

38/2002/286

MR N JAMES

CHANGE OF USE TO CLASS A3 (TAKEAWAY) AND RETENTION OF WALL ABOVE FLAT ROOF AT REAR, 193 GALMINGTON ROAD, TAUNTON.

21670/23780

FULL PERMISSION

PROPOSAL

The proposal is for the change of use of the shop at the junction between Galmington Road and College Way to a takeaway. The ground floor premises is currently vacant, with a first floor flat above. The proposal also includes the retention of a parapet wall to the rear of the properties. The wall is positioned at the rear enclosing the existing flat roof and measures 1.0 m in height, with the bottom of the wall 2.6 m above ground floor level.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the proposed development site is located on a junction; off road parking for visitors to both the development site and the adjacent unit is provided by a lay-by on Galmington Road; mobile fish and chip shop currently uses this site two evenings per week, causing no significant highway problems; it is unlikely that the traffic generation of the proposed development will be significantly different to that of the mobile fish and chip shop; while the relationship of the lay-by with the junction is not ideal, it is unlikely that this proposal will have a significant impact on highway safety, and I would therefore not wish to raise an objection to this proposal.

ENVIRONMENTAL HEALTH OFFICER would wish to raise observations due to the possibility of odour problems arising from cooking; suitable conditions should be added with regards to odour arising from cooking, and noise from any air extraction system.

CLLR ECKHART raises concerns over:- parking at the road junction with limited space in the lay-by; parking at the rear causes problems and with the new restrictions there is not as much available for extra vehicles.

9 LETTERS OF OBJECTION raising issues of:- smell from cooking would effect neighbouring properties; vans would need to use rear entrance to deliver food; hours of opening need to be considered; value of neighbouring properties would be lowered; litter would be a problem; smell and annoyance by late night opening would be a problem; parking is already a problem in the area; young children in the area would not be safe with the extra traffic up and down the cul-de-sac to the rear; discarded litter could attract vermin; mobile fish and chip shop already parks in the lay-by twice a week and would not wish to see this business being replaced by a permanent takeaway; Taunton already has plenty of similar outlets and one more is not required; fear that mobile fish and chip shop will lose their livelihood; traffic problems could result on the

junction of College Way and Galmington Road; other nearby pubs and takeaways will be affected.

POLICY CONTEXT

Taunton Deane Local Plan Revised Deposit Policies S1 (General Requirements) is relevant to this proposal. Criterion E of the policy requires that the amenity of individual dwellings or residential areas should not be adversely affected by any nuisance created. It is considered that the proposals meet the criteria of the policy and that potential nuisance from odours and noise can be controlled by condition. Policy M3 states that non-residential development will not be permitted unless there is adequate car parking facilities which would not cause undesirable parking pressure on nearby residential streets, accessibility by public transport, cycling and walking is sufficient, and the highway network can cater safely for the expected number of car trips.

ASSESSMENT

The building is situated on Galmington Road opposite the junction to College Way. The rear of the property faces onto Manor Orchard and the residential properties behind. There is a small area to the rear of the shops which is used for car parking. The site is part of the property which houses a launderette and hair salon, with residential flats above. To the front of the property is a lay-by used by customers of these businesses. Twice a week this lay-by is used by a mobile fish and chip shop which sells food between 1600- 1930 on a Wednesday and 1600- 1900 on a Saturday. Although the property is situated with residential developments surrounding it, there is a local shopping centre to the south in Pitts Close, and also a designated shopping centre at the western end of Galmington Road. This site already has existing businesses next door, and was formerly part of the hairdressing salon. It is not considered that the use of the property as a take-away will have a significant detrimental impact on the neighbouring properties as to warrant its refusal. The smell from the take-away can be controlled by suitable conditions for the installation of suitable filtered air extraction equipment, and that there should be no odours arising from cooking detectable at the facade of any residential property. It is not considered that the potential for litter problems is of sufficient concern to refuse the proposal. Given the nearby neighbouring properties it is considered that an hours of opening condition should be imposed. Opening hours of between 1100 and 2230 are recommended which should alleviate any significant problems from late night noise and disturbance to neighbouring properties from car traffic and customers of the takeaway. Concerns have been expressed over the amount of existing parking for the takeaway. Although there is a lay-by to the front of the property there are parking restrictions along the road to the rear. It is considered that the change of use will not generate a significant increase in the amount of car trips to the premises, and given the comments by the County Highways Authority the proposed use is acceptable in terms of the highways issues. The wall to the rear of the property does not visually impact on the street scene, and is considered acceptable.

RECOMMENDATION

Permission be GRANTED subject to the conditions of time limit, no opening other than between the hours of 1100 and 2230, details of air extraction unit to be submitted, no odours detectable from neighbouring residential facades, noise from air extraction system. Notes re air extraction system, food safety regulations, contact Environmental Health.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

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NOTES: