



1.1.1 The application was deferred from the previous Development Control Committee as there was a technical problem when sending the letters out to objectors to the scheme. Since this time, two further standard letters of objection have been received objecting to the proposal on the grounds stated at paragraph 6.2 below.

1.1.2 A letter has been received from the Rawtenstall Chamber of Commerce objecting to the proposal on the following grounds:

- The take-away will have an impact on local residents who live in the town centre properties because of the associated impact of a fast food take away. The food smells, the anti social hours of use etc.
- The shops in the vicinity are predominantly A1 retail and a take-away here would be inappropriate.
- There is already adequate provision in the area
- It will create an empty unit in day time hours and therefore add no real improvement to the vitality and viability of Rawtenstall Town Centre
- It will be a magnet for anti social behaviour
- There is not adequate on street parking for such a take away.
- Lack of public consultation. No notices have been posted on the street not have the traders or residents been properly informed of the application.

1.1.3 A further letter of objection has been received from a resident of Greenbank Street objecting to proposal but raises no additional issues to those cited at paragraph 6.4.

1.1.4 A letter lobbying Councillors has been sent by the occupiers of 209 Bacup Road. In short, local residents including the occupiers of 209 Bacup Road, were notified by letter 10/06/2008 and by site notice on 13/06/2008. A Acknowledgement letters were sent to those who objected including the occupiers of 209 Bacup Road. 4 objectors were not sent letters informing them of the Committee in August due to a technical error which was why the matter was deferred. The applicant's concerns were recorded and considered by the previous report.

1.1.5 A condition restricting the hours of operation has also been attached to recommendation.

## **1.2 The Site**

1.2.1 The application site lies to the south of Bacup Road, Rawtenstall and is occupied by a stone and slate mid-terrace building set at the back of the footway. The ground floor of the building was last in an A1 retail use, as a hairdressers/beauty parlour specialising in nail treatments which appears to have been partly shared with an angling equipment retailer.

1.2.2 The unit is in a row of around 20 units with a mixture of A-Class retail uses which include shops selling motor spares, mountain bikes and two restaurants.

## **1.3 Relevant Planning History**

1.3.1 No relevant planning history.

## **2. THE PROPOSAL**

- 2.1 The proposal seeks consent to the change the use of the ground floor from Class A1 – shop use to a Hot Food Take-away, a Class A5 use. The scheme proposes to retain the same access to the unit with no external alterations to the shop front. The only building work relates to the erection of a flue at the rear of the premises which would be constructed in galvanised steel with a diameter of 0.45 metres.
- 2.2 The proposed opening hours would be Monday to Friday 18:00 to 22:30, Saturday 18:00 to 23:00 and Sundays 18:00 to 23:00. The proposed parking arrangements are stated as being on-street and to the rear of the property.

## **3. POLICY CONTEXT**

### **3.1 National Planning Policy**

PPS1 – Delivering Sustainable Development  
PPS 6 – Planning for Town Centres  
PPG24 – Planning and Noise

### **3.2 Regional Planning Policy**

Regional Spatial Strategy for the North-west

### **3.3 Saved Policies of the Joint Lancashire Structure Plan**

Policy 1 – General Policy  
Policy 7 – Parking

### **3.4 Saved Policies of the Rossendale District Local Plan.**

DS1 – Urban Boundary  
DC1 – Development Criteria  
DC4 – Materials

### **3.5 Other Material Planning Policy Considerations.**

LCC – Parking Standards SPD

## **4. INTERNAL CONSULTATIONS**

- 4.1 RBC Environmental Health – no objection subject to adequate filters and maintenance.

## **5. EXTERNAL CONSULTATIONS**

- 5.1 LCC – Highways – no objection.

## 6. REPRESENTATIONS

6.1 Site notice posted on 13/06/2008 and 24 neighbours were notified by letter on 10/06/2008 to accord with the General Development Procedure Order. The site notice has been posted to go above and beyond the regulatory requirement to ensure a high level of Community engagement to accord with PPS1.

