

RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

APPROVAL

DATE: 30 April 2009

REF: CS/EL

CHECKED BY:

APPLICATION NO: 3/2009/0117/P

(GRID REF: SD 374662 442237)

PROPOSED CHANGE OPENING HOURS FROM 0730 - 1430 MONDAY TO SATURDAY TO 0730 - 1530 AND 1700 TO 2130 MONDAY TO SATURDAY AT 25 CHATBURN ROAD, CLITHEROE

TOWN COUNCIL: No objections.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): No objections to this proposal on highway safety grounds.

ADDITIONAL REPRESENTATIONS: A letter has been received from nearby residents who say that, whilst this business does not cause too much disruption during daylight hours, they feel that its opening during the evening would have a detrimental effect on the quality of life of residents in the near vicinity. They believe that evening opening would attract a different type of clientele to daytime users, causing problems of noise, litter and possibly anti-social behaviour, also as residents park their vehicles on this road at night, there would be a risk of customers double parking to the detriment of highway safety.

Proposal

The application relates to a proposed change in the permitted opening hours of this business as stated in the description of the proposal at the beginning of this report.

Site Location

The application relates to a property that is used for the sale of hot and cold food for consumption off the premises. It is sited within a terrace of residential properties on the north west side of Chatburn Road and there are also terraced houses on the opposite side of the road.

Relevant History

3/1989/0534/P – Single storey kitchen extension. Approved.

3/1986/0505/P – Change of use of domestic lounge into café dining area. Refused.

3/1996/0684/P – Extension of existing snack bar and sandwich bar to hot food take away. Refused.

3/2007/0949/P – Application for Certificate of Lawfulness for the existing and continued use as a shop to sell hot and cold food. Certificate issued subject to limitations.

Relevant Policies

Policy G1 - Development Control.

Environmental, AONB, Human Rights and Other Issues

From the history of planning applications it is evident that this property has been used for A1 retail purposes since at least 1986 (and possibly for many years prior to this). Over the years, there appear to have been variations in the precise nature of the retail use, and it is evident that this has included the sale of some hot food items.

Application 3/2007/0949/P sought a Certificate of Lawfulness for the existing and continued use of the property as a shop to sell hot and cold food. After careful consideration of all the evidence submitted with that application, it was concluded that the applicant had provided sufficient information to prove that the premises have been used for the sale of a mix of hot and cold food during daytime hours of 0730 to 1430 Monday to Friday and 0730 to 1200 Saturday for in excess of 10 years. A Certificate of Lawfulness was therefore issued in relation to that precise use (ie 'the sale of a mix of hot and cold food') during those stated hours only.

This application seeks to change those opening hours by extending the daytime opening hours to 1530 Monday to Saturday and introducing evening opening hours between 1700 and 2130 Monday to Saturday. No alterations are proposed to the type and mix of food sold and there is no proposal to open on Sundays.

The matters for consideration in the determination of this application relate to the effects of the requested extended opening hours on the amenities of nearby residents and highway safety.

The nearest 30 residential properties (on both sides of the road) were notified of this application. The applicant has submitted the signatures of persons from 10 of these properties beneath the following statement:

'I am aware that Ling Hu opens during the day serving hot and cold sandwiches and also hot dishes. I am also aware that Ling Hu opens from time to time in the evening until about 9.30pm. I do not experience any inconvenience or problems such as noise or litter due to the shop opening in the evening'.

Nothing has been received from 19 of the properties and one letter of objection has been received in which concerns are raised in respect of residential amenity and highway safety.

On the basis that there would be no change in the range of food to be sold, and therefore no implications for odour abatement, the Environmental Health Officer has no objections to this application.

Although adjoined by residential properties, the application site is on a main road in the vicinity of a petrol filling station. Within this context, it is not considered that the use of the premises up until 2130 on six days a week would result in any seriously detrimental effects on the amenities of nearby residents.

The County Surveyor has stated that he has no objections to the application on highway safety grounds.

Overall, I can therefore see no sustainable reasons for refusal of this application.

SUMMARY OF REASONS FOR APPROVAL

The proposed change of opening hours would not have any seriously detrimental effects upon the amenities of nearby residents or highway safety.

RECOMMENDATION: That planning permission be GRANTED.