

## SCHEDULE A: Applications with Recommendation

13/0567

Item No: 15

Date of Committee: 30/08/2013

**Appn Ref No:**  
13/0567

**Applicant:**  
Mr Chris Mitchelson

**Parish:**  
Brampton

**Date of Receipt:**  
19/07/2013

**Agent:**

**Ward:**  
Brampton

**Location:**

34 Main Street, Brampton, CA8 1RS

**Proposal:** Change Of Use From Retail To Bistro And Installation Of Extraction Flue To Rear Elevation

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## REPORT

**Case Officer:** Rebecca Burns

### 1. Recommendation

- 1.1 It is recommended that this application is approved with conditions and authority to issue subject to the submission of satisfactory details (including noise impact assessment) regarding the external flue/ventilation system.

### 2. Main Issues

- 2.1 Principle of the development
- 2.2 Impact upon Brampton Conservation Area and adjacent listed buildings
- 2.3 Highway issues
- 2.4 Public access

### 3. Application Details

#### The Site

- 3.1 The application site is located within Brampton Conservation Area adjacent to commercial properties on Main Street and in close proximity to a number of residential properties directly to the rear. The property is attached to Grade II Listed Laurel House to the west and features shop windows on the ground floor and curved feature windows on the first floor.

## **Background**

3.2 The premises has previously been used as an antiques shop.

## **The Proposal**

3.3 This application seeks permission for a Change of Use from retail unit to bistro together with the installation of extraction flue to the rear elevation.

## **4. Summary of Representations**

4.1 This application has been advertised by the means of a site notice, a press notice and the direct notification of five neighbouring properties. To date, no written or verbal representation have been received.

## **5. Summary of Consultation Responses**

Cumbria County Council - (Econ. Dir. Highways & Transportation): - the areas marked for parking are high demand on-street areas, some of which are time restricted. The union lane car park is under the control of Brampton parish Council, who are supporting the application, it is likely that staff parking will take place in that car park. As long as vehicles do not park on the bitmac area of the A6071 (and thus impede pedestrians) there are not any major highway/traffic issues associated with this change of use considering the likely clientele;

Clerk to Brampton PC, Unit 2 - The Old Brewery: - support the application;

Carlisle Airport: - no objection to this proposal;

Food Hygiene (former Community - Environmental Services - Food, Health & Safety): - no objection to the change of use in principle however the proposed extraction flue has the potential to cause noise and odour nuisance to neighbouring residential properties. From the plan it appears that the flue terminates at the roof line of the building to which it is attached. Generally speaking the greater the flue height, the better the dispersion and dilution of odours. The consensus of opinion on good practice amongst local authorities is that flues should not terminate less than 1m above the ridge height of the building to which it is attached. If there are buildings nearby which are likely to have an effect on the dispersion of odour, the flue height should be at least 1 metre above the ridge of that building. The rationale behind this standard is that unless a flue extends well above all nearby obstructions, downdraught of the odour plume can occur, thus potentially causing an odour nuisance to neighbouring residents. The information regarding the noise from the ventilation system is not sufficient to make a decision as to whether or not the system will cause a noise disturbance to the neighbouring residents. The best method of preventative action is to carry out a full noise impact survey of the proposed ventilation system in accordance with BS4142:1990 (method for rating industrial noise affecting mixed residential and industrial areas) and submit this to Environmental Health;

Access Officer, Economic Development - Building Control: - noted that no work is proposed to the entrance or the WC. Best practise would be to consider a wheelchair accessible WC and if the entrance is not level to provide a portable ramp with the provision of a bell at an appropriate height for individuals to obtain assistance to enter the premises if required. Policy CP15 should be adhered to and guidance should be taken from Approved Doc M and SS8300/2009.

