

Planning application for the change of use of a betting shop (sui generis) to a hot food takeaway (sui generis) external plant and ventilation and extraction equipment and minor external works.

Unit 1, Flat Iron Parade, New Market Street, Chorley PR7 1BY

On behalf of Domino's Pizza UK & Ireland Ltd

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Contents.

1. Introduction.....	1
2. Site and Surrounding Area.....	2
3. Planning History.....	3
The Appraisal Site.....	3
Other Sites.....	3
4. The Proposal.....	4
Change of Use.....	4
Extraction and Ventilation Equipment.....	4
Other External Alterations.....	4
5. Planning Policy.....	6
The Development Plan.....	6
Chorley Local Plan (2015).....	6
Central Lancashire Adopted Core Strategy (2012).....	7
Material Considerations.....	8
National Planning Policy Framework.....	8
Supplementary Planning Documents.....	9
6. Planning Assessment.....	10
Principle of the Proposed Development.....	10
Impact on Residential Amenity.....	11
Highways and Parking Considerations.....	11
7. Design and Access.....	12
Design.....	12
Access.....	12
8. Conclusions.....	13



1. Introduction

- 1.1. Pegasus Group is instructed by Domino's Pizza UK & Ireland Ltd (the Applicant) to submit an application for planning permission for the change of use of from a betting office to a hot food takeaway (both uses sui generis) at Unit 1, Flat Iron Parade, New Market Street, Chorley PR7 1BY. The full description of development is:

"Change of use from a betting office (sui generis) to a hot food takeaway (sui generis), external plant and ventilation and extraction equipment and minor external works."

- 1.2. This Planning, Design and Access Statement provides the background to the application including details of the Site and surrounding area, together with the relevant planning history, policy context and detailed design of the proposal.
- 1.3. The main justification section explores whether the proposal is compliant with the policies in the Development Plan and considers the proposal against other material considerations, including the National Planning Policy Framework (NPPF).
- 1.4. The Statement should be read in conjunction with the other supporting documents, including:
- Plans provided by AEW Architects



2. Site and Surrounding Area

- 2.1. The application Site ('Site') comprises a two storey brick built commercial building which is part of a parade of shops within Chorley town centre. The Site (and parade) are of a relatively new construction with a pitched and tiled roof. The lawful use of the Site is a betting office (sui generis). The customer entrance into the unit is taken from the corner of the unit at the junction of New Market Street and the Flat Iron car park. The unit extends to 114 sq.m on the ground floor and 109 sq.m on the first floor.
- 2.2. There is off-street car parking within the Flat Iron car park which provides short stay parking for customers to the town centre which is located adjacent to the Site.
- 2.3. The Site is located within a sustainable location, with bus stops within 100 metres of the Site which are served by frequent buses to and from Preston, Blackburn, Wigan, Bolton and the local area. Chorley Train Station is situated approximately 250 metres from the Site which provides frequent train services to Manchester, Blackpool and Barrow.
- 2.4. The Site is not located within a Conservation Area and there are no Statutorily Listed Buildings within, or in close proximity to the Site. There are no locally listed buildings within proximity of the Site.
- 2.5. The Site is located within the town centre of Chorley and within the Primary Shopping Area. As such, the Site is located 'in-centre' in retail planning terms.
- 2.6. The Site is located within Flood Zone 1, an area with the lowest probability of flooding.



3. Planning History

The Appraisal Site

- 3.1. The use of the Site as a betting office appears to have commenced following the approval of planning permission for the change of use of the unit from a shop to the betting office in January 2008 (reference 07/01399/COU).
- 3.2. Since that time, there have been other planning consents for the Site including for advertisement consent, plant and BT cabinets.

