

Applic No : 2008/572	Applic Type: Full
Proposal : Conversion of Taxi Office & Public Toilets to Tattoo Shop & Hot Food Delivery-Only Outlet	Location: Corner of Market Street/Hall Street, Whitworth
Report of : Planning Unit Manager	Status: For Publication
Report to : Development Control Committee	Date: 6 October 2008
Applicant : Mr A Majid	Determination Expiry Date: 3 October 2008
Agent : Mr S H Uddin	

REASON FOR REPORTING **Tick Box**

Outside Officer Scheme of Delegation **YES**

Member Call-In : **YES**

Cllr Alan Neal :

I do not feel food sale and a Tattoo Parlour would work well together. On health and safety grounds we should not be putting a food establishment into the same room as a Tattoo Parlour; this building is very small. I would not have a problem with just a Tattoo Parlour, as this would lead to a greater diversification, but there is already a hot food takeaway right next door. As the ward councillor for Healey and Whitworth I request that this application be put before Committee so that both members of the community have an opportunity to voice their real concerns but also to give the applicant the opportunity to put their case.

Cllr Roger Wilson :

I understand that a planning application has been made in respect of the former taxi office on the corner of Hall street and Market Street, Whitworth. A number of local residents have made their views known to me in respect of this application. I consider that delegation of this application would not be sufficient. I request a full and informed discussion takes place on this application at Committee.

More than 3 objections received : **NO**

Other : **YES**
Council owned land

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.

APPLICATION DETAILS**1. THE SITE**

This application relates to a 1-storey building, with hipped-roof, situated on the corner of Market Street (A671) and Hall Street. That part of the building facing towards the main road has most recently been used as a Taxi Office, whilst that part to the rear was Public Toilets. The building has a floor area of 40sq m, with hardstanding to the front and rear, and is owned by the Council.

The application building is attached to 335 Market Street, a 2-storey end-terraced property, occupied by a hot food take-away. To the other side of Hall Street are other retail/commercial properties, and on the opposite side of the main road is Sunnyside Day Care Centre. There is a pedestrian crossing to the front of 337 Market Street and a number of bus stops in the immediate vicinity of the site.

2. THE PROPOSAL

Permission is sought to convert the building into two separate units of broadly similar floor area. It is intended that the unit nearest to Hall Street be occupied by a Tattoo Shop, with its front door facing the main road. That unit nearest to 335 Market Street is to be occupied by a Hot Food Delivery-Only outlet, with its principal door in the rear of the building, giving access to the existing area of hardstanding, where the bin store and parking for three cars are proposed.

Whilst this proposal will require internal alteration of the building, the principal external alteration will be installation of 0.5m diameter flue stack. This flue stack will protrude from the rear elevation of the building immediately adjacent to the rear corner of the attached 2-storey building and terminate 1.2m above the level of its gutter.

The applicant envisages that the two businesses proposed will employ 3 people full-time and 2 part-time, with the tattoo shop opening each day no later than 9pm and the hot food delivery-only outlet no later than 11pm.

3. RELEVANT PLANNING HISTORY

None

4. POLICY CONTEXT**National**

PPS1

PPG4

PPS6

PPG13
PPS23
PPG24

Development Plan

RPG13 – Regional Planning for the North West (Adopted 2003)

Joint Lancashire Structure Plan (Adopted 2005)

Policy 1 – General Policy

Policy 5 – Development Outside of Principal Urban Areas, Etc

Policy 7 – Parking

Rossendale District Local Plan (Adopted 1995)

DS1 – Urban Boundary

DC1 – Development Criteria

Other Material Planning Considerations

Emerging RSS

LCC – Access & Parking SPD/Parking Standards

5. CONSULTATION RESPONSES

LCC (Highways)

No objection

RBC (Environmental Health)

No objection

Whitworth Town Council

Object to the application on the following grounds :

- The abundance of takeaway food services in the town, and especially in this area;
- Public health (tattoo shop and home delivery fast food outlet within one complex);
- Contrary to Policy S7;
- Highways & parking.

6. REPRESENTATIONS

The application was publicised by way of letters to 19 properties in the vicinity of the site and two site notices.

