

## **APPLICATION REPORT – 18/00228/FUL**

**Validation Date: 7 March 2018**

**Ward: Clayton-le-Woods And Whittle-le-Woods**

**Type of Application: Full Planning**

**Proposal: Change of use from retail shop (Use Class A1) to hot food takeaway (Use Class A5) (retrospective).**

**Location: The Deli Hut 327 Preston Road Clayton-Le-Woods Chorley PR6 7PY**

**Case Officer: Chris Smith**

**Authorising Officer:**

**Applicant: Mr Luke Hibbert**

**Agent:**

**Consultation expiry: 2 April 2018**

**Decision due by: 2 May 2018**

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### **RECOMMENDATION**

1. It is recommended that this application is approved subject to conditions.

### **SITE DESCRIPTION**

2. The application site is located at the northern end of a row of terraced properties, which are on the western side of Preston Road in the settlement area of Clayton-le-Woods. The site contains a small single storey timber shed structure, which occupies an irregular shaped plot on the corner of Back Lane and Preston Road.
3. The last registered lawful use of the site as a hairdressing salon was confirmed under planning reference 13/00787/FUL, which refused planning permission for a change of use from the hairdressing salon to a dog grooming salon in November 2013.
4. Although the immediate locality is mainly residential in character, there is a degree of variety with regards to neighbouring land use. There is a retail unit that trades car parts directly to the north of the site at no. 329 Preston Road and to the south at no. 313 Preston Road, there is a hairdressing salon.

### **DESCRIPTION OF PROPOSED DEVELOPMENT**

5. The proposed development is for the change of use from an A1 retail unit to a hot food takeaway (A5). Planning permission is sought retrospectively. No physical changes are proposed at the site.

### **REPRESENTATIONS**

6. A total of 2no. representations in objection from one neighbouring occupier have been received, citing the following grounds of objection:

- Site is being used as a café through use of outdoor seating
- Application has only been determined on the basis that the use is a hot food takeaway
- 3 vehicles that regularly visit the site block the whole of the rear drive at the site
- Development is detrimental to the local area
- No letters have been sent notifying neighbours about the application
- No site notice has been displayed near the site, which is required practice for planning
- The Deli Hut is nothing but a nightmare to immediate local residents

## CONSULTATIONS

7. **Clayton-le-Woods Parish Council** – Have not commented
8. **Chorley Council's Environmental Health Section** – Confirmed that there are no records of complaints about the current business, see main body of report.
9. **Lancashire Highway Services** – Confirmed that there are no objections to make, see main body of report.

## PLANNING CONSIDERATIONS

### Principle of the development

10. The National Planning Policy Framework (The Framework) states that planning decisions should ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community.
11. Policy V2 of the Chorley Local Plan 2012 – 2026 states that within the settlement areas excluded from the green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development, subject to material planning considerations.
12. Policy V1 of the Chorley Local Plan 2012 – 2026 states that:  
Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise, taking into account whether:  
a) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole and those contained in the Core Strategy; or  
b) specific policies in the Framework and Core Strategy indicate that development should be restricted.
13. The application site is located in the settlement area of Whittle-le-Woods, which is excluded from the Green Belt and identified on the Policies Map. There are no policy designations that apply to the site and thus the principle of the development proposal is considered to be acceptable, subject to other material planning considerations.

### Impact on neighbour amenity

14. Policy BNE1 of the Chorley Local Plan 2012-2026 states that planning permission will be granted for new development, provided that the proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses.
15. The application structure has previously been used for an A1 Use Class in the Use Classes Order as a hair dressing salon. Although there are neighbouring dwellinghouses in close proximity to the site, it is not considered that the replacement of the retail unit with a hot food takeaway, results in very different levels of visitors to the site than that which occurred previously or could occur should the lawful A1 use resume. In addition to this, the immediate locality has a relatively mixed character with other established business uses present, including directly to the north at no. 329 Preston Road and as such it is reasonable to expect some footfall in the area.