Other Sites

- 3.3. Of relevance to the location of the Site and the proposed development, a planning application proposing the change of use from a shop to a hot food takeaway was approved in October 2020 (reference 20/00826/FUL). The address is the Domestic Appliance Centre, 16 New Market Street, Chorley, PR7 1DB which is located 10 metres to the south of the Site.
- 3.4. Both this unit and the Site are located within the Primary Shopping Area of Chorley town centre and are part of the Primary Shopping Frontage according to the Local Plan Policies Map. The current Local Plan and policies therein were those used to determine this planning application.



4. The Proposal

- 4.1. This Statement supports an application for planning permission for the change of use from a betting office to hot food takeaway (both uses are sui generis), external works including plant and ventilation equipment and minor external works at. The unit is intended to be occupied by Domino's once all necessary consents are in place.
- 4.2. The planning application also seeks permission for facilitating external works, and to provide extraction and ventilation equipment to serve the proposed use.

Change of Use

- 4.3. The proposal is for a change of use from a vacant betting office (formerly Ladbrokes) to a hot food takeaway (sui generis), which will allow Domino's to occupy the unit.
- 4.4. The proposed unit will operate between 1100 and 2300 hours daily and will generate a number of full-time and part-time employment opportunities. Employees will be sourced locally.
- 4.5. The submitted plans show the proposed layout for the unit. On the ground floor, the main (existing) entrance will be located on the northwestern corner fronting onto the Flat Iron car park and pedestrianized area of the town centre. This entrance leads into the customer waiting area. The food preparation area will be located within the southern part of the unit along with the cold storage and back of house area. The staff and office facilities will be located on the first floor.
- 4.6. Servicing will take place from the existing communal service area located to the rear of the Site. Refuse will be stored externally in commercial bins stored in the service yard. Bins will be collected from the Site at a frequency to suit the needs of the occupier.

Extraction and Ventilation Equipment

- 4.7. In order to facilitate the operation of the unit as a hot food takeaway, it is proposed to install extraction and ventilation equipment.
- 4.8. An extract duct will be installed above the oven before penetrating the southern elevation by way of an extract vent. Fine filtration and carbon filters will be installed to deal with odours.
- 4.9. An air handling system will also be installed which will include a louvred air intake on the side (southern) elevation and an internal air handling unit with silencers as required.
- 4.10. Two air conditioning condensers and a cold room condenser will be floor mounted at the rear of the building (the southern/eastern elevation).

Other External Alterations

- 4.11. A new aluminium driver's door is proposed on the eastern elevation and the existing shopfront is to be replaced with new aluminium and painted in RAL7043.



- 4.12. Aside from these changes and the installation of louvres associated with the extract and ventilation equipment described above, no other external alterations are proposed. Paint will be applied to the shopfront where necessary.
- 4.13. Any signage would be applied for as part of a separate advertisement consent application.

