

**Item B. 4**                      **07/00088/COU**                      **Permit Full Planning Permission**

**Case Officer**                      **Miss Helen Green**

**Ward**                                      **Chorley South East**

**Proposal**                              **Proposed change of use from retail to hot food takeaway.**

**Location**                              **85 Bolton Street Chorley Lancashire PR7 3AG**

**Applicant**                              **Mr H Hassan**

**Proposal**                              This application proposes the change of use of previously retail premises to a hot food takeaway (A5).

The premises are located in a block of 7 all of which are in retail or commercial use. The immediate neighbouring properties are currently in operation as 'Cheque Exchange' and 'Impressed Dry Cleaners'. The property at No.95 Bolton Street, on the corner of Bolton Street and Lyons Lane South, is currently operated as a hot food takeaway.

The application proposes the installation of an external extraction vent fitted to the rear elevation of the premises. The extraction flue will be fitted to the rear elevation of the property and will extend from ground floor to first floor level with a diameter of 0.3 metres.

The first floor of the premises will be used for storage purposes and the provision of male and female toilets. The upper floors in a number of the neighbouring commercial and retail properties appear to be in residential use. To the rear of 85 Bolton Street there are a number of residential properties located on Beacon Street, which are located within an Established Housing Area.

**Policy**                                      **GN1 – Settlement Policy**  
**SP1/6 – Shopping Centre**  
**EP21 – Air Pollution**  
**EP20 - Noise**

**Planning History**                      **06/01063/COU – Proposed change of use of premises from retail to hot food takeaway - Withdrawn**

**Consultations**                              **Environmental Services** – The Director of Streetscene, Neighbourhoods and Environment has commented that a similar application was received in 2006 and later withdrawn following extensive consultation with the applicant. In contrast to the previous application, this application appears to be specifically for use as a fish and chip shop as opposed to a general 'hot food takeaway' which could have handled a wide variety of highly aromatic foods.

This being the case the extraction fan shown in the application is likely to be adequate to dispel cooking odours from frying equipment and hence reduce the likelihood of odour nuisance

being caused to residents nearby. If however, an external fan assembly is to be installed, it should be silenced to reduce the level of noise emitted.

**Lancashire CC Highways** - No comments received at the time of writing report

**Parish Council** – No comments received

**Representations** 33 letters of objection have been received from the following addresses:

Bolton Road Post Office, 91-93 Bolton Street  
Impressed Dry Cleaners, 87 Bolton Street

Nos. 65a, 77, 81, 83, 89 Bolton Street  
Nos. 1, 2, 3, 4, 5, 7, 8, 13, 16, 18, 20, 22 Beacon Street  
Nos. 2, 2a, 4, 6, 13, 17, 19, 21, 23, 25, 33, 35 Burlington Street

Objections have been raised on the following grounds:

- Negative impact on residential amenity
- There are 5 or 6 hot food takeaways in less than half a mile on Bolton Street;
- Whilst it is desirable to have more business outlets in the area another fast food outlet is not required;
- Problems with rats;
- Problems with food rubbish;
- Noise and disturbance from deliveries and picking up food orders;
- Lack of privacy;
- Constant smells from the takeaway;
- People parking in the side streets to pick up and eat food;
- Will not encourage more business to the area;
- Rowdy behaviour.

## **Assessment**

The premises are located on Bolton Street, which is a busy road south of Chorley Town Centre. Bolton Street is characterised by predominantly commercial and retail premises with Established Housing Areas located on Beacon Street and Burlington Street.

This application is a resubmission of a previously withdrawn application (06/01063/COU). The previous application was withdrawn pending further information from the applicant. A total of 13 letters of objection were received in response to the previous application.

In dealing with this application the main issues to consider are the impact of the proposal on the residential amenity currently enjoyed by nearby residential property and highway safety/parking.

In relation to the proposed extraction system Environmental Services have been consulted. It is proposed to operate the premises as a Fish and Chip shop and in relation to this Environmental Services are satisfied that the extraction equipment proposed is likely to be adequate in order to dispel cooking odours from the frying equipment. In relation to noise if an external fan is

likely to be installed it should be silenced to reduce the level of noise emitted. The specification of the extraction equipment can be secured by condition.

Although the applicant has stated that the premises will be operated as a Fish and Chip shop initially, an A5 use would allow for the premises to be used as any kind of hot food takeaway without the need for a further application. If in the future the premises were to be used to sell more aromatic foods it is likely that a more sophisticated form of extraction would be required. If this situation did arise the upgrade of the extraction equipment would be controlled under other legislation.

In relation to the proposed external extraction flue the size of the flue has been reduced since the previously withdrawn application. The extraction flue will have a diameter of 0.3 metres and will be situated at the rear of the premises. The flue will extend from the ground floor level of the premises to first floor level. Although the flue will be visible from surrounding residential property the flue will be set within the rear yard area of the premises, as such the flue will not appear as a prominent feature within the streetscene. Due to the position of the flue on the building and the fact that the flue has been reduced in size it is considered that the flue would not be so detrimental to the visual amenity of the area to warrant a refusal of the application on this basis.

There is currently parking provision provided outside the premises, which is restricted during the daytime for 1 hour from Monday to Saturday between 9.00am and 5.00pm after which time there are no parking restrictions. Parking is also provided on the opposite site of Bolton Street which is subject to the same restrictions. It is anticipated that the takeaway will be busiest during the evening when most of the adjacent premises will be closed and there are no parking restrictions on the highway. Given the location of the premises, close to the town centre it is not unreasonable to expect a significant amount of pedestrian and vehicular activity in the evening. Appropriate restrictions can be placed on the opening hours of the premises to protect the amenity of nearby residents. Lancashire County Council Highways have been consulted as part of the application and as yet no comments have been received.

Other issues have been raised by nearby residents relating to overprovision of facilities, rubbish, rodents and noise and disturbance. 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, providing that rubbish is stored satisfactorily rodents are not considered to be a significant issue. A condition shall be imposed to secure adequate refuse storage. As the operating times of the takeaway will be controlled by condition it is not anticipated that the takeaway will give rise to a significant increase in noise and disturbance at times when nearby residents can expect to enjoy a certain level of peace and quiet. These are also matters, which can be controlled under other legislation.

## **Conclusion**

Taking the above points into account it is considered that the proposed change of use would not be so detrimental to the amenity of nearby residents to warrant a refusal of the application.

Given the location of the premises within Chorley Shopping Centre it is considered that the use of the premises as proposed is appropriate within this area. Due to the location of the premises within the town centre there is adequate parking provision provided for customers visiting the take away. It is therefore recommended that the application be approved.

**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: 11.00 hours to 22.30 hours daily.

*Reason: To protect the amenities of local residents and in accordance with Policy Nos. GN5 and SP6*

3. 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, EP21, SP6*

4. 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, EP20*

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