## **6. Officer's Report**

### **Assessment**

- 6.1 The relevant planning policies against which the application is required to be assessed are Policies CP5, CP15, EC4, EC10, LE12, LE19 and T1 of the Carlisle District Local Plan 2001-2016. The proposals raise the following planning issues:
1. Whether The Principle Of The Development Is Acceptable
- 6.2 The site is located within Brampton adjacent to the Primary Retail Area. The property is situated adjacent to commercial properties on Main Street and in close proximity to a number of residential properties directly to the rear. Policy EC10 of the Local Plan states that within the Plan area, proposals for uses within Use Class A3 (restaurants and cafes), A4 (drinking establishments) and A5 (hot food takeaways) will be approved provided that: the proposal does not involve unacceptable disturbance to occupiers of residential property; and the proposal does not involve unacceptable intrusion into open countryside; and the proposal, whether new development or conversion complements surrounding development or the character of the existing building; and appropriate access and parking can be provided; and throughout the Plan area opening hours will be imposed having regard to the surrounding uses, the character of the area and the possibility of disturbance to residential areas. The Policy continues by stating that proposals for A3, A4 and A5 related uses should be situated in accessible locations, within or adjacent to existing centres.
- 6.3 The premises is located centrally within Brampton adjacent to other commercial uses (including a takeaway) and in this respect, the principle of the change of use is acceptable.
- 6.5 The applicant proposes that the business would trade between 11am and 10pm on weekdays, between 11am and 11pm on Saturdays and between 12pm and 9pm on Sundays. The site is situated within the town centre and is well related to other evening business, such as public houses and takeaways (including 24 Main Street). Whilst there may be some noise from patrons leaving the premises the business would operate as a food establishment and due to the scale of the seating area within the building would be unlikely to give rise to a significant level of noise and disturbance over that already experienced during the late evening. The proposals include utilising the parking area ( 2 Number spaces) directly in front of the premises for outdoor

seating. This area will be utilised for day time trade only and given the nature of the proposal as a cafe/bistro and the relatively few tables that will be accommodated outside there will not be any significant disturbance to any neighboring properties. The proposed trading hours are therefore acceptable.

- 6.6 Environmental Health have been consulted and have confirmed that there is no objection to the principle of the development. However, further information is required regarding the external flue. Concerns have been raised regarding the height of the flue, which as currently shown, may not be sufficient to ensure odours are sufficiently dispersed. The potential for noise disturbance has also been highlighted. In light of these concerns a full noise impact survey is required together with clarification regarding the proposed height of the flue in order to assess the potential impact upon neighbouring residential properties.
- 6.7 In light of the issues raised above, the principle of the proposed development is acceptable provided the concerns raised by Environmental Health can be sufficiently addressed and implemented through compliance with appropriate conditions.

## 2. Impact On The Character Of The Conservation Area

- 6.8 The site is located within the Brampton Conservation Area. The only alteration proposed to the external appearance of the building is the installation of an external flue to the rear elevation. The submitted plans illustrate that this would not be visible from the front elevation of the property as it is attached to a flat roof off-shoot to the rear. However, in line with comments received from environmental health, the flue height may require to be extended. However, given that the property is located adjacent to a primary retail area and viewed in the context of existing commercial properties, the proposal is acceptable and will not result in a detrimental impact upon the adjacent listed buildings (Laurel House) or the wider street scene within Brampton Conservation Area.

## 3. Highways Issues

- 6.9 Planning policies generally require that development proposals do not lead to an increase in traffic levels beyond the capacity of the surrounding local highway. Furthermore, Policy T1 of the Local Plan requires that there is adequate provision of parking and infrastructure within the site. Given that Brampton is a Key Service Centre, there is a choice of means of access to the site. Whilst there will not be any designated parking spaces there are public parking facilities in the wider vicinity. The Highway Authority has been consulted and have confirmed that there are no major highway/traffic issues associated with the change of use.

## 4. Public Access

- 6.10 The design and layout of the building is required to be designed to meet the highest standards of accessibility and inclusion for all potential users regardless of disability, age or gender in accordance with the objectives of Policy CP15 of the Local Plan. Although the building is three storeys in height

the dining area, kitchen and WC are located on the ground floor. The Council's Access Officer has been consulted and has not raised any objections to the proposal however has advised that best practise would be to consider a wheelchair accessible WC. An advisory note regarding the inclusion of a wheelchair accessible WC is included.