6.2 34 standard letters received objecting to the proposal on the following grounds:

- There are already two restaurants in the area
- These restaurants have certain calibre of clientele that do not affect the amenities of the surrounding area
- The existing businesses compliment each other in a way that a hot food take-away would not
- There are already parking problems in the area

6.3 A 67 signature petition received objecting to the proposal on the following grounds:

- Mess, litter, vomit and urination
- The use would not be keeping with the current shops
- The site is outside of the Town Centre boundary and would be in conflict with Policy S4 of the Rossendale District Local Plan
- There are a number of residential dwellings around the site which would be affected by noise, disturbance and odours
- Inadequate parking
- The applicant has not spoken to neighbours about the proposal
- People and businesses in the locality feel there are an adequate number of Hot-food takeaways

6.4 6 individual letters received objecting to the proposal on the following grounds:

- Would not complement the existing shopping offer
- Litter and vomit left over from the night before
- This kind of retailing is already on offer closer to the Town Centre
- Would be operating in a residential area
- Inadequate parking
- Increase in anti-social behaviour
- Noise pollution – noise and disturbance
- Odours
- Risk of vermin
- Increase in traffic
- Residents have not been consulted
- Late opening hours would lead to disturbance
- Loss of privacy

## 7. REPORT

- 7.1 The main considerations of the application are the principle of the development in this location, the impact on visual and residential amenity and highway safety.
- 7.2 The application site lies within the Urban Boundary, where the principle of development is acceptable. There are no policies saved from the Rossendale District Local Plan relating to retail/shopping which would afford protection to shopping frontages such as this from a perceived over-provision of Class A3-Class A5 uses (restaurants, pubs and hot food takeaways). As the unit forms part of an existing frontage and is on a main road served by frequent bus services, there are no arguments in principle relating to sustainability or a town centre use outside of the town centre. As such, the proposed development would be acceptable in principle.
- 7.3 The scheme does not propose any external alterations to the shop front. However, the scheme does propose a flue to the rear of the property to extract fumes and odours. Owing to its size, siting and design and being partially screened from view, the application is considered to be acceptable in terms of visual amenity.
- 7.4 The proposal would operate between 18:00 and 22:30 Monday to Friday and 18:00 to 23:00 Saturday and Sunday. No external alterations are proposed with the exception of the flue to control fumes and odours. As such, the proposed use is considered unlikely to attract the sort of anti-social behaviour and late-night noise and disturbance associated with a hot food takeaway open later. The scheme would also provide for the reduction in odours produced by the proposed flue. The scheme would not incur a loss of light, privacy or outlook as excepting the flue, there would be no external alterations or building works. As such, subject to appropriate conditions controlling fume extraction and the provision of a litter bin, the application is considered acceptable in terms of residential amenity. It should be noted that the Council has control if the use operates outside of the proposed hours.
- 7.5 The scheme does not propose to create any additional parking, however, there is on-street parking in front of the unit which would be available during the hours of operation. The use would not attract vehicles for the length of time that a restaurant would, which would allow a reasonable turn-over of vehicles in the parking bays. LCC Highways raised no objection to the scheme.
- 7.6 In relation to the points raised by the objection letters, not already covered by the preceding discussion, the number of Hot Food Takeaways is not covered by existing planning policy neither is the type of shop or calibre of customer that a future retail unit would attract. It is difficult to quantify whether a use would complement the existing uses and is not sufficient to recommend refusal. It is not clear whether the objector meant that insufficient pre-application consultation by the applicant has been undertaken or whether during the life of the application by the Council. It should be stated that the Council has gone above and beyond the requirements of planning legislation, both sending letters to 24 neighbours and posting a site notice. The risk of vermin has not been proven and is not normally a material planning consideration. It is unclear how a loss of privacy has been incurred by the proposal, in any event, this cannot

be substantiated as there are no building works proposed which would create overlooking. As such, there are no objections which are sufficient to outweigh the final recommendation.

## **8. CONCLUSION**

- 8.1 The proposed development would be acceptable in principle and would not harm visual or residential amenity and would not be detrimental to highway safety.

## **9. RECOMMENDATION**

- 9.1 That the Committee approve the application subject to condition.

## **10. REASONS FOR APPROVAL**

1. The proposed development would be acceptable in principle and would be acceptable in relation to visual amenity and residential amenity and would not be detrimental to highway safety. As such the proposed development is considered acceptable pursuant to Saved Policies DS 1 Urban Boundary and DC1 – Development Criteria of the Rossendale District Local Plan.

## **11. 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. The development shall be carried out in accordance with the plans dated 09<sup>th</sup> MAY 2008 unless subsequently amended and approved in writing by the Local Planning Authority.

Reason: To ensure the development complies with the approved plans and for the avoidance of doubt.