An email has been received objecting to the proposal on the following grounds :

- A tattoo shop would make Whitworth a less pleasant, safe and family-friendly place – how desirable would the clientele be ?;
- Parking would be a problem.

7. ASSESSMENT

In dealing with this application the main issues to be considered are :

1) Principle; 2) Neighbour Amenity; 3) Visual Amenity; & 4) Traffic/Parking.

Principle

Having regard to PPS1 and PPS6, it is necessary to consider whether locating the proposed uses within this building will serve to undermine the vitality and viability of Whitworth Town Centre or will undermine sustainability by reason of the traffic movements generated.

The Proposals Map of the Local Plan does not define the boundary of Whitworth Town Centre. However, I am satisfied that there is no objection in principle to the proposal, having regard to the mixed nature of the area in which the application building is situated / its lawful use / the fact it fronts a main road along which runs a quality bus service.

Neighbour Amenity

The Council's Environmental Health Officer has no objection to the proposal, advising that neighbours are unlikely to experience nuisance by reason of the Hot Food Delivery Outlet so long as a satisfactorily system of ventilation to the kitchen and for waste storage are installed/maintained. They further advise that Tattoo Shops are the subject of a licensing regime under other legislation, to ensure operation in an appropriate manner.

I am satisfied that a refusal of this application for neighbour amenity reasons could not be substantiated having regard to the mixed nature of the area in which the application building is situated / its lawful use / the fact it fronts a main road / use of the attached building as a hot food take-away.

Visual Amenity

The principal external alteration will be the installation of flue stack. So long as it is suitably painted, I am satisfied that it will not appear unduly prominent or intrusive in the street-scene, viewed against the backdrop of a two-storey building rising to a greater height.

Traffic/Parking

The Highway Authority has no objection to the proposal, satisfied that adequate off-street parking facilities are to be provided.

8. SUMMARY REASON FOR APPROVAL

The proposed uses are considered appropriate for a building located within a mixed-use area fronting a main road, and the external alterations proposed are not considered likely to result in unacceptable detriment to visual or neighbour amenity. Nor would the proposed development result in unacceptable detriment to highway safety. As such, the application is considered to accord with the Provisions of PPS1 & PPS6, saved Policy 1, 5 & 7 of the Joint Lancashire Structure Plan, and saved Policy DS1 and the criteria of saved Policy DC1 of the Rossendale District Local Plan.

