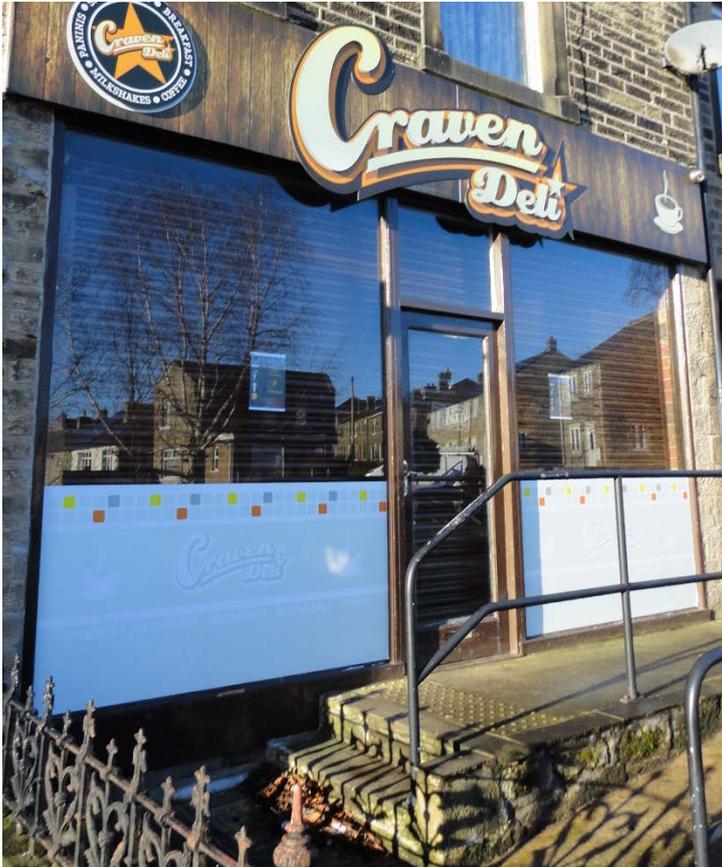


## Grounds of Appeal



Craven Deli  
10 Ashville Terrace  
Holme Lane  
Cross Hills  
BD20 7LQ

Prepared by Hussain Architectural Design Ltd  
For Mr Basit Hussain.



## Introduction

1.1 This report provides the grounds of appeal against the decision to refuse planning permission for the proposed changes at 'Craven Deli' no. 10 Ashville Terrace, Holme Lane, Cross Hills to change the use from A1 sandwich shop/ deli to A5 hot food take away, for the sale of hot food for consumption off the premises

1.2 The Deli's main changes will occur in its menu to expand the range of food they offer after numerous customer requests. Many of the Deli's customers attend the nearby South Craven School approximately 150m away.



## Background

2.1 A planning application for the change of use from A1 to A5 was submitted to Craven District Council by Hussain Architectural Design on the 20<sup>th</sup> February 2017. The planning application number was 32/2017/17833.

2.2 The application was refused on the 9<sup>th</sup> August 2017 after a planning committee voted five to three against the application.

2.3 The application was refused planning permission for the following reason:

*"The premises are in the middle of a residential terrace with further residential properties to the west. The proposed use of the premises to include a use as a hot food takeaway would have an unacceptable detrimental impact on the amenities of neighbouring residential properties and would therefore conflict with a core principles of the National Planning Policy Framework that seeks to ensure a good standard of amenity for all existing and future occupiers of land and buildings".*



## Grounds of appeal

3.1 This section sets out the grounds of appeal for the application by firstly considering previous applications which have been granted permission for change of use. Secondly taking a closer look at Craven Councils Local Plan and other relevant material considerations.

3.2 In 2006 Holme Lane Bakery located on Holme Lane Sutton-in-craven, Keighley submitted an application for “retrospective change of use to allow the sale of hot food and use part of the ground floor as a restaurant with outside tables”.

3.3 The above application was accepted with a further application made in 2008 for extended hours of opening which was also granted on a 12 months temporary period after which a review will take place to determine if any problems have arisen.

3.4 The development was granted permission to sell hot food as followed:

*Monday to Thursday 8am to 10pm*

*Friday to Saturday 8am to 11:45pm*

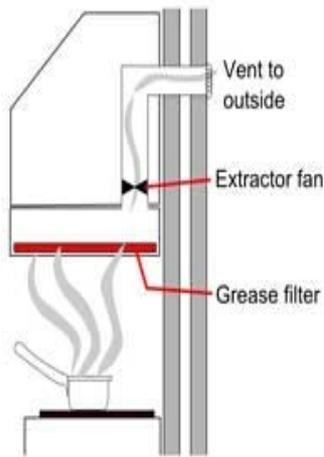
*Sundays 12noon to 10pm*

3.5 Craven Delis opening times are 9am to 5pm Monday to Saturday, unlike the other applications which were granted extended time and permission to have a change of use. As the deli’s closing time is 5pm it would not attract anti-social behaviour or create any noise.

3.6 The proposed application would not have increase traffic movement in the area as the current business is already in operation as a deli a few new items on the menu would therefore unlikely have a significant impact on the safety and operation of the adjacent highway.



3.7 A filtering system will be installed to the rear of the deli as followed:



The flue will be installed in the back of the shop and it will be 400 mm away from the window where the existing fan is, and it will be 300 mm diameter of the cylinder which go through the roof and 1000 mm above the window of the first floor and this to not annoy any of the neighbours.

