

## **DEPARTMENT OF PLANNING & PROSPERITY**

**ORIGINATING SECTION: Planning**

**REPORT TO: Planning & Highways Committee; 15<sup>th</sup> September 2016.**

**TITLE: Petition regarding Full Planning Application for Change of use from former day care centre into restaurant and installation of extraction flue (ref: 10/16/0096), at Limbrick Hall, 2 St Andrews Street, Blackburn.**

**APPLICANT: Mr Dhon Miah Ali.**

**WARD: Shear Brow.**

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**Councillor: Suleman Khonat**

**Councillor: Hussain Akhtar**

**Councillor: Shiraj Vali**

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### **1.0 PURPOSE OF THE REPORT**

1.1 To inform Members of the receipt of a petition relating to the aforementioned proposal, a copy of which is available in Democratic Services.

### **2.0 BACKGROUND AND DETAILS**

2.1 Planning application reference 10/16/0096 was submitted to the Local Planning Authority on 2<sup>nd</sup> February 2016 for the proposed change of use of a former day care nursery into a restaurant and installation of an external extraction flue.

2.2 Public consultation letters were issued on 16<sup>th</sup> March 2016.

2.3 The planning application was approved on 4<sup>th</sup> May 2016, subject to conditions, as detailed in the attached Decision Notice.

2.4 A letter of objection dated 31<sup>st</sup> March 2016 was received 5<sup>th</sup> April 2016, from a Mr Mangera. Subsequently, a 24 name petition dated August 2016 was received 30<sup>th</sup> August 2016 with Mr Mangera's covering letter attached. It should be emphasised that the petition was not received during the course of the planning application assessment. The following is a summary of the objections raised.

- **Parking:** The restaurant will impact upon an already congested residential area that features a residents parking permit scheme, as a result of the opening hours of the business (12:00pm – 11:pm, 7 days a week), and close proximity to an existing restaurant (Waheeds, Randal Street) and two local mosques.
- **Vermin:** Exacerbation of a pre-existing vermin issue in the area, as a result of increased food waste.
- **Deliveries:** An increase in traffic, noise and litter.

- **Odour pollution:** Cooking odour from the restaurant and food waste.
- **Insect nuisance:** An increase in food waste resulting in an invasion of insects.
- **Noise pollution:** An increase in noise resulting from customers of the restaurant.
- **Litter:** Exacerbation of a pre-existing litter problem.
- **Smoking:** Customers smoking outside the restaurant.
- **Consultation:** Many residents say they did not receive letters notifying them of the application.

Highway assessment was carried out by the Local Highways Authority during the course of the application. On-site parking provision, and access/servicing arrangements are addressed in the Delegated Officer Report. Conditions attached to the planning permission require provision of secured on site cycle/motor cycle parking and pedestrian access to be addressed.

Amenity assessment was carried out by the Council's Public Protection team, concerning noise, odour and other potential pollution that could result in harm to local amenity, all of which is addressed in the Delegated Officer Report.

A condition to require a scheme for the control of cooking odour is attached to the permission, together with a restriction on opening hours, in order to safeguard residential amenity.

A copy of the Delegated Officer Report and Decision Notice are attached as background papers to this report.

It is acknowledged that the potential for vermin and insect nuisance was not addressed at application stage, as these matters fall outside the scope of material planning considerations. In the event of such nuisance arising, the Council's Public Protection team have available statutory powers to address complaints.

The management of litter is the responsibility of the business proprietor. Future complaints of an accumulation of waste can be directed to the Council's Environmental Control team for investigation.

Outdoor smoking is, unfortunately, a matter beyond the control of the Council. Limited control may be exerted by the business proprietor.

With regards to consultation; comprehensive consultation was carried out in accordance with the Council's statutory requirements prescribed in Article 15 of the Development Management Procedure Order (England) 2015. The following premises were consulted by letter dated 16<sup>th</sup> March 2016:

64-90 Limbrick  
 41a- 51 Limbrick  
 1a Shear Brow  
 1-15 St Andrew's Street  
 4-8 St Andrew's Street

16-26 Wellington Street St John's

**3.0 RECOMMENDATION**

3.1 That the petition be noted and to inform the lead petitioner of the same.

**4.0 BACKGROUND PAPERS**

4.1 Delegated Officer Report and Decision Notice (ref. 10/16/0096).

**5.0 CONTACT OFFICER** Nick Blackledge – Tel. 585112.

**6.0 DATE PREPARED** 2<sup>nd</sup> September 2016.