

Item No. 14

APPLICATION NUMBER	CB/13/03341/FULL
LOCATION	145 Tithe Farm Road, Houghton Regis, Dunstable, LU5 5JD
PROPOSAL	Construction of new shop for hot food take away (A5)
PARISH	Houghton Regis
WARD	Tithe Farm
WARD COUNCILLORS	Cllr Williams
CASE OFFICER	Debbie Willcox
DATE REGISTERED	20 September 2013
EXPIRY DATE	15 November 2013
APPLICANT	Mr Singh
AGENT	Paul Lambert Associates Ltd
REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION	Called in by Cllr Williams as a result of concerns regarding the impact the proposal would have on residential amenity. Full Application - Refusal

Recommendation

That Planning Permission be REFUSED subject to the following:

RECOMMENDED REASON

- 1 The application contains insufficient information to show that the proposed hot food takeaway would not have an adverse impact on residential amenity by reason of mechanical noise and odour and is therefore contrary to Policy BE8 of the South Bedfordshire Local Plan Review and Policies 43 and 44 of the emerging Development Strategy for Central Bedfordshire.

Notes to Applicant

1. Please note that the unnumbered drawings submitted in connection with this application have been given unique numbers by the Local Planning Authority. The numbers can be sourced by examining the plans on the View a Planning Application pages of the Council's website www.centralbedfordshire.gov.uk.

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted pro-actively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The applicant was invited to withdraw the application to seek pre-application advice prior to any re-submission but did not agree to this. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

[Notes:

1. In advance of consideration of the application the Committee were advised of additional information contained within the Late Sheet:
 - a. The applicant had confirmed that the type of cuisine to be prepared and sold from the takeaway would be fried fish, chicken and chips etc.
 - b. The applicant confirmed that the intended opening hours of the takeaway would be 5pm – 9pm on Mondays – Fridays and 12noon – 2pm and 5pm – 9pm on Saturdays and Sundays.
 - c. The applicant submitted an updated noise report with revised compliance criteria.
 - d. Public Protection Officers were consulted on the proposal again following receipt of the additional information detailed in points a – c above. Whilst noting the additional information the objection to the scheme remains on the basis that no equipment has been specified which prevents an accurate assessment of the impact of the proposal on the amenity of neighbouring residents in terms of noise and odour.
 - e. The comments of the Public Protection Officer were noted and therefore no change to the recommended decision.
2. In advance of consideration of the application representations were received in accordance with the Public Participation Scheme.]