This tube will provide odour control system and that to achieve the best result in odour control which will have carbon filter as they supply pure fresh air and extract the smoke and the toxic grease from the kitchen.

There will be no change in the basement and the ground floor, but within the back elevation there is the tube of the extraction fan which is 300 mm diameter that is installed in the back wall and it will be covered with bricks to complement with the existing building.

3.9 The deli has existed for a few years now serving the local community and is part of the community. It cannot be held responsible for the lowering of property values by the installation of a filtering system and a couple of new items on the menu. The fluctuation in sale prices and the economy is nationwide and not dependant on the deli adding a few items on their menu.

3.10 According to the Local Plan A2, A3, A4, A5, C1, D1 and D2 uses will also be permitted in high street frontages except where they would displace an A1 use that would undermine the retail service role to the detriment of the local community which in this case is not true.



## **Why we disagree with the refusal**

4.0 We believe the decision should be overturned as the main reason for refusal was that the change of use would have unacceptable detrimental impact on the amenities of neighbouring residential properties.

However as we have explained above the concerns by the residents in questions which have not been backed up by any facts but instead by assumptions. However in relation to the concerns that the residents have the solutions are as followed:

Firstly a few new items on the menu would therefore unlikely have a significant impact on the highway.

Secondly the operation time of the deli would not change which would not have an increase effect on noise or general disturbance particularly to residential premises.

Finally the filtering system to be installed to the rear of the property would control the odour being emitted to the residential properties. Furthermore it will be installed in the back wall and it will be covered with bricks to complement with the existing building.

The deli is a well-established business which has been in the location for many years and it would simply not be feasible for the business to relocate.

We strongly believe that the application shouldn't have been rejected or the council could have put some conditions on the permission documents as it has previously done with a past application which would have helped combat the fear and concern that residents have.

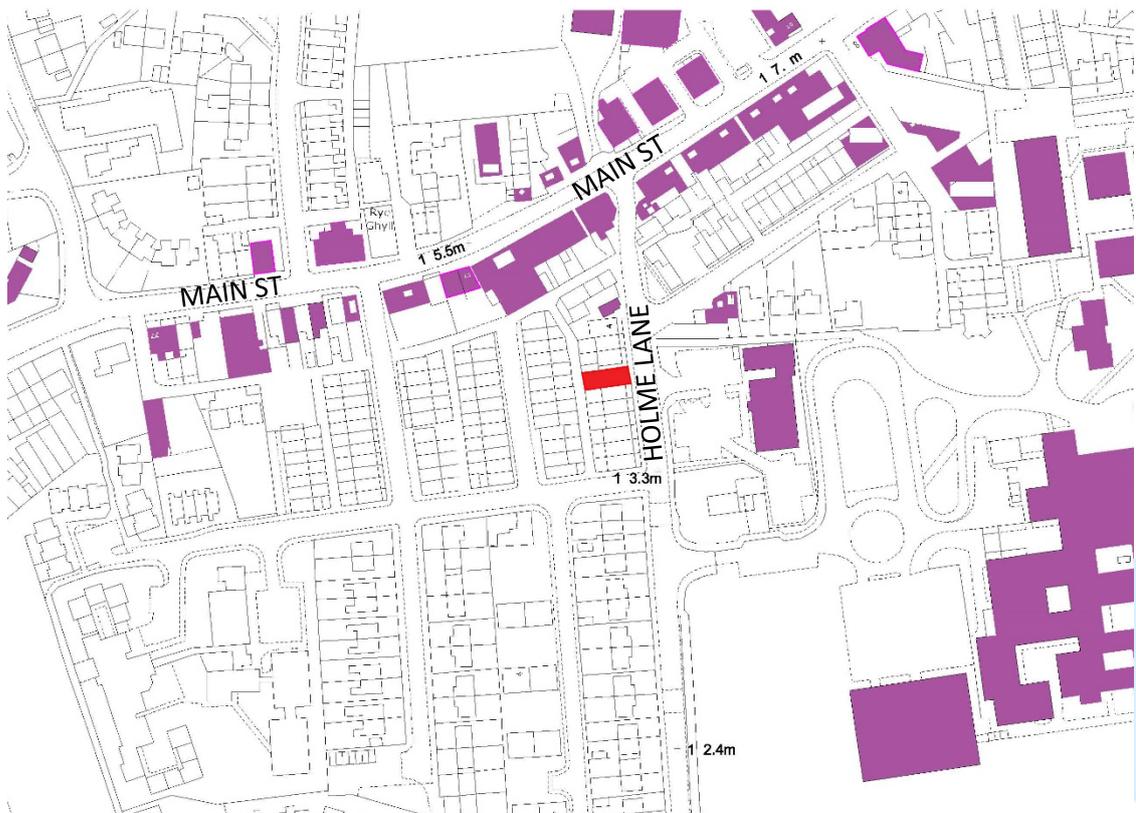
From the objections received from the neighbours, it feels like this proposal has been an opportunity for some residents to come together and express concerns for pre-existing issue of having a deli near their homes.



## Conclusion

In conclusion to state that the addition of a fryer to the deli so that a few new items could be introduced would unacceptable detrimental impact on the amenities of neighbouring residential properties is unfair.

The concerns that the residents have which are the sole reason for the rejection of the application have all been met with. The operation hours of the deli would remain the same 9am-5pm which would not affect the highway or increase noise or general disturbance particularly to residential premises. A suitable flue and odour control equipment will be provided accordingly.



*Proximity of commercial and public premises (purple) to site (red).*