5. Planning Policy

The Development Plan

5.1. Section 38(6) of the Planning and Compulsory Purchase Act requires that:

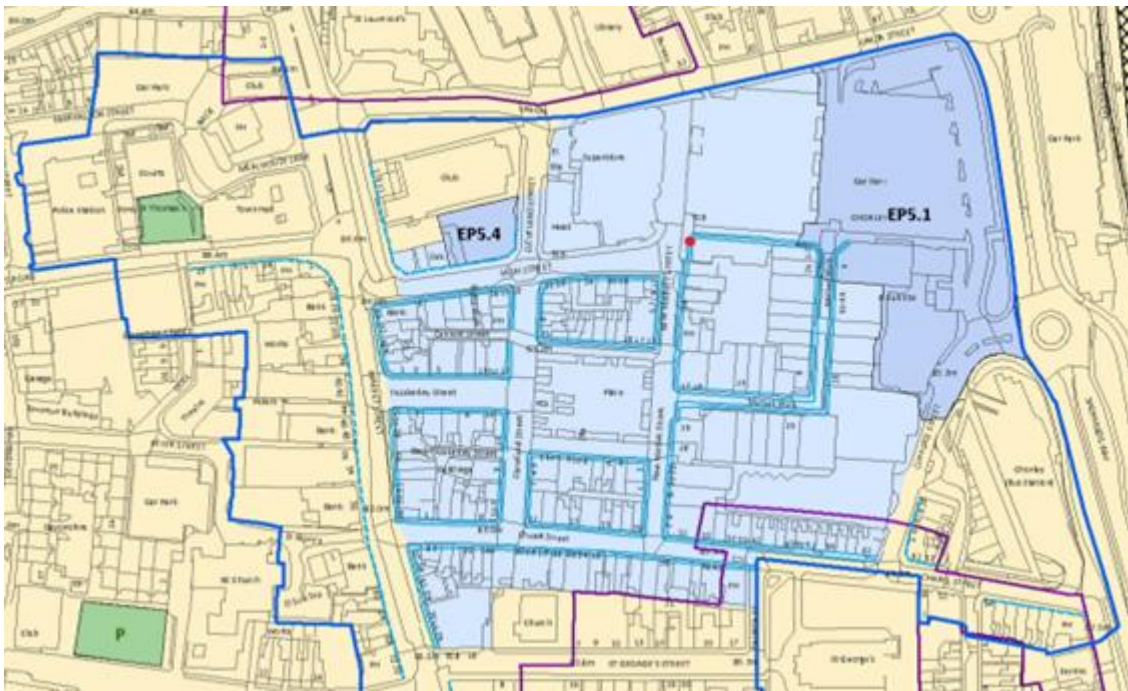
“If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

5.2. The site is located within Chorley Borough and the Development Plan for the Site comprises the following:

- Chorley Local Plan 2012 – 2026 Site Allocations and Development Management Policies Development Plan Document (2015) and the adopted Policies Map
- The Central Lancashire Adopted Core Strategy (2012)

Chorley Local Plan (2015)

5.3. The Site is located within the Primary Shopping Area of Chorley town centre and is part of the Primary Shopping Frontage according to the Local Plan Policies Map. An excerpt of the Policies Map is provided below confirming this.



5.4. Policy EP6 of the Local Plan refers and states that (inter alia):

‘Policy EP6: Chorley Town Primary Shopping Area, Primary and Secondary Frontages

Within the Primary Shopping Area of Chorley Town as shown on the Policies Map, Class A1 use (shops) will be permitted at ground floor and first floor levels. Class A3 use

(restaurants and cafes), Class A4 use (drinking establishments), Class A5 use (Hot food takeaways) and with the exception of properties in Market Walk, Class A2 use (financial and professional services) will be permitted in circumstances where they do not adversely impact either individually or cumulatively, on the function, vitality and viability of the Primary Frontage.'

Central Lancashire Adopted Core Strategy (2012)

5.5. Policy 11 'Retail and Town Centre Uses and Business Based Tourism' states that (inter alia):

'Retail and other town centre uses of a scale appropriate to the retail hierarchy and in sustainable locations will be supported, provided that the development respects the character of the centre, including its special architectural and historic interest and assists in maintaining its existing retail function.

The key elements of the hierarchy are:

- *City Centre: Preston*
- *Principal Town Centres: Leyland and Chorley*
- *District Centres: Bamber Bridge, Clayton Green, Longton, Penwortham and Tardy Gate, and those proposed at Buckshaw Village and Cottam*

Retail and town centre uses will be delivered in the following ways:

(c) Maintaining and improving the vitality and viability of Chorley town centre by building on the success of the Market Walk shopping centre, through investing in further retail development, supporting a range of other retailers and services, as well as improving the centre's appearance and accessibility.

(f) Focussing main town centre uses in the defined town centres. '

5.6. Policy 23 'Health' states that (inter alia):

'Integrate public health principles and planning, and help to reduce health inequalities by

Working with partners, including the Primary Care Trust and local authority environmental health departments, to manage the location of fast food takeaways, particularly in deprived areas and areas of poor health.'

