

Application Number 15/00875/FUL

Proposal Change of use from shop (Class A1) to a Restaurant (Class A3)

Site 115 Bentinck Street, Ashton-Under-Lyne

Applicant Mr Babar Farook

Recommendation **Refuse**

REPORT

1 APPLICATION DESCRIPTION

- 1.1 The former Guzzlin' Goose public house is used currently as a convenience store. The proposal is to sub-divide and use part of the building as a restaurant. In conjunction with the change of use it is proposed that a new shop front be installed on that part of the building and that an external flue would be installed on the roof.
- 1.2 The new shop front is designed to match that on the other section of the building. The alterations to the existing frontage would be minor, amounting to the lowering of the stall riser beneath the display window and the construction of a new door. The flue would emerge centrally between the front and back on the left hand side of the building and protrude above the level of the roof of the taller neighbouring section of the building.

2.0 SITE & SURROUNDINGS

- 2.1 The building is in three sections. The middle section rises to two storeys and is flanked on both sides by single-storey sections. The three sections are each flat-roofed. The application relates to the larger of the single-storey sections on the northern side of the building that is attached to a terrace of three-storey maisonettes. Both the building and the maisonettes face across Bentinck Street towards former car showrooms, now disused. On the other side of the building there is an area of amenity space associated with a residential tower block behind. The location is immediately beyond the boundary of the town centre.

3.0 PLANNING HISTORY

- 3.1 Retrospective planning permission (ref. 14/00060/FUL) for the retention of a flat-roofed, single-storey extension on the southern side of the building, next to the neighbouring area of amenity space, and authorisation to display advertisements (ref. 14/00061/ADV) were granted in March 2014 in relation to the use as a convenience store.
- 3.2 Subsequently, in November 2014 an application (ref. 14/00910/FUL) was refused to change the use of the same part of the ground-floor of the shop, to which the current application relates, to a hot food takeaway and restaurant with changes to the front elevation. An appeal against that decision was dismissed in March 2015.

4.0 RELEVANT PLANNING POLICIES

- 4.1 Tameside Unitary Development Plan (UDP) Allocation
 - 4.1.1 Unallocated.

4.2 Tameside UDP

4.2.1 Part 1 Policies

1.12: Ensuring an Accessible, Safe and Healthy Environment.

4.2.2 Part 2 Policies

S7: Food and Drink Establishments and Amusement Centres.

C11: Shop Fronts.

4.3 National Planning Policy Framework (NPPF)

- 4.3.1 Section 2 Ensuring the vitality of town centres
Section 7 Requiring good design

4.4 Planning Practice Guidance (PPG)

This is intended to complement the NPPF and to provide a single resource for planning guidance, whilst rationalising and streamlining the material. Almost all previous planning Circulars and advice notes have been cancelled. Specific reference will be made to the PPG or other national advice in the Analysis section of the report, where appropriate.

5.0 PUBLICITY CARRIED OUT

- 5.1 As part of the planning application process, 34 notification letters were sent out to neighbouring properties on 2nd October 2015.

6.0 RESPONSES FROM CONSULTEES

- 6.1 The Head of Environmental Services – Highways has raised no objections to the proposal.
- 6.2 The Head of Environmental Services – Environmental Protection has raised no objections to the proposal and has requested conditions to be added to any approval.

7.0 SUMMARY OF THIRD PARTY RESPONSES RECEIVED

- 7.1 In response to the notifications objections were received from 2 households and from the Chief Executive of Ashton Pioneer Homes. The reasons given for objecting are that the absence of any dedicated parking spaces would exacerbate existing problems of congestion on nearby roads, litter and cooking odours.

8.0 ANALYSIS

- 8.1 The principal issues in deciding this application are:-

- 1) The principle of the development and the impact on residential amenity, and
- 2) Design of the shop front.

9.0 Principle of the development and the impact on residential amenity

9.1 The previous application was refused because:-

The use of the shop as a hot food takeaway would, because of the activities associated with the operation such premises - the comings and goings and congregating of customers, potential increased noise, litter and the cooking odours - cause harm to the established residential character of the locality. The proposal is thus contrary to policies 1.12 and S7 of Tameside's Unitary Development Plan.

In dismissing the appeal the Inspector concurred with this reason.

9.2 Whilst no proposed opening times are given on the current application form a Statement submitted with the application states that the restaurant would open for lunch time trade and until 10.00pm, with the last customer seating being around 8.30/9.00pm.

9.3 The same considerations that informed the previous decision are again applicable. UDP policy S7, states that new food and drink outlets will only be permitted where they will not harm the amenity of surrounding residential areas. In this instance the application premises is set within a wider established residential area and in close proximity of existing residences.

9.4 The proposed hours of opening of the restaurant are from lunch time trade and until 10.00pm. These opening times are such that the proposed restaurant would act as a focus in the area for comings and goings, at late hours in the evening, when nearby residents could reasonably expect some respite from commercial activity and many customers would drive to the restaurant meaning that customers would be likely to park within hearing distance of the neighbouring maisonettes and nearby flats and so local residents would then face unacceptable disturbance from the starting and stopping of engines and slamming of car doors as well as conversation in the street. At 10.00pm, and later, nearby residents should reasonably expect the environment to be quieter than during the day or early evening.

9.5 It might be contended that the current shop use itself attracts comings and goings of customers. The size of the shop is however such that will attract customers carrying-out top-up shopping or incidental purchases. The shop serves local needs where customers will arrive and leave on foot, and this will tail off in the evenings. It is not a destination to which customers will drive to carry out weekly or more bulky shopping, nor is in a location that will attract passing trade whereby drivers would pull-in and park when passing. A restaurant on the other hand will have a wider catchment and customers are more likely to drive, and later in the evening when competition for parking spaces is increased and the potential for disturbance is greater.

9.6 The proposals include the installation of a flue that would emerge through the roof of the building. In this location the flue would discharge at the level of the windows in the neighbouring maisonettes. Even the most efficient ventilation systems leave a residual odour which, compounding the disturbance caused by the comings and goings, will further harm existing residential amenities.

10.0 Design of the shop front

- 10.0 As in the previous application, the design of the proposed shop front is akin to that of the ground-floor of the frontage of the 2-storey section of the building and is generally acceptable.

11.0 Conclusion

- 11.1 A restaurant is more appropriately a town centre use and it has not been demonstrated that there are no premises available in the centre where it could be accommodated. According to Section 7 of the NPPF, planning decisions should aim to ensure that developments will function well and add to the overall quality of the area. In this edge-of-centre location the activities associated with the operation of a restaurant; the comings and goings of customers, potential increased noise, litter and the cooking odours would then be unacceptably harmful to the established residential character of the locality.

RECOMMENDATION

To refuse to grant planning permission for the following reason.

The use of the shop as a restaurant would, because of the activities associated with the operation such premises - the comings and goings of customers, potential increased noise, litter and the cooking odours - cause harm to the established residential character of the locality. The proposal is thus contrary to policies 1.12 and S7 of Tameside's Unitary Development Plan and to Sections 2 and 7 of the National Planning Policy Framework.