policy B1 (Existing Built up Areas) of the South Ribble Local Plan 2012-2026 which Policy B1 provides for development where it complies to requirements relating to access, parking and servicing; would be in keeping with the character and appearance of the area, and would not adversely affect the amenity of nearby residents.

8.1.2 The applicant has advised that this application is for a feasibility and marketing purposes only and that the appearance to the front of the unit would remain largely unchanged with minor alterations to the rear of the elevation to enable extraction and odour control.

8.1.3 Moss Side Centre currently has a mix of uses including a range of retail uses and a hot food takeaway and therefore the principle of the proposed use is considered acceptable. Environmental Health has raised a number of concerns due to the lack of information on odour and noise. However, the unit would be adjacent to an existing Fish and Chip shop and Environmental Health has advised that these aspects could be controlled through the imposition of conditions.

8.1.4 Concern was raised about the hours of operation requested by the applicant and these have been amended so that the premises shall not be opened between the hours of 23:00pm and 8:00am thereby reflecting the approved hours of opening of an adjacent unit. A condition controlling this aspect is recommended.

## **8.2 Highways**

8.2.1 The development does not involve any extensions and the existing car park allows for adequate levels of parking in accordance with Policy F1 (Parking standards) of the same document. LCC Highways has raised no objection to the proposal.

## **8.3 Relationship to Neighbours**

8.3.1 The closest residential properties are located some 17m to the rear of the proposal with a residential flats attached to some of the village centre units. It is considered that subject to the imposition of conditions controlling the details of adequate ventilation, extraction and hours of operation associated with the A3 use, the proposed use would not have a detrimental impact upon the amenities of the adjacent properties.

## **8.4 Conclusion**

8.4.1 The application for a Hot Food take away is at an established village centre at Moss Site, Leyland. No objections have been received from the statutory consultees or neighbouring residents and subject to conditions controlling hours of opening, hours of construction, details of ventilation and extraction and waste collection the proposed change of use is acceptable. The proposed development accords with the policies of the Development Plan and the National Planning Policy Framework.

**RECOMMENDATION:**

Approval with Conditions.

**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 approved shall be carried out in accordance with the approved plans:  
Drawing No. MP 101 entitled "Existing and Proposed Dwgs Rev A"  
Drawing No. DWG MP 0110426\_003 Location Plan

or any subsequent amendments to those plans that have been agreed in writing by the local planning authority.

Reason: In the interests of the amenity of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy and Policy G17 of the South Ribble Local Plan

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 and Policy G17 of the South Ribble Local Plan

4. Prior to the commencement of the development an assessment of the potential impact of odour from the development shall be undertaken and mitigation measures identified. This shall be submitted to the local planning authority for approval. The assessment shall be undertaken in line with 'Control of Odour & Noise from Commercial Kitchen Exhaust Systems 2018', and shall include a maintenance plan. Once agreed the identified mitigation measures shall be fully implemented prior to first use of the site and shall thereafter be retained and maintained in efficient working order in line with the approved scheme for the duration of the approved use.  
Any changes to the approved scheme must first be agreed with the local planning authority.

Reason: In the interests of the amenity of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy and Policy G17 of the South Ribble Local Plan

5. During the site preparation and construction of the development no machinery, plant or powered tools shall be operated outside the hours of 08:00 to 18:00 Monday to Friday 09:00 - 13:00 on Saturdays. No construction shall take place at any time on Sundays or nationally recognised Bank Holidays.

No deliveries of construction materials or removal of construction waste shall be undertaken outside the hours of 09:00 - 17:00 Monday to Friday. No deliveries or removal of waste shall be carried out at weekends or 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 and Policy G17 of the South Ribble Local Plan

6. The proposed development shall only operate within the hours of 08:00 to 23:00 Monday to Sundays.

Reason: In the interests of the amenity of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy and Policy G17 of the South Ribble Local Plan

7. Deliveries shall not occur outside the hours of 09:00 to 21:00 Monday to Friday and 09:00-13:00 Saturdays. No deliveries shall be received on Sundays or 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 and Policy G17 of the South Ribble Local Plan

8. Waste collections shall not occur outside the hours of 07:30 to 21:00 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 and Policy G17 of the South Ribble Local Plan

## **RELEVANT POLICY**

### **NPPF National Planning Policy Framework**

#### **1 Locating Growth (Core Strategy Policy)**

#### **17 Design of New Buildings (Core Strategy Policy)**

#### **POLB1 Existing Built-Up Areas**

#### **POLG17 Design Criteria for New Development**

### **Note:**

1. Information on the suggested contents of the scheme is available from South Ribble Borough Council's Environmental Health Department. Details to be included as a minimum shall consist of:

- o Operational hours
- o Discharge heights
- o Sound levels produced by the system
- o Anticipated sound levels at the nearest noise sensitive property
- o Full details of all grease and odour control systems
- o Maintenance plan for the system

2. The extraction/ventilation system 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).

3. The applicant's attention is drawn to the consultee response dated 18 September 2018 from the Architectural Liaison Unit.

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