9. RECOMMENDATION

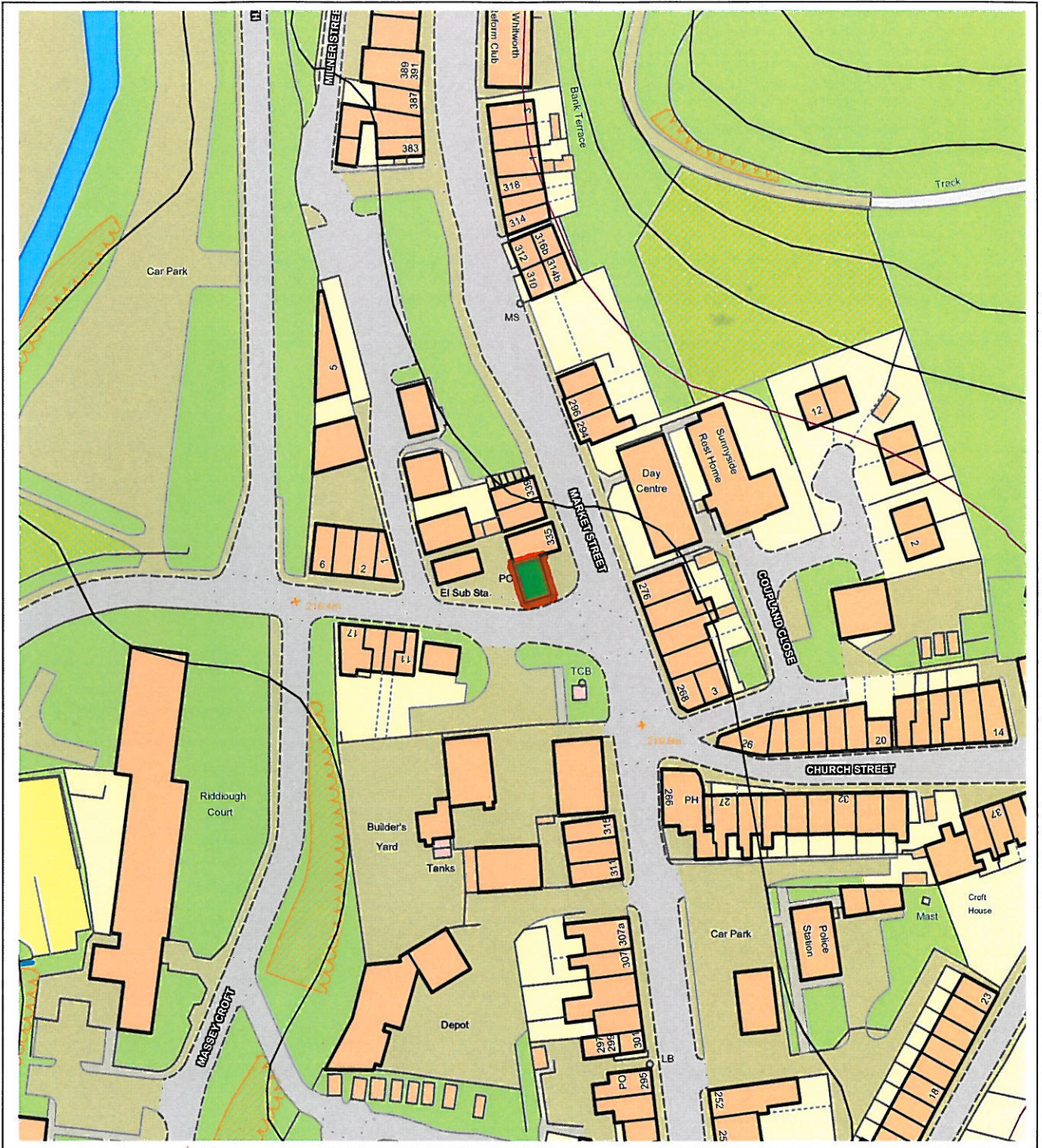
That Permission be granted subject to the following conditions :

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 permission hereby granted is for a hot food delivery-only outlet and does not confer or imply permission for a hot food takeaway or any other use within Class A of Part A of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any order amending or revoking and re-enacting that order. *Reason : In the interests of neighbour and highway safety, in accordance with the criteria of saved Policy DC1 of the adopted Rossendale District Local Plan.*
3. The uses hereby permitted shall be restricted to the hours between 7am and 11pm on any day. *Reason: To safeguard the amenities of neighbours, in accordance with the criteria of saved Policy DC1 of the adopted Rossendale District Local Plan.*
4. Notwithstanding any such details previously submitted, before any works to implement this permission in respect of the hot food delivery outlet are commenced full details of the fume extraction and filtration system to be installed at the premises shall have been submitted to and approved in writing by the Local Planning Authority. The system shall be installed in accordance with the approved details prior to the commencement of the use of the premises hereby permitted and retained in operation at all times thereafter. *Reason: To safeguard visual and neighbour amenity, in accordance with the criteria of saved Policy DC1 of the adopted Rossendale District Local Plan.*
5. Notwithstanding any such details previously submitted, before any works to implement this permission are commenced details of bin storage facilities to be provided and a waste management strategy shall have been submitted to and approved in writing by the Local Planning Authority. The approved details and waste management strategy shall be implemented prior to the first occupation of the development hereby approved and thereafter maintained. *Reason : To provide for adequate waste storage and collection in the interests of public health, and visual and neighbour amenity, in accordance with the criteria of saved Policy DC1 of the adopted Rossendale District Local Plan.*
6. Notwithstanding any such details previously submitted, before any works to implement this permission are commenced details of the vehicle parking and manoeuvring area to be provided shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first use of either of the units and this area shall thereafter be kept freely available for use as such. *Reason : In the interests of highway safety, in accordance with the criteria of saved Policy DC1 of the adopted Rossendale District Local Plan.*