## **Conclusion**

- 6.11 In overall terms the principle of the proposal in this part of Brampton is acceptable. Subject to further information being received which satisfies the concerns raised by Environmental Health, the proposal would not have an adverse impact upon the living conditions of the occupiers of any neighbouring properties. Furthermore, the proposal will not have a detrimental impact upon Brampton Conservation Area or adjacent Listed Buildings. In all aspects, the proposal is compliant with the relevant policies contained within the adopted Local Plan.
- 6.12 **Members are reminded that authority to issue is sought subject to the submission of satisfactory details (including noise impact assessment) regarding the external flue/ventilation system.**

## **7. Planning History**

7.1 There is no relevant planning history at this site.

## **8. Recommendation: Grant Permission**

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

**Reason:** In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The approved documents for this Planning Permission comprise:

1. the planning application form received 19th July 2013;
2. the site location plan received 19th July 2013;
3. the existing ground floor plan received 19th July 2013;
4. the proposed ground floor plan received 19th July 2013;
5. the existing and proposed rear elevation received 19th July 2013;
6. the parking arrangement details received 19th July 2013;
7. the Notice of Decision; and
8. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. The proposed bistro shall not be open for trading except between 1100 hours and 2200 hours on Monday-Friday, 1100 hours and 2300 hours on

Saturday and between 1200 hours and 2100 hours on Sunday.

**Reason:** To prevent disturbance to nearby residential occupiers and in accord with Policy EC10 of the Carlisle District Local Plan.

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site location

RECEIVED

19 JUL 2019

13/05/19



Land Registry  
Official copy of  
title plan

Title number CU182034  
Ordnance Survey map reference NY5361SW  
Scale 1:1250 enlarged from 1:2500  
Administrative area Cumbria : Carlisle


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402  
= boundary of 32 + 34 main St  
= land originally part of title - now sold



Brampton Junior School

 = PARKING

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Hadrian Court

Highfield

UNION LANE

RIDLEY GARDENS

34 MAIN STREET

C0235500

Vicarage

FALKINS HILL

STEPHENSONS LANE

Anderson Close

MAIN STREET

A 6071

A 6071

Hall

PW

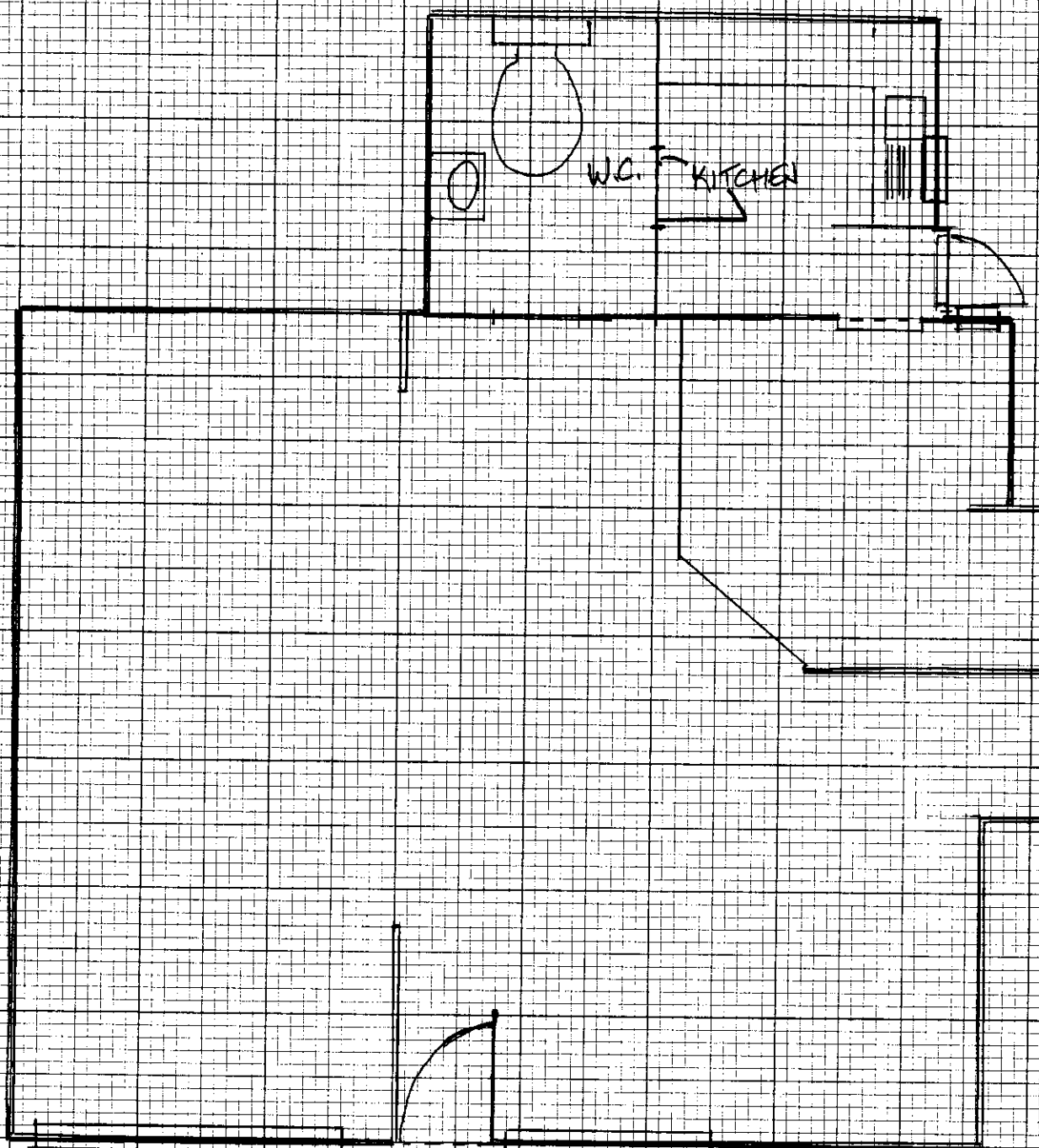
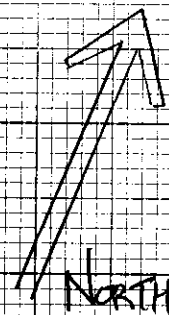
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403

