

Application Number: 11/16/0118

Full Application: Change of use of no 184 Haywood Road (part of retail premises) from shop (A1) to hot food takeaway (A5) including elevational alterations and installation of flue.

Address: 182-184 Haywood Road, Accrington, BB5 5BP

Determination by: 03 September 2015

Applicant: Mr S Khan

Agent:

Application Site

The application site is a commercial property located on the junction of Haywood Road and Ribblesdale Avenue within the urban boundary in Accrington. The building is attached to the end terrace of 186 Haywood Road and is brick built with a slate roof and has attractive stone features on the front elevation. The building is currently occupied by a retail premises with living accommodation at first floor level.

Proposal

Planning permission is sought for a change of use of the ground floor of 184 Haywood Road from retail (Use class A1) to a hot food take-away (Use Class A5). Proposed physical works include the insertion of a new door and windows for the take-away which are proposed to be Upvc. Proposed opening hours are 11am-13.30pm Monday to Saturday, no opening hours have been submitted for Sundays or Bank/Public holidays.

This application is before the planning committee at a councillor's request.

Consultations

Site notice: 1 affixed

Neighbours: Letter sent to 186 Haywood Road and 1 & 3 First Crescent. Three letters of objection received on the following grounds:

- Traffic/parking
- Highway Safety
- Litter
- Gathering of youths
- Odour
- Noise
- Vermin e.g. rats

LCC Highways:

The application proposes to change approximately 70m² of A1 shop usage to A5 hot food takeaway. Under Hyndburn Borough Councils adopted car parking and access standards the A1 usage should provide approximately 3.5 car parking spaces (at a ratio of 1:20), whilst the A5 hot food takeaway should provide approximately 6 parking spaces (at a ratio of 1:12). This is a difference of 2.5 spaces. Although the applicant proposes 6 parking spaces as being available to the building frontage forecourt (design and access statement) in reality this is not available. Both the Haywood Road and Ribblesdale Avenue frontages to the property are adopted footway (not private forecourt) up to the building. The highway Authority would not consider it acceptable for vehicles to drive and park on the adopted footway. Consequently the application has been assessed as having no site specific parking.

The site is not located within a highly sustainable location and as such should not be considered as being suitable for a reduction in parking standards. However on street parking is available both along Haywood Road and more appropriately along Ribblesdale Avenue.

During my site visit I noted a number of pedestrian trips to the shop. Given the nature of the business it is possible that a significant segment of custom will be generated from the local catchment area. Consequently trips may be undertaken on foot or by cycle and some may be linked trips associated with the shop.

The County Council is aware of parking issues generated by local residents parking on grass verges along Haywood Road. However no issues have been recorded with regards the operation of the existing shop.

After giving due consideration to the above I believe it is unnecessary to seek an increased parking provision in order to make this application viable.

However I am concerned about the possibility of vehicles driving across the adopted footway and parking to the building frontage (also footway). During my site visit I witness a vehicle parked on the footway in front of the shop and noted significant damage to the dropped pedestrian crossing and footway structure. It is likely illegal vehicle movements have significantly contributed to this damage.

Notwithstanding damage inflicted on the construction the presence of unexpected vehicular movements along the footway would be detrimental to pedestrian safety.

Consequently should this application be supported I would ask that it is made a condition of any approval given that the applicant fund the introduction of a suitable length of pedestrian guard rail or cycle rack system adjacent to the Ribblesdale Avenue and Haywood Road dropped crossing points as off-site highway works. This is to prevent vehicular access across the footway and to increase the sustainability of the site by providing a point where

bicycles can be locked whilst cyclists visit the store / takeaway. The offsite highway works should be introduced through an appropriate legal agreement prior to the opening of the hot food takeaway.

Should this condition be applied I can confirm that the County Council would offer no further objection to this proposal.

Environmental Health:

Development/Construction phase

Deliveries to and from the site should be restricted to between 0800 and 1800hrs Monday to Friday and 1300hrs on Saturdays. Deliveries should not take place on Sundays and bank holidays. Works should be restricted to between 0800 and 1800hrs Monday to Friday and 1300 on Saturdays. Works should not take place on Sundays and bank holidays. All works should be undertaken in accordance with BS5228:2009.

Reason- to ensure that site working only takes place during normal working hours in order to restrict the times during which any disturbance and nuisance may arise.

Development/construction phase

Effect of Noise/dust /fumes on neighbouring premises during the building works.

Measures should be in place to prevent nuisance being caused to residents /occupants from noise, dust and or fumes arising from the building works.

There should not be any burning of construction waste on site, appropriate provisions should be made for its disposal.

Reason- to protect the amenities of existing occupiers at nearby premises from nuisance sources associated with the building site

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Odour and noise

A scheme for the control of cooking odours and fan noise from the premises shall be submitted in writing to and agreed in writing by the Local Planning Authority.

Before the use hereby approved is commenced, the agreed scheme shall be implemented and thereafter retained.

Reason- to prevent dis- amenity to occupiers of neighbouring premises from cooking odours and/or extraction system noise.

Relevant Planning History

02/0035: Installation of atm cash machine. a/c 22.2.02

07/0141: Change of use from shop with living accommodation to shop and self-contained first floor flat and external alterations. a/c 24.05.2007

Relevant Policies

Development Plan

Hyndburn Borough Local Plan Saved Policies

- Policy E.10 Development Criteria
- Policy R.6 Hot food Take-away

Hyndburn Core Strategy

- Policy Env4 Sustainable Development and Climate Change
- Policy Env6 High Quality Design
- Policy Env7 Environmental Amenity

National Planning Policy Framework

- Paragraph 17 Core planning principles
- Section 7 Requiring good design

Other material considerations

- Planning Practice Guidance (PPG)
- Development Management DPD (Preferred Options) November 2012

Observations

The key issues for consideration in this application are the principle of the change of use, its impact on residential amenity, design and highways matters.