7. 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 neighbours, in accordance with the criteria of saved Policy DC1 of the adopted Rossendale District Local Plan.*

Contact Officer	
Name	Neil Birtles
Position	Principal Planning Officer
Service / Team	Development Control
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Location Plan 2008/0572



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Sunnyside Rest Home

Day Centre

COURT

26

268

276

219.8m

MARKET STREET

94

TCB

335

339

PC

El Sub Sta

★

11

17

2

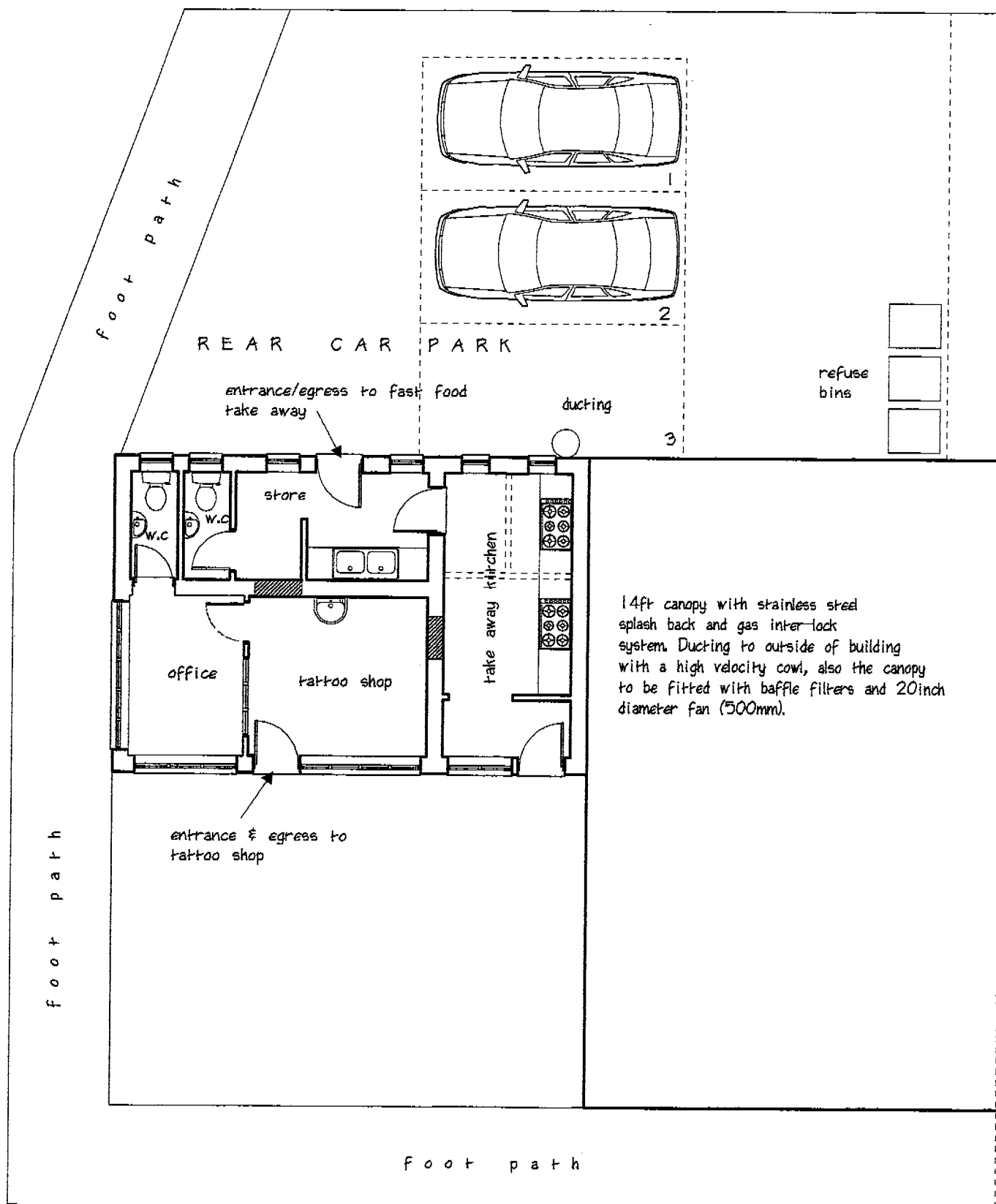
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218.4m