3. Prior to the commencement of development on site, the applicant shall submit to the planning authority for their approval, a scheme detailing the proposed extractor ducting, flue, cowl, filters, anti-vibration mountings and acoustic levels. The development shall be carried out in accordance with the approved scheme and thereafter maintained for as long as the use hereby approved remains in existence.

Reason: In the interests of residential amenity pursuant to Saved Policy DC1 – Development Criteria of the Rossendale District Local Plan.

4. Any construction works associated with the development hereby approved shall not take place except between the hours of 8:00 am and 7:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays. No

construction works shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.

Reason: To safeguard the amenities of nearby residential properties, in accordance with PPG24 – Noise and the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

5. Prior to the commencement of development on site, the applicant shall submit to the Local Planning Authority for their approval, details of a litter bin to be provided outside of the shop. The litter bin as approved by the Local Planning Authority shall be provided prior to the unit first operating as the use hereby approved and thereafter maintained for as long as the use remains in existence.

Reason: To prevent litter in the interest of visual amenity pursuant to Saved Policy DC1 – Development Criteria of the Rossendale District Local Plan.

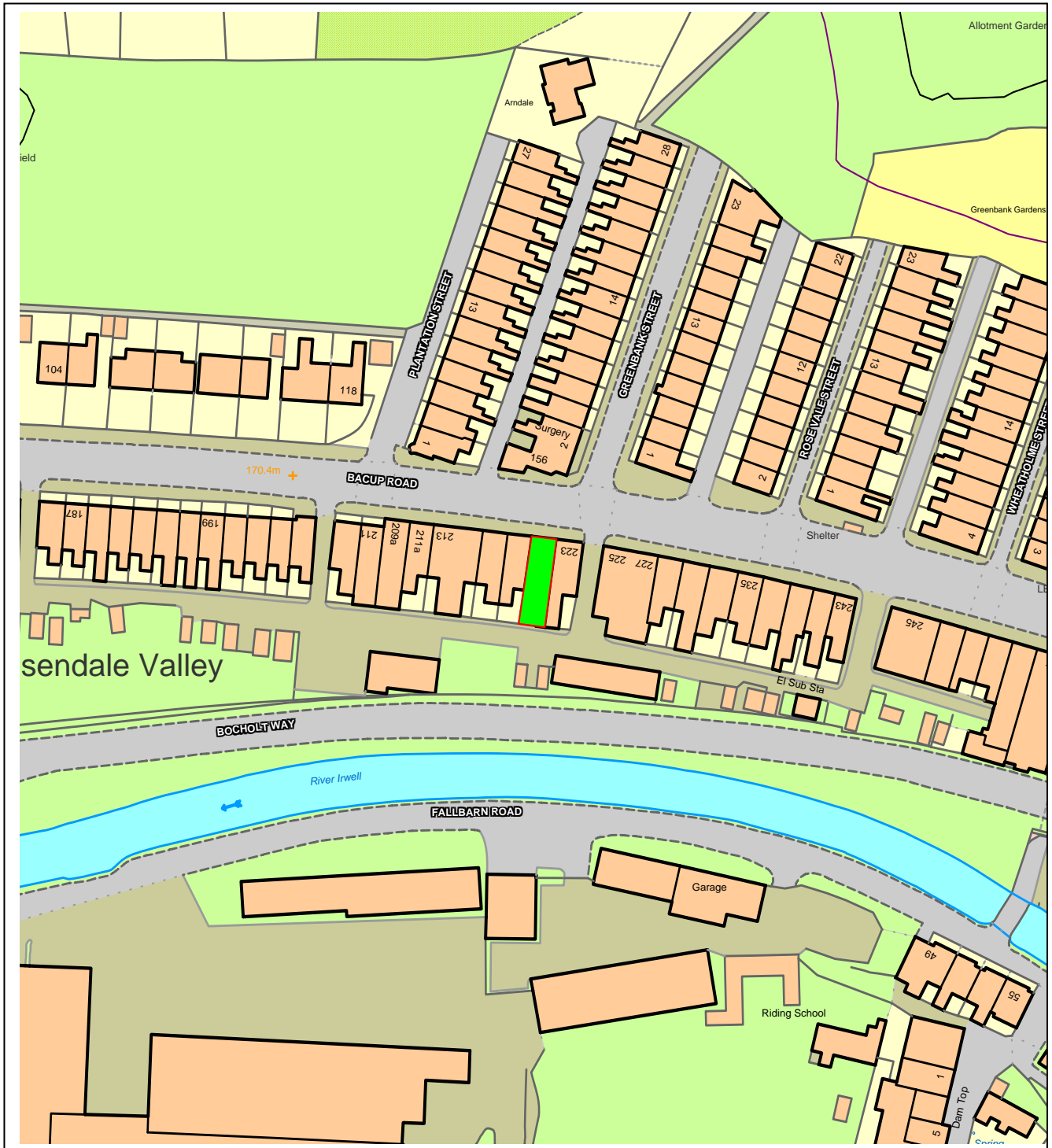
6. The premises shall premises shall not be open for trading except between the hours of 18:30 and 22:30 Sunday to Thursday and between 18:30 and 23:00 Fridays and Saturdays. No operations whatsoever shall take place within the premises within one hour of the closing time stated above.