CROSS STREET



# EXISTING FLOORPLAN 1:50

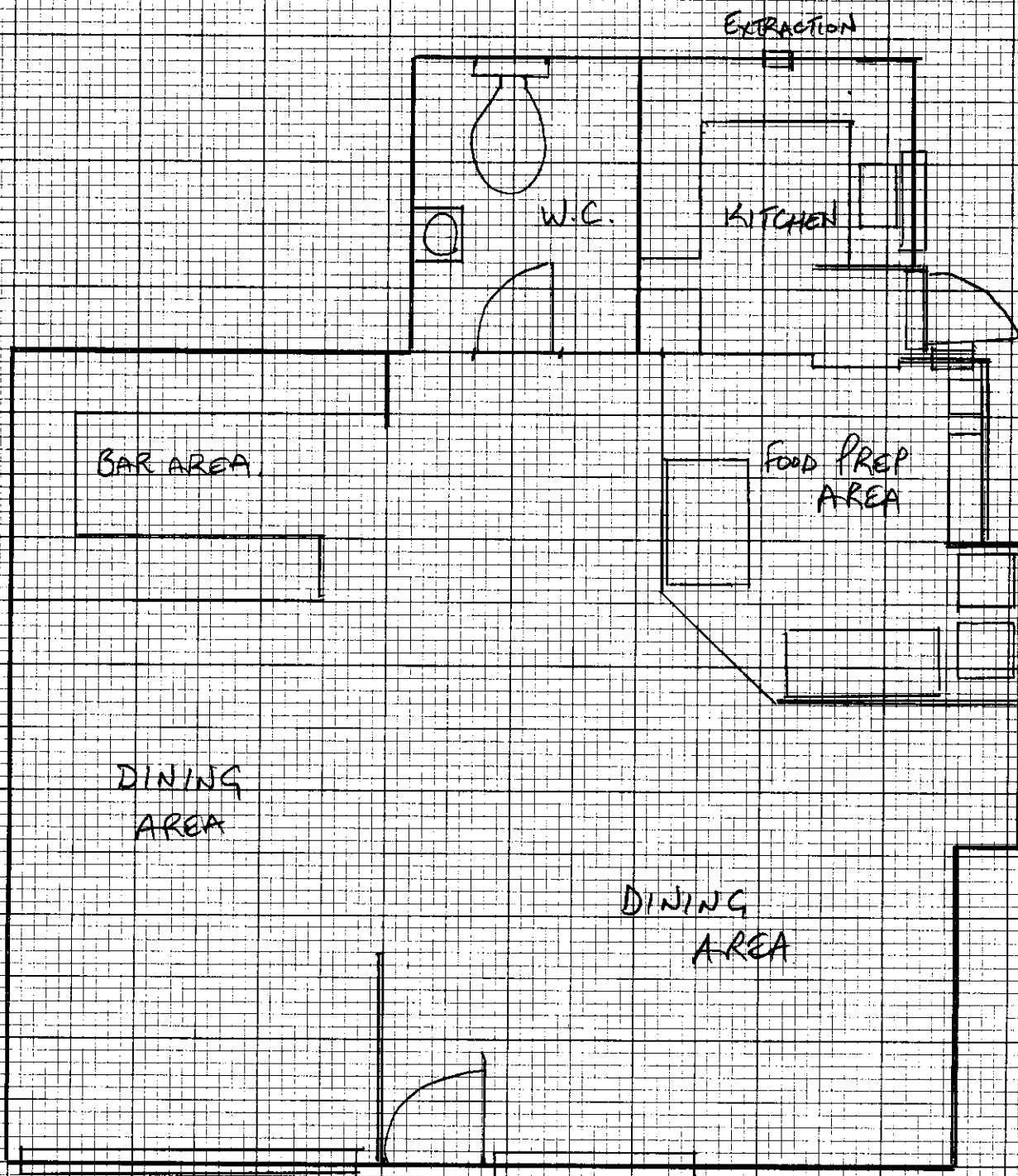
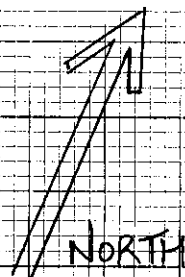