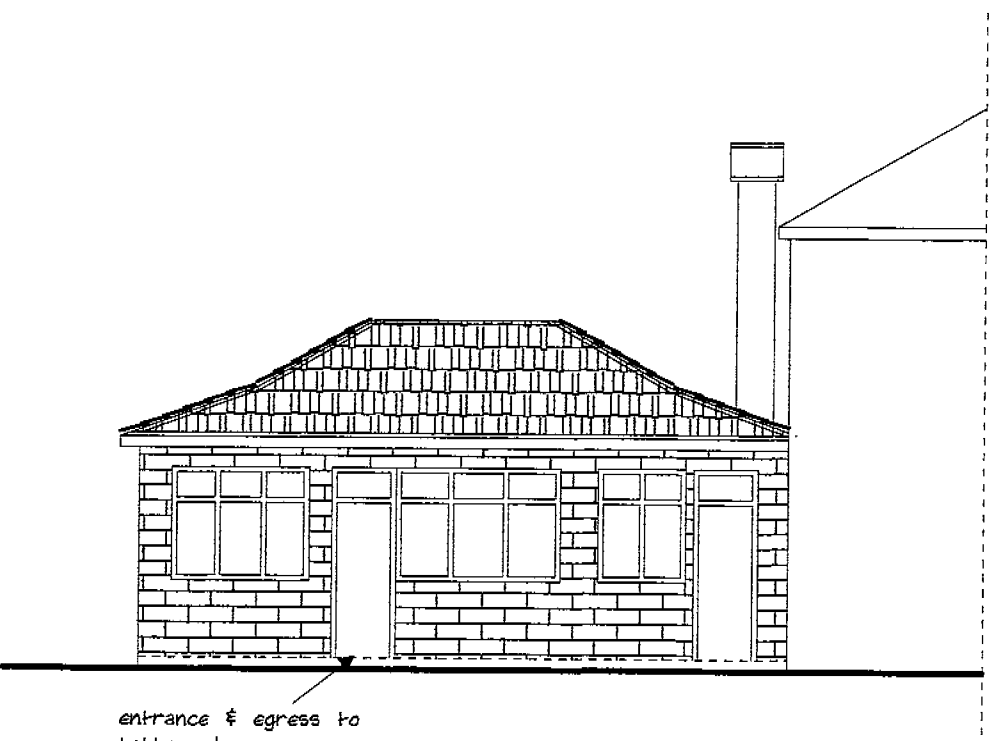
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FAST FOOD TAKE AWAY
TO PROVIDE DELIVERY SERVICE
ONLY TO CUSTOMERS NO COLLECTION
FACILITY.