Reason: To prevent noise and disturbance to nearby residential properties in the interests of residential amenity pursuant to saved policy DC1 - Development Criteria of the adopted Rossendale District Local Plan.

<b>Contact Officer</b>	
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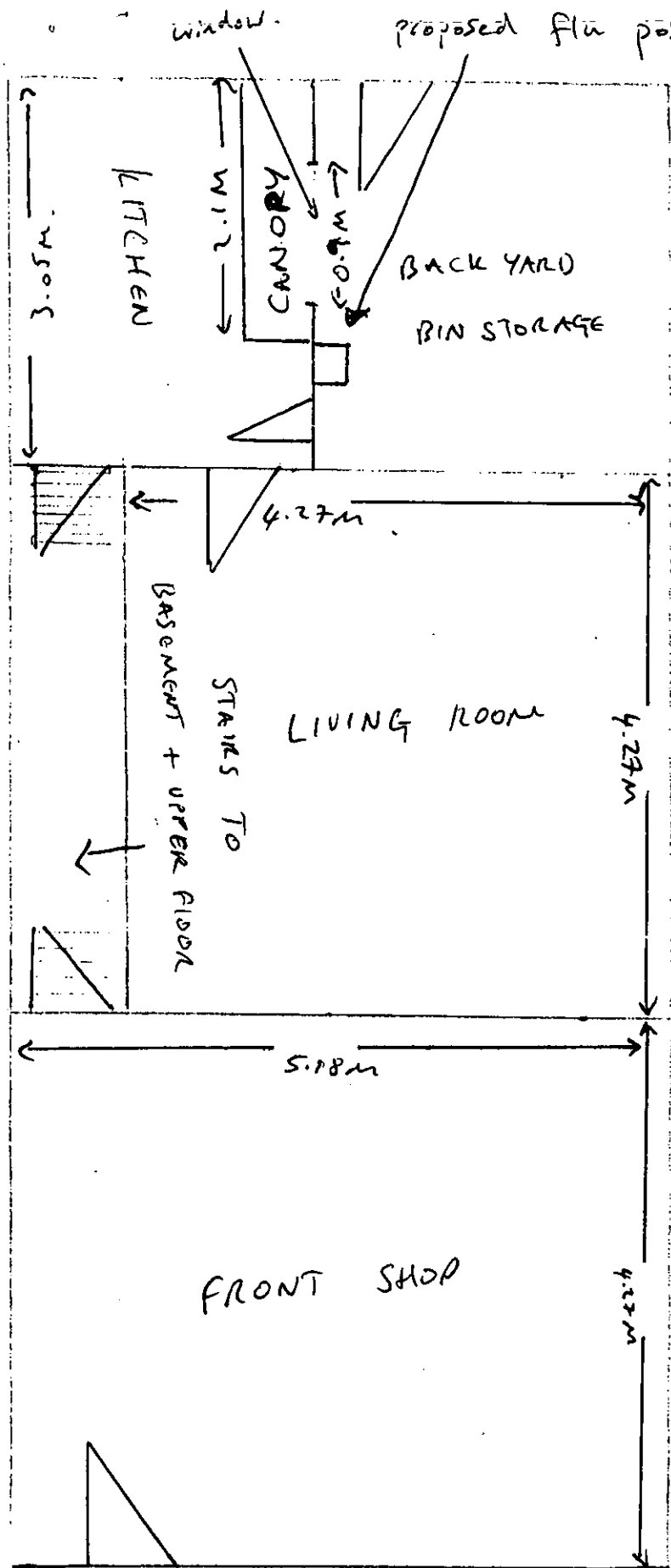
<b>Document Details</b>	<b>Appendix Number</b>
Site Location Plan	Appendix A
Floor and Elevation Plans	

