

**Item B. 4**                      **06/00547/COU**                      **Permit Full Planning Permission**

**Case Officer**                      **Miss Nicola Bisset**

**Ward**                                      **Chorley North East**

**Proposal**                              **Change of use from takeaway to mixed use with restaurant and takeaway, also retrospective application for the erection of a single storey rear extension and internal disabled toilet**

**Location**                              **77 Water Street Chorley Lancashire PR7 1EX**

**Applicant**                              **Arturo Mansione And Linda Haydock**

**Proposal**                              The application relates to the change of use of an existing takeaway to a mixed use development with a restaurant and takeaway. The application also includes the erection of a single storey rear extension and internal disabled toilet both of which have already been completed.

The single storey rear extension joins the main building to the existing two-storey building located within the rear yard area. The single storey extension measures 2.85 metres long by 1.6 metres wide. The two storey existing building in the rear yard area is used for storage.

The disabled toilet is internal and occupies part of the adjoining building, which is also owned by the applicant.

**Planning Policy**                      GN1- Settlement Policy- Main Settlements  
SP6- District, Neighbourhood and Local Shopping Centres.  
Policy 7- Parking. Joint Lancashire Structure Plan 2001-2016  
Access and Parking SPG

**Planning History**                      **04/00532/COU-** Change of Use to A3 (Take Away Restaurant).  
Approved July 2004.

**Representations**                      A local ward Councillor has requested that the application is brought before Development Control Committee

1 letter has been received from a neighbouring resident raising the following objections:

- Permission was given two years ago to use the premises as a takeaway, which has led to considerable loss of amenity for the residents on Commercial Road. The residents experience disturbance until almost midnight.
- Users of the takeaway frequently park outside the residential properties on Commercial Road.
- Experience noise from car doors and conversations
- Loss of amenity due to cooking smells
- Impact on highway safety reducing visibility through parking on Commercial Road.
- All these problems will be greatly exacerbated by adding a restaurant to the takeaway use.

## **Consultations**

**Lancashire County Council's Highways Engineer** has no objection to the proposal.

**The Director of Street scene, Neighbourhoods and the Environment (Service Group)** has no objection to the proposal.

**The Director of Streetscene, Neighbourhoods and the Environment (Environmental Protection)** have no objections in principle to the proposal, as the premises have been used as a takeaway for approximately 18 months.

## **Assessment**

The main issues to consider are the impact of the proposal on the shopping centre, the impact on the neighbours amenities and the impact on highway safety.

The property is located within a row of terraced properties, the majority of which are occupied by a commercial use at the ground floor. The property is located within a designated shopping centre. In accordance with Policy SP6 the use of the ground floor for a commercial use is considered acceptable in this location.

The nearest residential properties are the terraced properties located on Commercial Road and Congress Street. Planning permission was granted in 2004 to use the premises as a takeaway and this permission has been implemented. Change of use from a takeaway to a restaurant to considered to be permitted development however a condition was attached to the previous approval to restrict the use and this proposal relates to a mixed use development. Therefore planning permission is required to change the use.

A condition was also attached to the previous permission restricting the hours of use. The property is located close to a busy junction, which generates traffic noise. It was considered that the use as a takeaway would not have an adverse effect on the neighbours amenities. Similarly with this proposal it is considered that the use as a restaurant will not impact on the amenities of the neighbours. An hours condition will be attached again to ensure that trading will cease at 11.30pm.

There is parking existing to the front of the property, which serves all of the businesses in the row. Due to the nature of the proposed use the main opening hours will be in the evening when the majority of the shops in the row are shut and the available parking to the front of the property will be available. A restaurant is likely to generate long stay parking whereas a takeaway generates more short stay parking. The proposed use will be mainly a restaurant with the takeaway retained. A neighbour raised concerns in respect of people parking in front of the properties on Commercial Road, however the current use is more likely to generate this type of parking than the proposed use.

The site is located in close proximity to the town centre and accessible by a number of modes of transport. Neither Lancashire County Council's Highway Section or Chorley Borough Council's Highway Engineer object to the proposal and therefore the proposal is considered acceptable in terms of Policy 7 of the Joint Lancashire Structure Plan.

A neighbouring resident has raised concerns in relation to noise, highway safety, parking and smells. Issues relating to noise, highway safety and parking have been discussed above. The premises will use the same extraction unit as they currently have. This unit was erected in accordance with a condition attached to the previous change of use application. Environmental Services have confirmed that only one odour complaint has been received at the property soon after the takeaway opened. It is considered that the use of the property as a restaurant will not generate any more odours than the current use.

The single storey rear extension has already been erected and links the main property to a storage building in the rear yard area. It is unlikely that this extension will impact on the amenities of the neighbours.

**Recommendation: Permit Full Planning Permission  
Conditions**

1. The proposed development must be begun not later than three years from the date of this permission.

*Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.*

2. The use hereby permitted shall be restricted to the hours between 8am and 11.30pm.

*Reason: To safeguard the amenities of local residents and in accordance with Policy Nos. SP6 and EP20 of the Adopted Chorley Borough Local Plan Review.*

3. The approved plans are:

Received On:	Title:
2 <sup>nd</sup> May 2006	Site Location Plan
2 <sup>nd</sup> May 2006	Side Elevation (South)
2 <sup>nd</sup> May 2006	Rear Elevation (East)
2 <sup>nd</sup> May 2006	Side Elevation (North)
2 <sup>nd</sup> May 2006	North Side Elevation (Showing Yard Perimeter Wall)
2 <sup>nd</sup> May 2006	First Floor of Storage Building
2 <sup>nd</sup> May 2006	Ground Floor of Storage Building
2 <sup>nd</sup> May 2006	Proposed Floor Plan
2 <sup>nd</sup> May 2006	Existing Floor Plan

*Reason: To define the permission and in the interests of the proper development of the site.*

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