

Full Planning Application  
Proposed change of use from (Class A1) retail to (Class A5) hot food take-away  
212 COLNE ROAD, BURNLEY

**Background:**

An objection has been received.

**Summary of Reason for Decision:**

The development is generally in accordance with the Development Plan, in particular the policies listed below, and there are no other material considerations to indicate that planning permission should not be granted:

**Relevant Policies:**

Burnley Local Plan Second Review

CF13 - Restaurants, cafes, public houses and hot food take-aways

GP1 - Development within the Urban Boundary

GP3 - Design and Quality

**Site History:**

74/0268 – Alterations and change of use of shop to dentist – c/c

00/0278 – Change of use from dental surgery to maternity wear retail shop – c/c

**Consultation Responses:**

*Highway Authority* – The proposal is within the retail terrace along Colne Road, and therefore raise no objection to the proposal on highway grounds.

*Neighbouring business owner* – Objects to the proposed take-away for the following reasons;

- There are enough take-aways selling food.
- The extra take-away would add to the litter around the area.
- Due to the take-away being mainly open during late hours, this would create noise pollution for people in the surrounding area.
- Another food establishment would create tension between the owners, as there would be competition to entice customers (*the development of competing business outlets is not a planning consideration*).

**Planning and Environmental Considerations:**

The proposal involves the change of use of the premises from retail use (class A1) to a hot food take-away (class A5). The proposed opening hours are 4pm to 10.30pm Monday to Friday. 4pm to 11pm on Saturdays and 4pm to 10pm on Sundays and Bank Holidays.

The main considerations are the level of concentration of hot food take-aways in this frontage, residential amenity, odour control, refuse storage and parking.



212 Colne Road

### **LOCAL PLAN POLICY CF13 - RESTAURANTS, CAFES, PUBLIC HOUSES AND HOT FOOD TAKEAWAYS - states**

Proposals for restaurants, cafes, hot food shops (Use Class A3) and public houses will be permitted when the proposal:

- a. is, wherever possible, located in, or adjacent to, a defined town, district or local centre, or within one of the named settlements listed in General Policy GP2: "Development in Rural Areas" (*the proposal is located within a defined district centre*);
- b. is accessible by walking, cycling and public transport (*the property is easily accessible and is on a good bus route*);
- c. includes an adequate and effective fume and odour control system (*the installation of an extraction flue is proposed*);
- d. can be accommodated without detriment to the free flow of traffic or (residential amenity (*traffic flow will not be affected and there should be no adverse effect on residential amenity*));
- e. includes measures to reduce the impact of noise and litter (*noise and litter are not considered to be significant issues in this case*);
- f. will not create an unacceptable concentration of non-retail uses in Burnley and Padiham Town Centres in accordance with policies BTC1, BTC2, PTC1 or PTC3, or more than 30% in any other centre or frontage (*there will be no more than 30% non-retail uses on this frontage*); and
- g. complies with Local Plan Environment Policy E25 - "Shop Fronts" (*the application does not include alterations to the shop front*).

Where appropriate, restrictions will be placed on opening hours through the use of planning conditions (*Conditions would be appropriate if the application is approved*).

### *Residential amenity*

The property is within a long terraced row of shops. Local Plan policy CF13 states that there should be no more than 30% non-retail uses in any frontage. This frontage mainly consists of A1 retail uses with five other hot food take-aways, a bank and a vacant property. There will not be in excess of 30% non-retail uses on this frontage if this application is approved, the resulting % will be around 17%.

The proposed opening hours are in line with other hot food take-aways in the area. Some have had their opening hours restricted by condition, but in this case it would appear to be unnecessary as there are no residential properties in close proximity. There are no residential flats above the premises or above the properties either side.

### *Refuse storage*

No details have been received with regard to storage of refuse other than that any waste removal will be carried out by Biffa waste management. Further details of waste storage and removal are required. A condition is required to deal with this matter.

### *Odour control*

The extraction flue would be located at the rear of the building and would extend up to 1 metre above guttering height with a rain cowl on top. A condition is required in respect of the extraction flue.

### *Parking*

There is no off-street parking available, however, on-street parking is considered to be acceptable in this location, and the Highway Authority have raised no objection.

### *Conclusion*

The proposed take-away is considered to be acceptable and in accordance with the Local Plan policies listed above.

### **Recommendation:**

Grant subject to the following conditions;

### **Conditions:**

1. The development must be begun within three years of the date of this decision.
2. Notwithstanding the submitted details, a scheme for the collection and dispersal of cooking odours shall be submitted to and improved in writing by the Local Planning Authority before the use starts. The scheme shall be fully implemented before the use of the premises as a hot food take-away starts and shall thereafter be maintained in good working order at all times, in accordance with the manufacturer's instructions.
3. Before the use commences provision shall be made for the storage and disposal of refuse in accordance with a scheme having the prior written approval of the Local Planning Authority. The scheme shall be carried out as approved and retained thereafter.

**Reasons:**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To protect the amenity of the surrounding environment, including occupiers of nearby premises, from nuisance from cooking odours, in accordance with Policy CF13 of the Burnley Local Plan Second Review.
3. In the interests of amenity, having regard to policy CF13 of the Burnley Local Plan Second Review.

LAB