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# PROPOSED FLOORPLAN 1:50



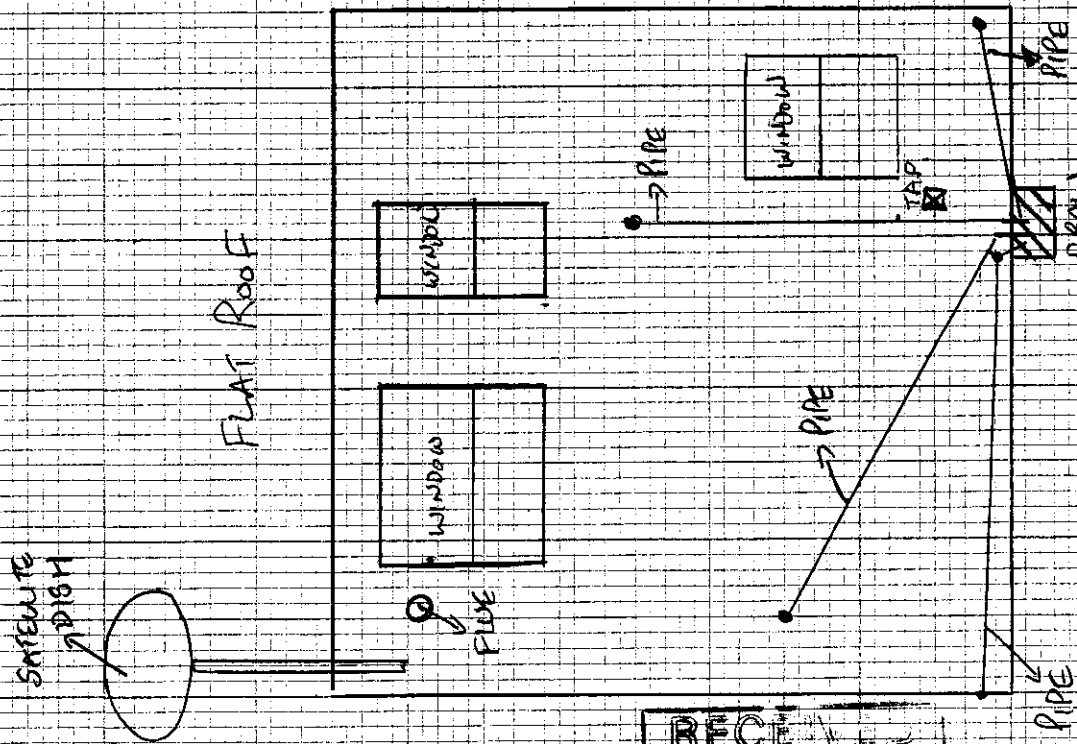
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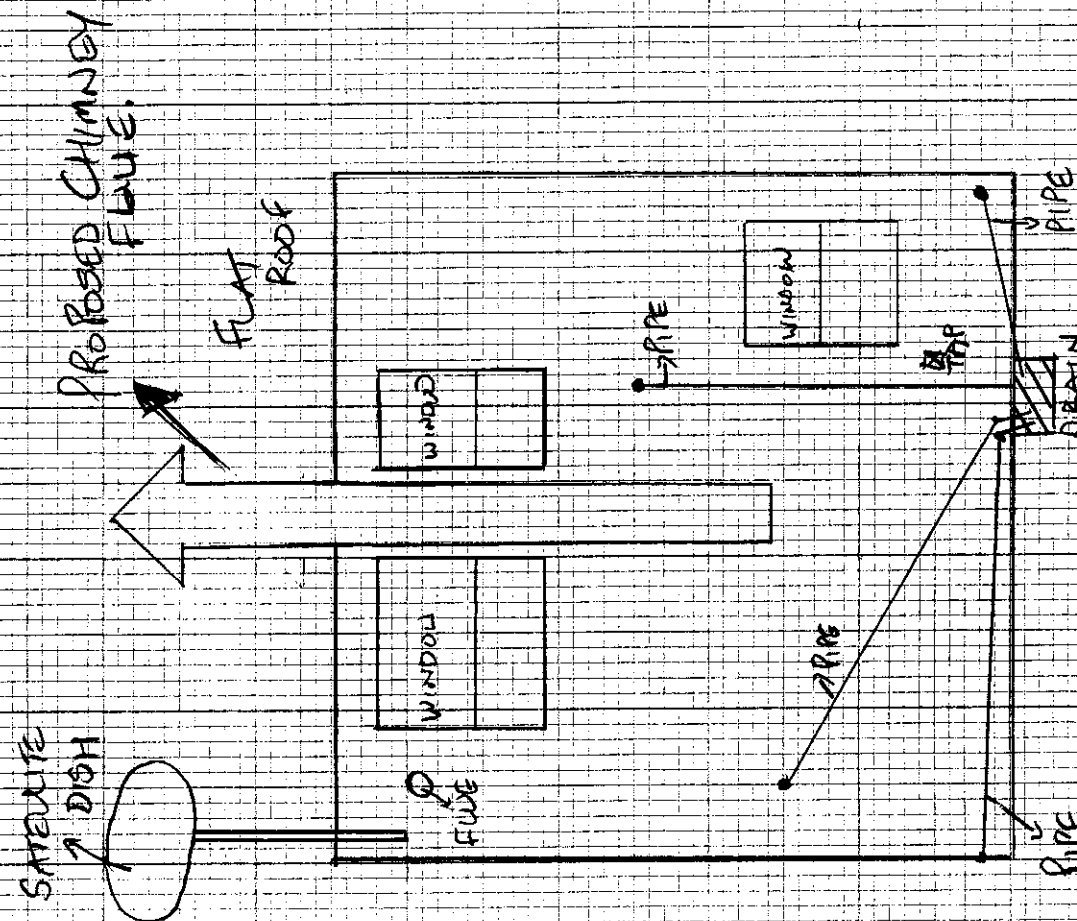
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SIDE ELEVATION  
REAR OF PROPERTY  
(EXISTING)



1:50

SIDE ELEVATION  
REAR OF PROPERTY  
(PROPOSED)



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