5.7. Other relevant Core Strategy and Local Plan policies are as follows:

- Policy BNE1: Design Criteria for New Development
- Policy EP3: Development Criteria for Business and Industrial Development
- Policy ST4: Parking Standards
- Policy 3: Travel

Material Considerations

National Planning Policy Framework

- 5.8. The National Planning Policy Framework sets out the Government's planning policies for England at a national level and how they are expected to be applied. It is a significant material consideration in the determination of planning applications.
- 5.9. A new National Planning Policy Framework was published in December 2023 and relevant provisions of the new NPPF are summarised below.
- 5.10. **Paragraph 7** of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. In terms of what is meant by 'sustainable development', the NPPF states at **Paragraph 8** that there are three dimensions to sustainable development (economic, social and environmental) and three roles that the planning system needs to perform.
- *'an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
 - *a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*
 - *an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.'*
- 5.11. **Paragraph 11** states that plans and decisions should apply a presumption in favour of sustainable development.
- 'For decision-taking this means:*
- c) approving development proposals that accord with an up-to-date development plan without delay; or*
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless: i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. '*
- 5.12. **Paragraph 38** confirms that:

'Local planning authorities should approach decisions on proposed development in a positive and creative way' and that "...Decision-makers at every level should seek to approve applications for sustainable development where possible.'

5.13. At **paragraph 85**, the NPPF states:

'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.'

5.14. **Paragraph 115** states that

'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

5.15. **Paragraph 191** relates to the potential pollution impacts of new development on existing uses. It states that planning policies and decisions should:

'mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.'

Supplementary Planning Documents

5.16. The Chorley Council website confirms that the most relevant SPD entitled the 'Central Lancashire Access to Healthy Food Supplementary Planning Document (SPD) (adopted October 2012)' is not being used by the Council, pending a review. As such, we have not assessed the proposed development against the guidance in this SPD accordingly.

6. Planning Assessment

- 6.1. This section of the Statement sets out the justification for the proposed development when considered against the relevant planning policies and other material considerations.
- 6.2. The key issues arising from this proposal, which this section will cover are as follows:
- Principle of the proposed development;
 - Impact on residential amenity; and
 - Highways and parking considerations.
- 6.3. Design considerations are discussed in the next section of this Statement.

Principle of the Proposed Development

- 6.4. The Site is located within the Primary Shopping Area (PSA) and is part of the Primary Shopping Frontage (PSF) of the town centre. The unit is currently vacant and the proposal represents a main town centre use.
- 6.5. The lawful use of the site is as a betting shop (*sui generis*) and therefore there is no policy protecting the existing use, and the loss of this use is acceptable.
- 6.6. Policy EP6 permits hot food takeaways in locations such as this where they do not adversely impact either individually or cumulatively, on the function, vitality and viability of the Primary Frontage.
- 6.7. The Site is located adjacent to one other hot food takeaway use, however we do not consider that the proposed development would lead to a clustering of identical uses which could affect the vitality or viability of the PSA. The predominant use of the other units in the parade is retail use and within the immediate area, there are a variety of other, complementary main town centre uses.
- 6.8. The Central Lancashire Access to Healthy Food SPD is not being used by the council to determine planning applications, but even if it were, the Site is not located within a school exclusion zone.
- 6.9. The principle of the proposed development is further reinforced by the planning consent for a hot food takeaway at 16 Market Street which was approved in 2020 under the same Local Plan policies.
- 6.10. Finally, there is no other policy or guidance which restricts the proposed development in this location because the Central Lancashire Access to Healthy Food SPD is not being used by the Council to determine planning applications. However, even if it were, the Site is not located within a school exclusion zone.
- 6.11. Consequently, our summary in relation to the principle is that we consider that the proposed development accords with Policy EP6 of the Chorley Local Plan and Policies 11 and 23 of the Central Lancashire Adopted Core Strategy.



