

Item D. 1	06/00715/COU	Permit Full Planning Permission
Case Officer	Miss Helen Green	
Ward	Chorley North West	
Proposal	Proposed change of use to hot food takeaway with extraction vent to rear.	
Location	72 Pall Mall Chorley Lancashire PR7 2LE	
Applicant	Mrs S Zhu	
Proposal	<p>The application proposes the change of use of previously commercial premises to a hot food takeaway (A5) with an extraction vent to the rear.</p> <p>The premises are located on Pall Mall, which is a busy classified road (B5251) south of Chorley Town Centre. The premises are located within a block of 5 all of which are currently in operation as retail or commercial uses. The properties adjacent to the application site are currently in operation as 'Bargain Booze' and 'Just Nice Things'. Romeos Hot Food Take Away is located at 78-80 Pall Mall on the corner with Pall Mall and Bannister Street.</p> <p>The upper floors of these premises are currently used as residential flats. To the rear of 72 Pall Mall there are a number of residential properties.</p> <p>There is currently parking provision provided outside the row of shops, which is restricted during the daytime for 1 hour from Monday to Saturday between 8.00am and 6.00pm after which time there are no parking restrictions. The eastern side of Pall Mall opposite the application premises is characterised by predominantly residential property with some interspersed commercial uses. There are parking restrictions in the form of double yellow lines in front of these properties.</p> <p>The application proposes the installation of an extraction vent to the rear of the property. Amended plans were received on 12 July 2006 re positioning the previously proposed external extraction vent inside the building and through the roof level.</p>	
Policy	GN1 – Settlement Policy SP5 – Secondary Shopping Areas EP21 – Air Pollution EP20 - Noise	
Planning History	05/00554/INV Change of use from shop (A1) to Employment Agency (A2) Withdrawn 02/02/06	
Consultations	Chorley BC Highways - No objection	

Environmental Services – The Director of Streetscene, Neighbourhoods, and Environment commented that they responded to the original consultation requesting more information on the proposed extraction system and the noise levels it is likely to produce. After receiving the additional information which supports the sound reduction achievable Environmental Health have no objection to the proposal on noise grounds provided that the attenuation is fitted prior to the operation of the business.

In relation to Odour the Director of Streetscene, Neighbourhoods and Environment has advised that the kitchen ventilation system should incorporate canopies, grease filters, pre filters, and suitable odour control equipment such as carbon filter or electrostatic filter unit designed so as to minimise the potential for nuisance to surrounding residential properties.

Representations

Letters of objection have been received from the following neighbours:
59 Pall Mall;
2 Bannister Street.

Objections have been raised on the following grounds:

- Amount of traffic already converging in the area;
- Groups of people gathering around the shops;
- Impact on residential amenity of local residents;
- Health and Safety issues regarding refuse – Possibility of attracting rodents;
- Fire Hazard due to the volume of refuse;
- Concern over opening hours;
- Noise levels from customers;
- Emission of odours from the extraction vent;
- Already have all the amenities necessary in the area.

Assessment

Pall Mall is a busy classified road (B5251) characterised by residential terraced housing interspersed with parades of shops and other commercial premises. The other units in the group of 5 are in retail or commercial use. The premises subject of this application are currently vacant having previously been run as 'Chorley Crafts' The adjacent premises are currently in operation as 'Bargain Booze' and 'Just Nice Things'.

There is currently a Take Away located on Pall Mall on the corner with Bannister Street operated as 'Romeos Take Away' and 'Romeos Sandwich Shop'. A change of use for these premises from retail to Hot Food Take Away was granted on appeal in 2003 (02/00110/COU).

In dealing with this application the main issue to consider is that of the impact of the proposal on the residential amenity currently enjoyed by the residents of the dwellings on Pall Mall and the adjacent side street Bannister Street.

It is anticipated that the Take Away will be at its busiest during the evening when most of the adjacent shops have closed and there are no parking restrictions on the highway. I would expect the majority of trade to come from the immediate surrounding area although there may also be a significant amount of passing trade

arriving by car. Given the nature of Pall Mall as a busy road and bus route linking with the town centre it is not unreasonable to expect a significant amount of pedestrian and vehicular traffic in the evening. It is unlikely to be sufficient to cause real nuisance in what is already an existing mixed use area. It is considered that to control this appropriate restrictions should be placed on the opening hours which can be secured by condition.

In terms of noise and odour as a result of the extraction vent Environmental Services have been consulted and after negotiations with the applicant the Environmental Health Officers are satisfied that an appropriate extraction system can be installed which will comply with minimum noise levels acceptable in close proximity to residential property. This can also be secured by condition. In relation to odour emitted from the extraction system, Environmental Services have commented that the kitchen ventilation system should include canopies, grease filters, pre filters and suitable odour equipment; again this can be secured by condition.

Other issues have been raised by nearby residents relating to overprovision of facilities, storage of rubbish, rodents and possible fire hazard due to rubbish. The first issue is not normally a planning consideration and very little weight can be attached to this argument. In relation to rubbish it is considered that adequate provision can be made for on site refuse storage. A condition shall be imposed to secure this. Providing that refuse is stored satisfactorily this will not pose a fire hazard. In relation to rodents, providing that rubbish is stored appropriately, which will be secured by condition this is not considered to be a significant issue. These are also matters which can be controlled under other legislation.

Given the response of Chorley BC Highways there are no grounds to object to the proposals on highway safety.

Taking the above points into consideration it is recommended approval of the application.

**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 not be open to customers outside of the following hours: 08.00 hours to 23.00 hours daily.
Reason: To protect the amenities of local residents
3. Before any works to implement this permission are commenced full details of the fume extraction and filtration system to be installed at the premises (notwithstanding any such details previously submitted) 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 the amenities of local residents and to safeguard the character and appearance of the area and in accordance with Policy Nos. GN5, EP21

4. No development shall take place until arrangements for the storage of any waste materials to take place have been submitted to and approved by the Local Planning Authority.
Reason: To safeguard the amenities of local residents and in accordance with policy Nos. GN5, EP20, SP5.
 5. The premises shall be used for a hot food takeaway and for no other purpose (including any other purpose in Class 3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order)
Reason to protect the amenities of local residents
 6. This consent relates to the amended plan(s), received on 12 July 2006 and 8 August 2006
Reason: To define the consent and to ensure all works are carried out in a satisfactory manner.
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