

Application Recommended for APPROVAL
Bank Hall Ward

APP/2017/0432

Full Planning Application

Change of use of premises from A4 use (Drinking Establishment) to A3 use (Restaurant).

FULLEDGE CONSERVATIVE CLUB, PLUMBE STREET, BURNLEY

Background:

The application seeks planning permission for a change of use to a Restaurant from a Public House with an internal seating area of 100 approximately.

Opening hours are specified as 17:00 to 23:00 from Tuesdays to Sundays and closed on Mondays.



The application is retrospective and the restaurant is fully operational.

Under the Town and Country Planning (Use Classes) Order 1987 (SI 764) pubs generally fall into use class A4 – drinking establishments. It used to be the case that planning permission was not required for a change of use from class A4 (pub) to certain other uses.

Section 15 of the Neighbourhood Planning Act 2017 required the Secretary of State, “as soon as reasonably practicable after the coming into force of this section” to remove the existing permitted development rights which allow drinking establishments, including pubs, to change use or to be demolished. This has now been done and has come into force, through the Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2017, from 23 May 2017.

Objections have been received.

Relevant Policies:

Burnley Local Plan Second Review

GP1 – Development within the Urban Boundary

CF13 – Restaurants, Cafes, Public Houses and Hot Food Takeaways

Burnley's Local Plan (Proposed Submission Document March 2017)

SP4 – Development Strategy

TC7 – Restaurants, Cafes, Public Houses and Hot Food Takeaways

NPPF – National Planning Policy Framework

Site History:

No relevant history.

Consultation Responses:

LCC Highways Burnley

It is estimated that the change of use will not make a significant impact on the traffic in the area. As this is a respective application checks have been undertaken with our traffic section and to date the new restaurant has not been the subject of the complaints.

As the local business is not causing local problems Highways do not have any reason to raise any objection on highway grounds.

Environmental Health

It appears that the majority of the works have already been completed in transforming the site, therefore no objections are raised subject to the following conditions and with times set at 17:00hrs to 23:00hrs

Condition:

The use hereby approved shall not operate outside the hours of 1700hrs and 2300hrs Monday to Sunday.

Reason:

To protect the amenities of nearby residents, in accordance with Policy CF13 of the Burnley Local Plan, Second Review.

Condition:

The development shall not start until details of refuse storage enclosures showing the design, location and external appearance have been submitted to and approved in writing by the Local Planning Authority. The approved enclosures shall be provided before the start of the use and thereafter permanently retained.

Reason:

To provide satisfactory refuse storage provision in the interests of the appearance of the site and locality and to ensure compliance with policy GP3 of the Burnley Local Plan, Second Review

Condition:

No development shall take place until a scheme of odour suppression has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a description of all proposed cooking processes, a plan of the proposed ventilation system and odour abatement measures including the location and details of

the filters and fans and the manufacturer's recommendations concerning frequency and type of maintenance. The approved equipment shall be installed in accordance with the approved details prior to the use hereby approved commencing and shall thereafter be operated at all times when cooking is taking place and maintained in accordance with the manufacturer's instructions.

Reason:

In order to avoid odour nuisance to the occupiers of adjacent properties

Objection letters have been received from 2 residents raising the following issues:

- No designated parking
- Parking is an issue/highway safety
- Smells emanating from cooking

The Highway Authority and Environmental Health have no objections to the proposal and the concerns raised above do not adversely affect the residential amenity since the operation of the Restaurant.

Planning and Environmental Considerations:

Principle of development

Given the location of the proposed development within an existing local commercial zone, the principle of the development is considered to be acceptable, subject to its impact on the vitality and viability of the area, residential amenity, visual amenity, highway safety and parking provision.

The proposed change of use of part of the ground would represent an efficient and effective use of the existing floor space whilst retaining the function room, albeit on a smaller scale. The principle of the proposal does not conflict with the local plan policies regardless this type of proposal was deemed as a permitted change from an A4 use to an A3 use prior to May 2017.

Impact on residential amenity

The proposal involves modest works internally/externally that would not have a detrimental impact on any nearby residential amenity.

The floor space of the area currently under operation for a change of use measures 150m², and there is a separation distance from adjacent residential properties of less than 15 metres. The entrance is along Plumbe Street which is directly opposite the commercial premises. In this situation, the disturbance to residents would not be any greater than the existing Public House and with limited opening hours between 1700 to 2300 would not cause a nuisance to surrounding residential property by virtue of excessive noise nuisance.

In this case, the proposed hours of operation would be acceptable considering the location and taking account of the previous use timings. The use of the kitchen facilities would not exacerbate the current situation to the extent that there would be any additional impact on amenity. With the addition of planning conditions to restrict the hours of operation and ensure that cooking would only be undertaken the appropriate facilities, the proposals would comply with the terms of Policy



Environmental Health issues

As the development proposes to use the existing cooking and ventilation system operated by the hotel restaurant, and the hours of operation would be within the existing hours of the pub/restaurant, there would be no increased effects in terms of noise or odour to the surrounding area. Planning conditions are proposed to restrict any additional cooking and to restrict the hours of operation proposed.

Arrangements are already in place for waste storage and collection.

Highway

In this instance, the hot food takeaway would be accessible by all means of transport. The proposal is within an established commercial area where there is a lay-by adjacent to the site for deliveries and/or customer car parking. The level of traffic generated by this type of development is relatively low and it is anticipated that there would be no detrimental impact in terms of road safety.

Conclusion

Objections have been received relating to the proposed development and have been considered as part of the analysis of the proposal. The proposed development is acceptable and would not have any unacceptable adverse impacts upon residential amenity or the street scene.

It is concluded from the foregoing that the proposal complies with the provisions of the local plan.

Furthermore, the proposed development would utilise a vacant unit and bring it back into economic use providing employment and therefore helping to support the vitality and viability of the area.

The proposal satisfies the requirements of the Local Plan. There are no material considerations that would justify refusal of planning permission. It is therefore recommended that planning permission be granted subject to the following conditions.

Recommendation:

That planning permission is granted.

Conditions

1. The use hereby approved shall not operate outside the hours of 1700hrs and 2300hrs Monday to Sunday.
2. Within three months of the date of this decision, details of the methods of odour suppression implemented within the kitchen must be submitted to and approved in writing by the Local Planning Authority. The details shall include a description of all proposed cooking processes, a plan of the proposed ventilation system and odour abatement measures including the location and details of the filters and fans and the manufacturer's recommendations concerning frequency and type of maintenance. The approved equipment shall have been installed in accordance with the approved details and shall thereafter be operated at all times when cooking is taking place and maintained in accordance with the manufacturer's instructions.

Reasons

1. To protect the amenities of nearby residents, in accordance with Policy CF13 of the Burnley Local Plan, Second Review.
2. In order to avoid odour nuisance to the occupiers of adjacent properties.