16. The Council's Environmental Health Officer has provided comments on the application and with regards to odours, confirmed that there are no records of complaints to Environmental Health relating to this issue. It was also stated that on this basis it would not be possible to substantiate if there is likely to be nuisance. It was recommended that the neighbour objecting to the planning application should make a formal odour nuisance complaint, which can be properly investigated under statutory procedures.
17. The business currently operates between the hours of 08:00 and 15:00 during the week and between 08:00 and 14:00 at weekends and sells hot food items such as bacon sandwiches as well as other cold food items. It is considered that these operations are of a relatively low intensity when compared to a more typical Class A5 hot food takeaway with longer opening hours. It is considered that the type of food preparation and kitchen arrangement in operation is similar to that of a domestic property and does not present an unacceptably adverse odour nuisance to neighbouring properties.
18. In addition, the opening hours of the business will be controlled through the imposition of a condition, which would ensure that the relationship between the business and neighbouring properties would be an acceptable one.

#### Parking provision and highway safety

19. Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development, provided that, where relevant to the development the residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction.
20. Policy ST4 'Parking Standards' of the Chorley Local Plan 2012-2026 requires that proposals for development will need to make parking provision in accordance with the standards set out in Appendix A of the Local Plan. Appendix A identifies the Council's minimum parking standards for new development as the provision of 2 spaces for a proposal of this size
21. No specific off street parking would be provided as a part of the application, however, it is noted that the application structure was previously used as a retail unit that would generate traffic in its own right. In this regard the impact on car parking in the local area would be similar to the previous situation.
22. Lancashire County Council Highway's Services confirmed that they have no objections to the proposed development. They stated that although the change of use would require the provision of two car parking spaces, it is noted that a large part of Back Lane (to the north and west of the site) has no waiting restrictions and can therefore cater for customers who need to wait briefly to be served. It was also stated that no major parking difficulties were experienced during the previous use of the site as a hair dressing salon.
23. A representation of objection makes the claim that the parking standards for an A3 Use Class (restaurant and café) should be applied due to the use of outdoor seating outside the application structure in the form of benches. It is noted, however, that the level of parking standards for an A3 use are the same as for an A5 use. Notwithstanding this, the provision of outdoor seating does not mean that the use of the site would be that of a restaurant/café.

#### Impact on the character and appearance of the locality

24. Policy BNE1 of the Chorley Local Plan 2012-2026 states that planning permission will be granted for new development, provided that, where relevant to the development, the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials.

25.No physical and external alterations to the building have been implemented and none are proposed and as such it is not considered that the development is out of keeping with the character and appearance of the immediate locality which is relatively mixed. It is not proposed that an extraction or filtration system would be installed.

## CONCLUSION

26. The proposed development does not have an unacceptable adverse impact on the character and appearance of the existing site or the surrounding area, nor does it cause any significant harm to the amenity of neighbouring residents or highway safety. It is, therefore, considered that the development accords with The National Planning Policy Framework and policy and BNE1 of the Chorley Local Plan 2012 – 2026.

## RELEVANT HISTORY OF THE SITE

**Ref:** 13/00787/FUL **Decision:** REFFPP **Decision Date:** 25 November 2013  
**Description:** Change of use from hairdressing salon to dog grooming salon

**Ref:** 17/01226/FUL **Decision:** APPRET **Decision Date:**  
**Description:** Change of use from cafe (A3 Use Class) to hot food takeaway (A5 Use Class).

**RELEVANT POLICIES:** In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.

### Suggested Conditions

1. The development hereby permitted shall be carried out in accordance with the approved plans below:

Title	Plan Ref	Received On
Location Plan	LAN141377	8 March 2018

*Reason: For the avoidance of doubt and in the interests of proper planning*

2. The use hereby permitted shall be restricted to the hours between 08:00; and 15:00hrs; on weekdays and between 08:00; and 14:00; on Saturdays, Sundays and Bank Holidays.

*Reason: To safeguard the amenities of local residents.*