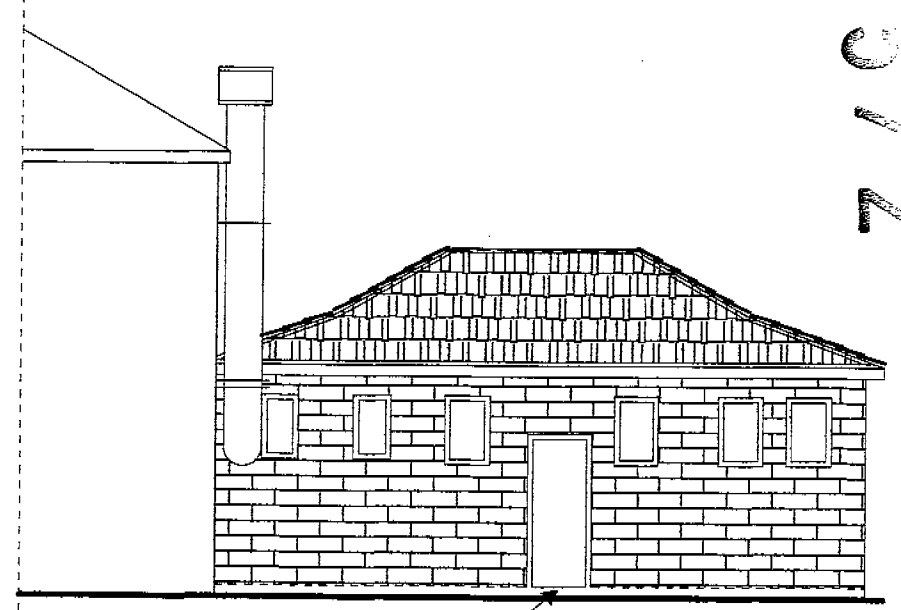
Proposed ground floor plan



Proposed front elevation/unchanged



Proposed side elevation/unchanged



Proposed rear elevation/unchanged

- GENERAL NOTES:
- building regulations notes to read in conjunction with drawings and structural engineers calculations & notes
1. this drawing is only prepared for submission under building regulations and planning legislation and is not to be used as a working drawing.
 2. asbestos, it is important that a check is made for the presence of asbestos or materials containing asbestos and any necessary action taken must comply with current relevant legislation.
 3. all materials and workmanship to be to the appropriate standard and code of practice/ agreement certificate.
 4. windows to be not less than 1/10th of the floor area to habitable rooms.
 5. opening light to windows to be not less than 1/20th of the floor area.
 6. trickle ventilations to heads of all windows to give not less than 8000mm² of free air area.
 7. no dimensions to be scaled off this drawing.
 8. all drainage passing through the building must be encased in a minimum of 6" of concrete.
 9. all figured dimensions to be checked on sight before any works are put on hand.
 10. new walls either bonded into existing or mechanically connected.
 11. cavities to be continued through.
 12. vertical and horizontal damp proof membrane to all external openings.
 13. all work drainage to the complete satisfaction of the local authority.
 14. 90mm minimum bearing to all structural timber.
 15. 225mm minimum structural bearing to all structural steelwork.
 16. universal beams to rest on 6" in situ concrete padstone.
 17. carnic or other approved linrels over new or altered openings.
 18. mechanical ventilation to kitchen (250m³/h) and bathroom (170m³/h).
 19. permission required in writing from affected neighbours before plans are submitted or any work is put in-hand undertaken which ever comes first.
 20. it may be that covenants exist on all or part of the property/land - the applicant is advised to check before proceeding. there are also the requirements of the party wall act 1996, which the owner must take into account if the works are affected by this legislation.

Electrical:
All electrical taken of existing mains supply by qualified registered electrician to IEE regulations current edition & meets the requirements of part electrical safety in buildings, installed and tested by a person competent to do so IEE NIC EIC or other approved institute, to BS standards, to clients request and LA satisfaction.

Heating:
Heating and hot water to be taken of existing system. Work to be carried out corgi registered engineer to clients request.

Plumbing:
Soil pipes and accessories to BS4514. 110mm diameter soil & vent pipe positioned externally with mesh cover outlet. Positioned 900mm above any window head. To discharge directly into existing system via 110mm diameter vent. 100mm diameter waste connected to sink. 76mm deep seal traps 38mm waste pipes LB 76mm deep seal traps 32 mm waste pipes provide any syphonic traps, where 50mm diameter common waste pipe is used for one or more appliance.
All pipe works in roof space to be insulated in accordance to B.S. 5422:1977

Disclaimer:
Syed Helal Uddin Architectural Services does not accept any liability of positions or depths of the drains. This is to be investigated by the contractor prior to commencing work.

