

Planning Committee: 22 June 2005

Item Number: 18

Application No: W 05 / 0695

Registration Date: 22/04/2005

Town/Parish Council: Kenilworth

Expiry Date: 17/06/2005

Case Officer: Debbie Prince

01926 456555 planning_west@warwickdc.gov.uk

76 Priory Road, Kenilworth, CV8 1LQ

Change of use from B1 office to takeaway A5 FOR Mr Halton

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council object to the proposal on the grounds that the concentration of yet another food and drink outlet in this area would generate more stopping traffic, thus adding to the traffic hazard on a busy road with a sharp bend. Also that the area is mainly residential with adequate provision for fast food/takeaway facilities.

Neighbours - Eight letters have been received from neighbours and neighbouring businesses objecting to the proposal on lack of parking facilities, danger to traffic, litter, noise odour and lack of need.

Environmental Health - After considering the number of residential properties close by has no objection subject to strict conditions covering noise and odour, including the specifications for any extract flue to be agreed in writing and implemented before commencement of the use.

WCC Highways - Have no objections to the change of use. There are already three takeaways on this part of Priory Road and the road, in terms of traffic flow and highway safety has coped satisfactorily. This is mainly because the traffic generated by the takeaway businesses peaks in the late evening when other traffic is sparse. At this time of the day there is also room to park in the lay-by opposite and further down Priory Road. Another takeaway in this area would not create such a significant traffic problem to warrant objection on highway safety grounds. The County Council is not aware of any problems with vehicles parking on the double yellow lines outside the property.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

PLANNING HISTORY

This application property is currently empty but was last used as (B1) office premises. Planning permission has been granted for a number of uses over the last three years including return to residential and physiotherapy consultancy, but neither of these permissions has been implemented.

KEY ISSUES

The Site and its Location

The application property is located in a mixed use area close to the bend in Priory Road, between a Chinese Takeaway and office premises which are currently up for sale.

Details of the Development

The proposal involves the change of use of the ground floor of the building from B1 Office Use to A5 Hot Food Takeaway.

Assessment

The application property is not in an area allocated for a specific use in the local plan and would remain in employment use. There is, therefore, no objection to it on policy grounds.

There is much concern that the proposal would have an additional detrimental impact on the residential properties in the vicinity from odour, noise and litter and also that this area of Priory Road already has a number of existing hot food businesses. However, it is considered that with appropriate conditions to control odour through an efficient extraction system and others covering noise the proposal would not have such a significant additional adverse impact on the surrounding area or neighbours to warrant refusal.

The property is located on a bend in the road with double yellow lines immediately adjacent to the premises. Concern has been expressed about the stopping traffic generated by the customers who would visit the takeaway and its impact on highway safety. Nevertheless, the County Council has no objection to the proposal in terms of its impact on highway safety as the traffic generated by the business would be at its peak in the late evening when other traffic is sparse and there is room for parking on the opposite side of Priory Road.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the policies listed above.

RECOMMENDATION

GRANT subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing no. 1637/1, and specification contained therein, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.

- 3 Comprehensive kitchen ventilation schemes shall be installed to capture and treat fumes to ensure that as far as reasonably practicable no nuisance is caused from cooking odours. **REASON** : To ensure the continued satisfactory operation of the odour control system to protect the amenities of the area in accordance with the requirements of Policy (DW) ENV3 of the Warwick District Local Plan 1995.
- 4 Prior to works commencing, details of the kitchen extraction system shall be submitted to and approved in writing by the Environmental Health Unit of the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure the continued satisfactory operation of the odour control system to protect the amenities of the area in accordance with the requirements of Policy (DW) ENV3 of the Warwick District Local Plan 1995.
- 5 The level of noise from fixed plant and equipment including kitchen extract and air conditioning systems measured one metre from the nearest noise sensitive facade(s) shall not increase the background level.

Notes

1. The background level shall be measured as the A-weighted sound pressure level exceeded for 90% of the time, LA90, over a minimum period of five minutes. A time constant of 125 milliseconds (fast) shall be used for all background measurements.
 2. The background level of the noise shall normally be measured 1 metre from the facade of the nearest noise sensitive property. Where access is not practical it will be acceptable to measure in an alternative location and calculate back to the relevant location. In these circumstances, the details of such calculations must be recorded and kept for examination by the Council if required.
 3. If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.
 4. The background level shall be measured using an environmental or statistical noise analyser or an equivalent data logging system complying with type 2 of BS EN 60651 or better.
REASON : In the interests of residential and commercial amenity and to ensure that the use does not become a source of annoyance to the occupiers of neighbouring properties.
- 6 The odour control system installed within the extraction flue shall be retained in position and maintained to ensure its effective operation at all times strictly in accordance with any specified manufacturers' instructions. A copy of any specified manufacturer's instructions together with documentary evidence of the maintenance of the odour control system shall be made available on request to the District Planning Authority. **REASON** : To ensure the continued satisfactory operation of the odour control system to protect the amenities of the area in accordance with the requirements of Policy (DW) ENV3 of the Warwick District Local Plan 1995.

- 7 No food shall be served after 2200 hours on any day of the week.
REASON : To protect the amenities of surrounding properties.
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