

DEPARTMENT OF GROWTH & DEVELOPMENT

ORIGINATING SECTION: Planning (Development Management)

REPORT TO: Planning & Highways Committee on 18th January 2018.

TITLE: Petition regarding submission of Prior Notification of proposed change of use of no. 597 Bolton Road, Blackburn, BB2 4JP from retail (use class A1) to a café (use class A3).

(Ref: 10/17/1338)

APPLICANT: Mr Abdul Hussain

WARD: Fernhurst

Councillor: John Slater
Councillor: Jacqueline Slater
Councillor: Denise Gee

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 Prior notification reference 10/17/1338 was submitted to the Local Planning Authority on 2nd November 2017, outlining the proposed change of use of 597 Bolton Road, Blackburn from a retail use (A1) to a café / restaurant use (A3). The submission is not a traditional planning application. It is notification of the intended change of use; allowing the local authority the opportunity to assess the following matters, on the understanding that the proposal complies with the permitted development criterion set out in Schedule 2, Part 3, Class C of the (General Permitted Development) Order 2015 (as amended) (GPDO):

(a) Noise impacts of the development

(b) Odour impacts of the development

(c) Impacts of storage and handling of waste in relation to the development

(d) Impacts of hours of opening of the development

(e) Transport and highways impact of the development

(f) Whether it is desirable for a building to change to a use falling within Class A3 because of the impact of the change of use-

(i) On adequate provision of services of the sort that may be provided by a building falling within Class A1 but only where there is a reasonable prospect of the building being used to provide such services.

2.2 Public consultation letters were issued on 17th November 2017.

- 2.3 A 32 named petition was received on 8th December 2017, objecting to the proposal on a range of grounds including; inadequate parking, over provision of takeaways / food outlets, noise disturbance, litter and vermin. A copy of the petition has been placed in Democratic Services.
- 2.4 The proposal details the existing use of the premises as an A1 retail outlet. A site inspection and discussion with the proprietor of the business established the current use as a nail salon; a *sui generis* use. In order for the proposal to qualify as 'Permitted Development', the existing use would need to be either A1 or A2. Consequently, as the proposal fails to comply with the limitations of Schedule 2, Part 3, Class C (a) (i) of the GPDO, further assessment of the aforementioned matters, set out as (a) to (f) of Class C, is not required. Accordingly, the application was refused on 21st December 2017.

3.0 RECOMMENDATION

- 3.1 That the petition be noted and the lead petitioner be kept informed of the recommendation once made and the formal decision relating to the notification application.

4.0 BACKGROUND PAPERS: None.

5.0 CONTACT OFFICER: Nick Blackledge – Tel. 585112.

6.0 DATE PREPARED: 22nd December 2017.