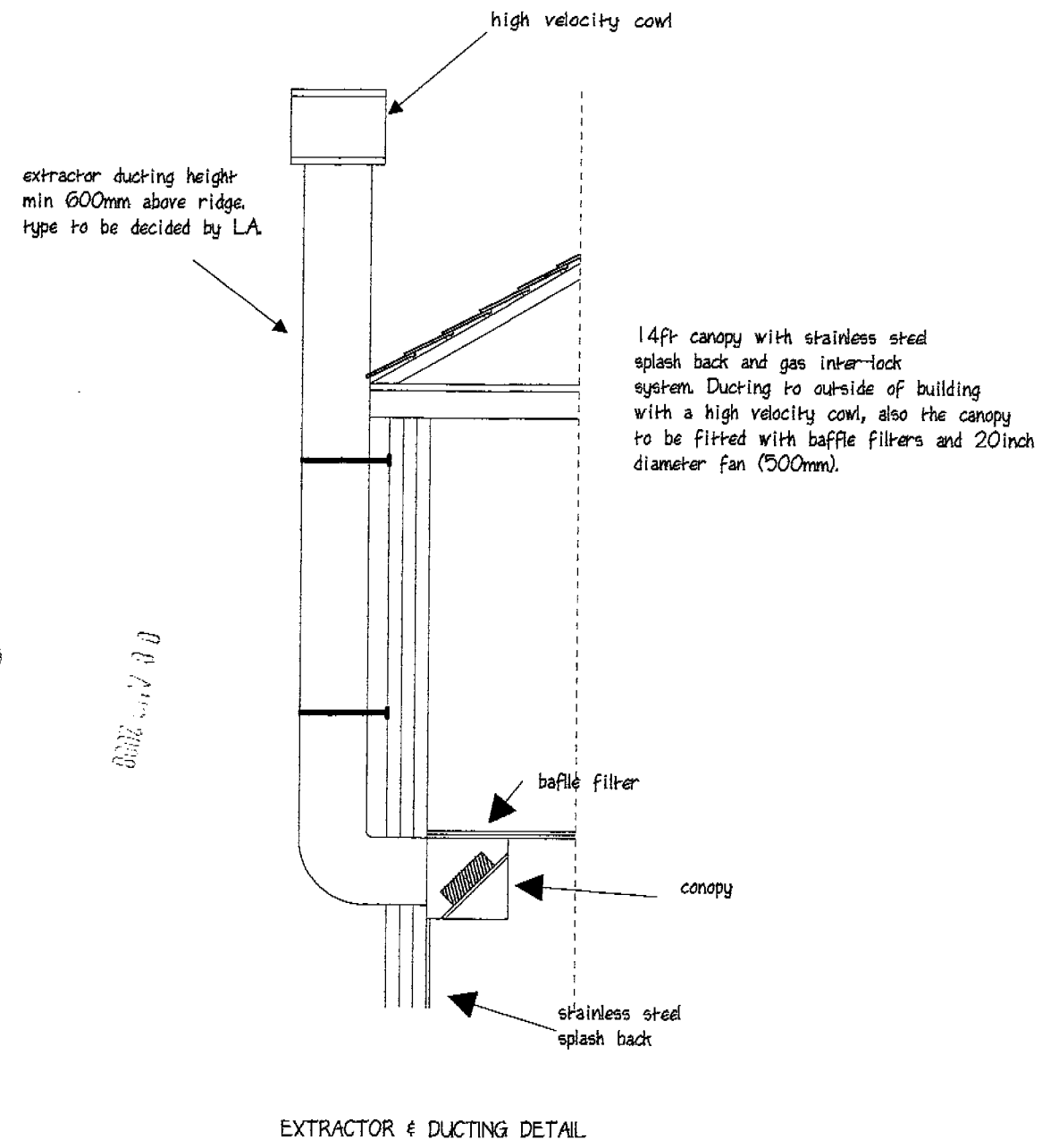
All workmanship and materials used must comply with current regulations. All materials shall be fixed, applied or mixed in accordance manufacturer's specification.

The contractor must take into account everything necessary for proper execution of the works to the complete satisfaction of the building inspector whether or not indicated on the drawing.

Smoke detectors: SD
Install automatic smoke detectors to mains power and battery backup and interlinked where shown on plan.

Kitchen Sink: Grease Trap
Kitchen sink to be fitted with grease trap to BS EN ISO 9001 part H 2002.

2008/572




**SYED HELAL UDDIN
ARCHITECTURAL SERVICES**

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SCALE: 1:100 1:50 PAGE 2/2
DRAWING NO: 932
PROPOSED LAYOUT
LOCATION: FORMER TAXI OFFICE HALL STREET, WHITWORTH, OL12 8TL.
PROP: 1 NO. TATTOO SHOP & 1 NO. FAST FOOD TAKE AWAY (CLASS A5)
CLIENT: MR. ASIF MAJID
DATE: JULY 2008
PLEASE DO NOT SCALE DRAWING