# 2008/0206 221 Bacup Road



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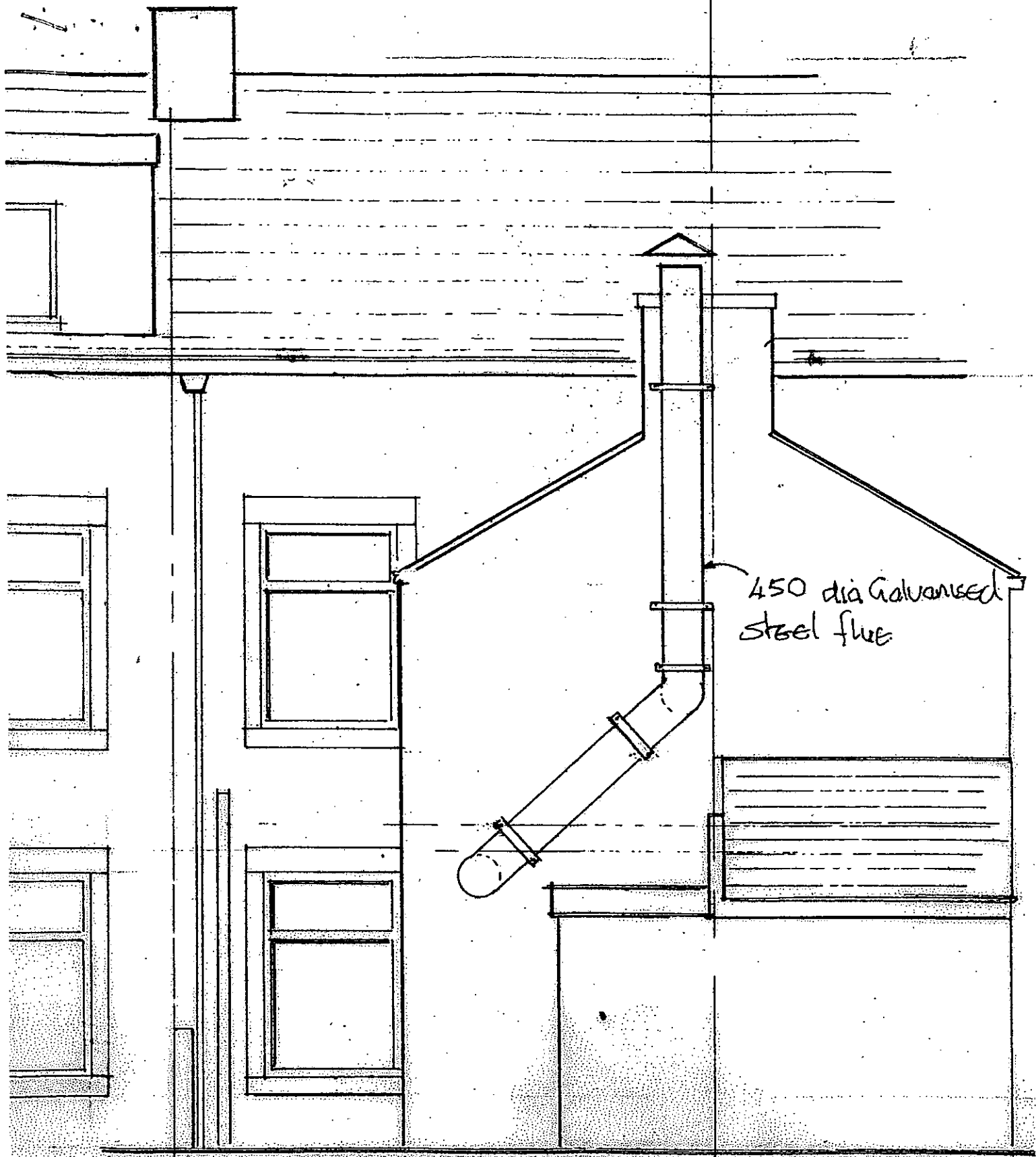




Proposed floor plan  
 of ground floor.  
 No. 221 BACUP RD.

SCALE - 1CM : 0.5M.

2008/206



450 dia Galvanised  
steel flue

rear elevation

Proposed Drawings

221 BACUP ROAD 1:50