

TITLE: CHANGE OF USE FROM SHOP (A1) TO HOT FOOD TAKEAWAY (A5) AT 316A NEWCHURCH ROAD, BACUP

APPLICATION NO: 2006/310

TO/ON: DEVELOPMENT CONTROL COMMITTEE 25TH JULY 2006

BY: TEAM MANAGER DEVELOPMENT CONTROL

STATUS: FOR PUBLICATION

PORTFOLIO HOLDER: CABINET MEMBER FOR REGENERATION

APPLICANT: MR F AL'ISSA

DETERMINATION EXPIRY DATE: 2ND AUGUST 2006

Human Rights

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights: -

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

Site and Proposal

The applicant seeks permission for the change of use of a shop to a hot food takeaway at the above address.

Relevant Planning History

2003/495 - Change of use from a butchers shop to a hot food takeaway at 316A Newchurch Road, Stacksteads, Bacup. APPROVED

Notification Responses

Site notices were posted, and one letter has been received, which has raised the following points:

- There is already enough noise in this area from the pub, without the noise of doors opening and shutting all night until the early hours of the morning.
- There are already problems with litter in the area

- The area has enough hot food takeaways without opening another.

Consultation Responses

County Highways

No objections.

RBC Environmental Health

No objections, subject to the inclusion of conditions.

Development Plan Policies

Policy DS1
Policy DC1
Policy S4
Parking standards

Other Material Planning Considerations

None.

Planning Issues

The location for the proposed development is within the urban boundary and therefore, the proposal is in accordance with Policy DS1 of the Rossendale District Local Plan.

The proposed development will not cause detriment to the existing conditions within the locality. Environmental Health has no objections to the proposed development subject to the inclusion of conditions, which will reduce any adverse impact to an acceptable one. Therefore, the proposed development will not have a significant adverse impact upon existing conditions in the area and is in accordance with Policy DC1 of the Rossendale District Local Plan.

Whilst no off-road parking has been allocated, the proposed development is located in close proximity to the town centre car parks. It is proposed that most of the traffic associated with this development will utilise these car parks. The highways authority have no objections to the proposed development. Therefore, it is considered that the proposed development is in accordance with Policy DC1 of the Rossendale District Local Plan.

Currently, there are a variety of uses within the street, including shops, offices, professional services and a café. Therefore, it is considered that the proposed development will not impact adversely upon the vitality of the town centre and is in accordance with Policies DC1 and S4 of the Rossendale District Local Plan.

The proposed development is located within the urban boundary and will not have an adverse impact upon the amenity of the neighbouring residents. The proposed development will not look out of place within the locality and will not impact upon the vitality of the town centre. Adequate car parking is available within walking distance of the proposed development. Therefore, the proposed development is in accordance with Policies DS1, DC1 and S4 of the Rossendale District Local Plan.

Recommendation

That planning permission should be granted, subject to the following conditions:

Conditions

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

REASON: Required by Section 51 of the Planning and Compulsory Purchase 2004 Act

2. Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with a scheme (which shall incorporate grease and carbon filters and discharge at roof ridge level with an internal stack) to be submitted to and approved in writing by the Local Planning Authority before the use is commenced. The approved scheme shall be fully implemented before the permitted use is first commenced and shall be maintained in efficient working order thereafter.

REASON: To prevent smell and fume nuisance to nearby neighbours and to ensure the visual appearance of the fume extraction system is acceptable.

3. A scheme for the sound insulation of odour control equipment referred to in the condition set out above shall be submitted to the Local Planning Authority and no development shall commence until all sound insulation works have been carried out to the satisfaction of the Local Planning Authority. The sound insulation works shall be maintained thereafter to the satisfaction of the Local Planning Authority.

REASON: To safeguard the amenities of the occupiers of nearby residential properties.

4. The premises shall not be open for business between the hours of 11:30pm and 9:00am Monday to Friday, 12:00am and 9:00am on Saturdays and 11:30am and 11:30am on Sundays and recognised Bank Holidays.

REASON: To protect the amenities of the local area.