Principle of development

Saved Local Plan Policy E.10 relates to new development and advises that the Council will have regard, amongst other things, to the nature of the developments and its relationship with the existing area. Additionally, Saved Policy R.6 of the Hyndburn Borough Local Plan states that “when considering proposals for development of or the change of use to premises for the sale of hot food solely for consumption off the premises, the Council will take into account, amongst other matters, the effect on the amenity of local residents and on the character of the area through noise, disturbance, traffic and parking, smell and litter, and the effect on the vitality and viability of local retailing”. As such, the principle of a change of use is considered to be acceptable subject to no detrimental harm to the amenity of the area and highways matters, both of which are detailed below.

Impact on amenity

Policy Env7 of the Hyndburn Core Strategy states that proposals for new development will only be permitted if it does not result in unacceptable adverse impacts through (amongst other things), noise, odour or other nuisances.

The proposal is for use of the ground floor to a hot food take-away and as there are residential premises above and also in adjacent buildings the Environmental Health team have been consulted. The Environmental Health Officer raises no objection to the application subject to conditions on times of construction/demolition and the submission of a scheme for the control of odour and noise being submitted to and agreed in writing by local planning authority prior to the commencement of the development.

Officers are therefore satisfied, subject to an acceptable odour/noise assessment report being submitted and approved, the proposal would not cause harm to residential amenity and would therefore suitably accord with Policies E10 and R.6 of the Hyndburn Borough Local Plan, Policy Env 7 of the Hyndburn Core Strategy and the NPPF

Design

Policy Env6 of the Hyndburn Core Strategy seeks to ensure that the character and quality of Hyndburn's urban and rural environments will be conserved and enhanced through high quality design. Saved Policy E.10 of the Hyndburn Local Plan has similar aims

Proposed physical works include the insertion of a new door and windows for the take-away which are proposed to be uPVC. The new doorway will incorporate a low access, to enable disabled customer access. The current appearance of the ground floor frontage offers little to the character and appearance and in this instance, officers are satisfied that the alterations are appropriate in terms of their design and materials and will be in keeping with the character of the building and the area. As, such, the application is considered to acceptable in terms of design and would therefore comply with the council's development plan.

Highways

Lancashire County Council Highways has been consulted and offer no objection to the application subject to conditions. The engineer noted the following:

"I am concerned about the possibility of vehicles driving across the adopted footway and parking to the building frontage (also footway). During my site visit I witness a vehicle parked on the footway in front of the shop and noted significant damage to the dropped pedestrian crossing and footway structure. It is likely illegal vehicle movements have significantly contributed to this damage.

Notwithstanding damage inflicted on the construction the presence of unexpected vehicular movements along the footway would be detrimental to pedestrian safety.

Consequently should this application be supported I would ask that it is made a condition of any approval given that the applicant fund the introduction of a suitable length of pedestrian guard rail or cycle rack system adjacent to the Ribblesdale Avenue and Haywood Road dropped crossing points as off-site highway works. This is to prevent vehicular access across the footway and to increase the sustainability of the site by providing a point where bicycles can be locked whilst cyclists visit the store / takeaway. The offsite highway works should be introduced through an appropriate legal agreement prior to the opening of the hot food takeaway.

Should this condition be applied I can confirm that the County Council would offer no further objection to this proposal.”

Given the above, it is recommended that a Grampian (prior to commencement) condition is attached should planning permission be granted. Subject the requested condition the application is considered to be acceptable in terms of its impact on the adopted highways.

Conclusion

The proposed change of use is considered to be acceptable in principle, design, highways matters and subject to a satisfactory odour/noise assessment to prevent any impact on residential amenity the application is recommended for approval.

Recommendation

That planning permission is GRANTED subject to the following conditions:

1. The development hereby approved shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 91 (as amended) of the Town & Country Planning Act 1990.

2. The development shall be carried out in accordance with the following documents unless otherwise required by the conditions below:
 - a. The planning application forms and additional information received by Hyndburn Borough Council on 22 March 2016.
 - b. Submitted drawing no. 1 received on 22 March 2016.

Reason: for the avoidance of doubt and to enable Hyndburn Borough Council to adequately control the development and to minimise its impact on the amenities of

the local area and to conform with Policies Env6 & Env7 of the Hyndburn Core Strategy.

3. Prior to the use of the building as a hot food take-away, a scheme for the control of cooking odours and fan noise from the premises shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented and thereafter retained and appropriately maintained.

Reason: To prevent dis-amenity to occupiers of neighbouring premises from cooking odours and/or extraction system noise and to comply with Core Strategy Policy Env7 and the NPPF.

4. The use hereby permitted shall not be open to customers except between the hours of 11:00am and 10:30pm on Mondays to Saturdays and not at anytime on Sundays, Bank or Public Holidays.

Reason: In order to protect the residential amenities of the occupiers of the adjacent properties and to comply with Policy Env 7 of the Hyndburn Core Strategy.

5. Deliveries to and from the site should be restricted to between 0800 and 1800hrs Monday to Friday and 1300hrs on Saturdays. Deliveries should not take place on Sundays and bank holidays. Works should be restricted to between 0800 and 1800hrs Monday to Friday and 1300 on Saturdays. Works should not take place on Sundays and bank holidays. All works should be undertaken in accordance with BS5228:2009.

Reason: to ensure that site working only takes place during normal working hours in order to restrict the times during which any disturbance and nuisance may arise.

Informatives

- 1) Reasons for approval
- 2) Accordance with plans
- 3) Condition Precedent
- 4) Building Regulations Required
- 5) Relevant Policies