

38/2005/148

D F BARRETT

CHANGE OF USE OF SHOP (A1) TO CAFE/TAKEAWAY (A3) AT 53 HAMILTON ROAD, TAUNTON.

24117/24852

FULL PERMISSION

PROPOSAL

The proposal is for the change of use of an existing retail unit to a cafe with take away food at 53 Hamilton Road. The premises are one of a block of three properties fronting onto Hamilton Road and located to the west of the Roman Road junction with Hamilton Road. There is an existing fish and chip shop at 49 Hamilton Road. There are residential properties to the west and north of those properties with a Public House to the east. Immediately to the east is a private access drive but this does not form part of the application site. To the front of the group of three properties is a small lay-by offering 4 car parking spaces.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY views awaited.

ENVIRONMENTAL HEALTH OFFICER no objection subject to conditions for extraction equipment to be fitted and limit the amount of noise from the air extraction equipment.

6 LETTERS OF OBJECTION have been received raising the following issues -the premises is located in close proximity to the Roman Road junction where there is already illegal parking and the additional traffic associated with the use would exacerbate this; there are only 4 car parking spaces available outside of the shops and this is inadequate to serve the traffic generation of an additional take-away contrary to highway safety; parking elsewhere in Hamilton Road is restricted and busy with people who are parking to walk into town so that alternative parking is not available; the adjacent takeaway has restricted opening hours to [protect the amenity of surrounding properties and this should be maintained on this site; the provision of two takeaway businesses in this location would multiply potential problems of litter, smell and noise to the detriment of the amenity of local residents and would be to the detriment of the reputation of the existing business; any air extraction units should not be located adjacent to the living accommodation above the existing fish and chip shop to avoid a noise or smell nuisance for the neighbour; the replacement of the existing shop by a takeaway is likely to result in the loss of an important local facility that may be difficult to reinstate should the take-away not succeed; opening seven days a week without any restriction on opening hours would be detrimental to the amenities of the existing residents; the extractor is to be located adjacent to the neighbours garden and will result in smell and noise problems; a second takeaway is not needed in this location; there are already sufficient take-away facilities in East Reach, the adjacent Rose Inn and Fish and Chip shop; there are no local toilet facilities for the public in the area; if opening hours are not restricted early morning and late night opening will disturb local residents;

internal works have already commenced on site prior to the relevant planning permission; the premises is not located in the High Street where pedestrians regularly pass and the use would attract people to the area leading to anti-social behaviour, traffic and litter; windows in the side elevation would overlook the adjacent property; people will come down the adjacent drive and urinate; will there be more rubbish collection?; where will the bins go?; will they be open Sunday; will there be smells ?, how high will the extractor chimney be?; will they put gates up in the drive?; can they see alcohol; will they be open all hours?.

1 LETTER OF REPRESENTATION has been received raising the following issues:- I require 24-hour access to be maintained and would like to know where the waste would be kept.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review the following policy is considered relevant: - Policy 49 Transport Requirements of New Development.

Taunton Deane Local Plan the following policies are considered relevant: - S1 General Requirements for Development (A) additional road traffic arising, taking account of any road improvements involved, would not lead to overloading of access roads, road safety problems (E) potential air pollution, water pollution, noise, dust, glare, heat, vibration and other forms of pollution or nuisance which could arise as a result of the development will not harm public health or safety, the amenity of individual dwellings or residential areas or other elements of the local or wider environment; (F) the health, safety or amenity of any occupants or users of the development will not be harmed by any pollution or nuisance arising from an existing or committed use.

The Local Plan policy EC11 referred to in a letter of objection defines a Local Centre as a small group of local shops usually comprising newsagents, a grocery store, a sub-post office, and occasionally a hairdresser and other small shops of a local nature. I do not consider that the number and range of shops at Hamilton Road are large enough to be considered as a local centre and I do not consider that this policy is applicable to the proposal.

ASSESSMENT

The proposed change of use is located in a primarily residential area where it is important to ensure that it will not result in an unacceptable, adverse impact on the amenity of the adjacent residents. The Environmental Health Officer has not raised an objection to the proposed use, although aware of the proximity of residential properties provided the applicant installs an adequate air extraction system whose noise will not effect residents. In addition there is already an attraction for the public to visit the existing take-away facilities in the area. I consider that the proposed facility is likely to compliment this use and I recommend the restriction of opening hours, in line with the fish and chip shop to protect the residential amenity of the area, as this appears to be successful. The unit currently has an approved retail use that is likely to attract many customers by car. Detailed comments are awaited from the County Highway Authority

on the likelihood and impact of any additional traffic associated with the proposed use and this will be incorporated within the update sheet for this item. Should an objection be raised it is likely that my recommendation will be changed to one of refusal.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, opening hours, air extraction system to be fitted and maintained, noise levels for the air extractor system. Notes re food hygiene, workplace regulations, Fire Officer.

Reason(s) for recommendation:- The proposed change of use of a retail unit to a cafe take-away complies with the requirements of the Taunton Deane Local Plan Policy S1.

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

CONTACT OFFICER: 356467 MRS J MOORE

NOTES: