

Planning Reference No:	09/0961C
Application Address:	12 Rood Hill, Congleton Cheshire, CW12 1LQ.
Proposal:	Change of use to ground floor from Class A1 (shop/former ceramic tile showroom) to Class A5 (hot food takeaway)
Applicant:	Mr Fereidoun Kolahi
Application Type:	Full
Ward:	Congleton Town West
Earliest Determination Date:	5 June 2009
Expiry Date:	2 June 2009
Date Report Prepared::	9 June 2009
Constraints	Listed Building

SUMMARY RECOMMENDATION:

Approve with conditions

MAIN ISSUES:

Principle of the development
Impact on highway safety
Impact on neighbour amenity
Impact on the Listed Building

1. REASON FOR REFERRAL

Called in by Councillor Gordon Baxendale on the grounds of highway safety and parking issues.

2. DESCRIPTION OF SITE AND CONTEXT

The application site consists of numbers 12, 14 and 16 Rood Hill, Congleton, number 16 is a Grade II Listed Building which was formerly the Oddfellows Arms together with numbers 18 and 20 and at ground floor level there is a relatively modern shop window.

3. DETAILS OF PROPOSAL

The application seeks to establish the principle of change of use of the site from retail (A1) to hot food takeaway (A5), no external alterations are proposed in this application.

4. RELEVANT HISTORY

3409/3 Refusal of change of use from grocery to motor cycle sales 1976

5. POLICIES

Local Plan Policy

GR1 (General criteria for development)
GR6 (Amenity and health)

GR9 (Accessibility, servicing and parking provision)
BH3 (Change of use/conversion of Listed Buildings)
S2 (Shopping and commercial development outside town centres)

6. CONSULTATIONS (External to Planning)

The Environmental Health Section has recommended conditions relating to the hours of operation, noise insulation and odour extraction.

7. VIEWS OF THE PARISH / TOWN COUNCIL

The Town Council had not commented at the time of report preparation.

8. OTHER REPRESENTATIONS

None received at the time of report preparation.

9. OFFICER APPRAISAL

Principle of the Development

Policy GR1 requires that all development will be expected to be of a high standard, to conserve or enhance the character of the surrounding area and not detract from its environmental quality. Proposals such as this one should be acceptable in terms of amenity and health, accessibility and servicing and parking provision. Policy S2 requires that development should be of an appropriate scale intended to serve the needs of a locally resident community. Having regard to these Policies, it is considered that the change of use to hot food takeaway would be acceptable as it is of an appropriate scale to serve the local community. The issues of the impact on amenity and access and parking are addressed below.

Amenity

Policy GR6 requires that proposals will only be permitted where there would be no unduly detrimental effect on the amenity of neighbouring residential properties. In the immediate vicinity of the site the buildings are largely of a commercial nature, although there are also residential properties nearby. In order to protect residential amenity in the area, it is therefore recommended that conditions be attached to the permission, should it be granted. The proposed conditions should limit the hours of opening to and require submission of details of proposed sound insulation and odour extraction. It is considered that subject to compliance with these conditions the use of the site as a hot food take away would not have an unacceptable impact on the amenity of nearby properties.

Accessibility, Servicing and Parking Provision.

Policy GR9 aims to ensure that new development does not impact on highway safety in terms of parking, access and servicing. The application site is situated on a busy road and there are parking restrictions in the form of double yellow lines adjacent to it. However there is a public car park on Royle Street, within 50 metres, which would provide adequate parking for customers to use. In addition to this the Highways Engineer has stated that he

has no objection to this proposal, as such it is considered that a refusal on the grounds of highway safety could not be sustained.

Impact on the Listed Building

The proposal seeks no external alterations to any of the buildings at this stage and there are no internal alterations to be made to the section of the building, which is the subject of listing. The applicant is aware that should internal alterations be proposed to this part of the building, a subsequent application for Listed Building Consent will need to be submitted.

10. CONCLUSIONS

It is considered that the proposed use of the site as a hot food takeaway would not, subject to the imposition of the conditions recommended below, have an adverse impact on the amenity of neighbouring properties. With regard to parking provision and highway safety, it is considered that due to the parking facilities in the vicinity, there would not be an adverse impact on highway safety, therefore approval of this application is recommended.

11. RECOMMENDATION

APPROVE subject to the following conditions

- 1. Standard time**
- 2. Hours of operation, 11.30 to 23.30 Monday to Saturday and 11.30 to 22.30 Sundays and public holidays.**
- 3. Details of noise insulation to be submitted for approval**
- 4. Details of cooking odour extraction equipment to be submitted for approval**