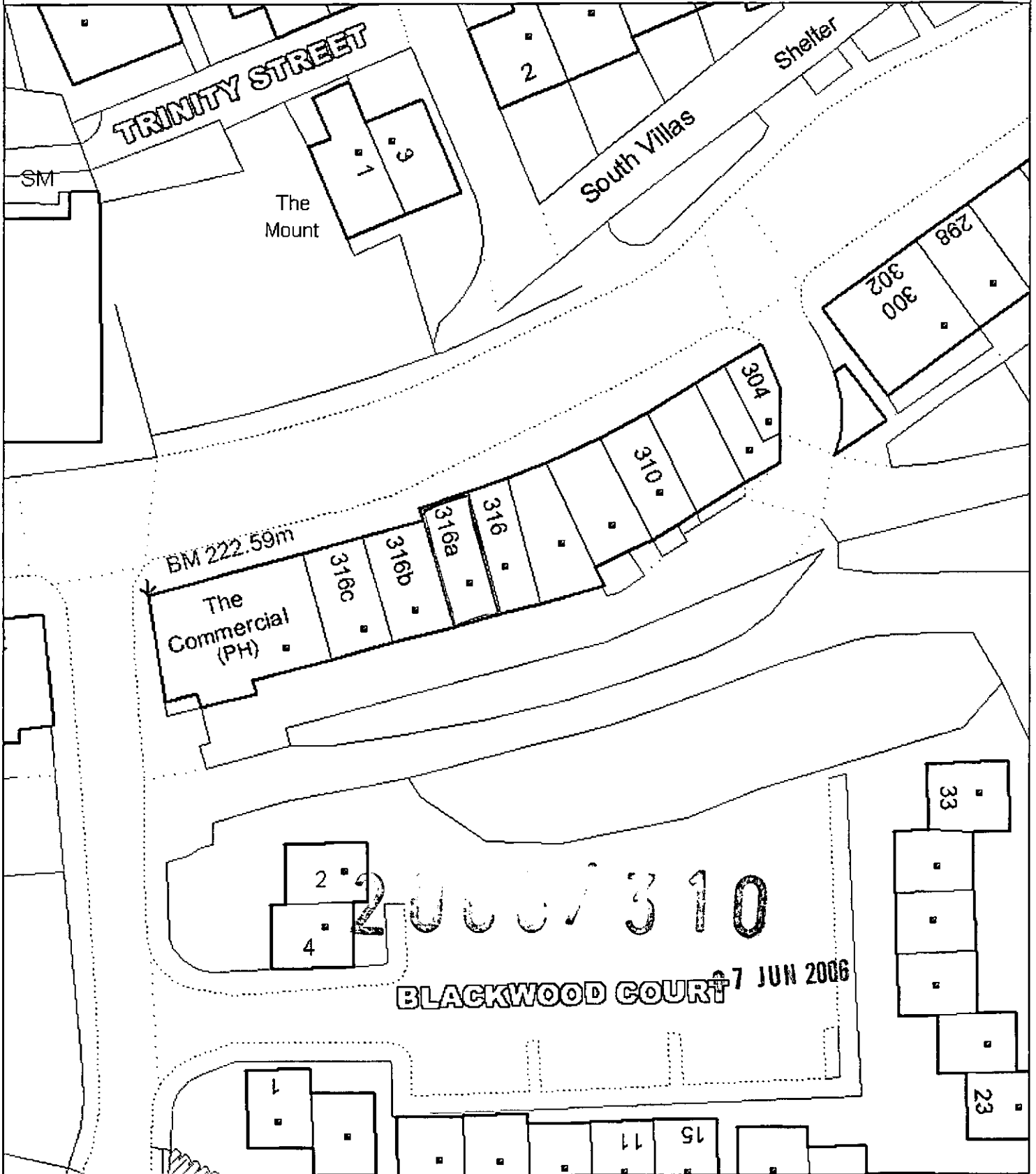
Development Plan Policies

Policy DS1

Policy DC1

Policy S4

316a Newchurch Road Stacksteads



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Scale 1:500 Date: 07/06/2006

Map Center: 385304.4984,421685.8179

Rossendale Borough Council