Impact on Residential Amenity

- 6.12. The site is located within the town centre of Chorley and adjacent to the Sir Henry Tate public house which is open until the early morning at the weekend and until midnight in the week.
- 6.13. The nearest hot food takeaway is The Nile, which is directly adjacent to the east of the Site. The takeaway operates 17:00 to 01:00 hours from Sunday to Thursday and 05:00 03:00 hours from Friday to Saturday.
- 6.14. In addition, there are other predominantly commercial premises in the immediate surrounding area which provide a level of activity during the day and nighttime hours.
- 6.15. Given that the proposed hours of operation are 1100 to 2300 hours daily, it is considered the proposal will not have a significant impact upon the neighbouring amenities. Hours of operation and the noise associated with plant and ventilation equipment can be conditioned accordingly.
- 6.16. Appropriate odour and noise mitigation equipment will be included to ensure fumes are adequately treated and dispersed and plant equipment does not result in any unacceptable noise emissions.
- 6.17. As a result, we consider that the proposed development accord with Local Plan Policy EP3.

Highways and Parking Considerations

- 6.18. The Site is located in a sustainable location within the town centre of Chorley which planning policy at all levels states should be the focus for main town centre uses such as that proposed under this planning application.
- 6.19. There are a number of bus stops located within walking distance on Station Road to the north of the Site. Furthermore, Chorley Railway Station is located approximately 200 metres walking distance to the southeast.
- 6.20. There is no site specific car parking proposed, but the Flat Iron Car Park is located directly adjacent to the Site to the north. The car park provides parking that is shared between the shops in the surrounding area and will provide sufficient car parking for customers and staff.
- 6.21. Importantly, it is expected that due to the nature of the use, the majority of meals will be ordered in advance and either collected or, more often, delivered in batches. As a result, car parking demand will be further reduced.
- 6.22. It is considered that the proposed use within this town centre location is appropriate and will not cause any harmful impacts on highways safety or result in a parking demand that is harmful to the nearby uses within the wider site, or the local area.
- 6.23. The overall parking provision within the Site and the town centre as a whole is sufficient to serve the proposed use and there is no overarching highways concern in relation to the change of use of the unit. As such, we consider that the proposed development accords with Local Plan Policies ST4 and Policy 3 as well as NPPF Paragraph 115.

7. Design and Access

Design

- 7.1. There are no material physical changes proposed to the shopfront other than signage which is subject to a separate application for advertisement consent. Other changes proposed to the building are limited to the installation of louvres and plant to serve the ventilation and extraction equipment and new doors. A new delivery driver's door is proposed on the western elevation. These are not proposed to the principal elevation. The retained shopfront will be painted in colour RAL 7043.
- 7.2. The minor alterations to the appearance of the building will be in-character with the commercial nature of the town centre and will not have a harmful impact on the visual amenity of the area. The Site is not located within a sensitive area such as a Conservation Area or in proximity to any Listed Buildings.
- 7.3. Overall, the external changes proposed are very minimal and accord with Local Plan Policy BNE1.

Access

- 7.4. There are no access implications associated with the proposed development because the existing entrance door will be retained and repainted.
- 7.5. Aside from the new delivery driver's door, there are no other material changes to access to/from or within the Site.

8. Conclusions

- 8.1. This Planning, Design and Access Statement has been prepared in support of an application for planning permission for the change of use of a betting office to a hot food takeaway (both uses are sui generis), along with minor external works including plant and ventilation equipment.
- 8.2. It has been demonstrated that the Site is an appropriate location for the proposed use which is located with the town centre of Chorley where main town centres, including hot food takeaways, are acceptable in principle. The relevant Local Plan policy specifically supports these uses subject to there not being any adverse impact on the Primary Shopping Area. For the reasons set out in this Statement, we do not consider that there will be any adverse impact and the principle of development should be acceptable.
- 8.3. The site is in a sustainable location and there are numerous parking and sustainable transport options for members of in store staff and customers.
- 8.4. It has also been shown that there will be no harm to highway safety or residential amenity and that the design of the new door and any minor external alterations is appropriate in the local context of the area.
- 8.5. It has therefore been demonstrated that the proposal is in accordance with the development plan.

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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