

Application Number:	2023/0168	Application Type:	Full
Proposal:	Advertisement Consent: 2500 x 1250 fixed sign on timber frame advertising the premises	Location:	Kashmir Restaurant 264 - 266 Burnley Road Rawtenstall Rossendale BB4 8HH
Report of:	Planning Manager	Status:	Publication
Report to:	Development Control Committee	Date:	23 rd May 2023
Applicant:	Zenab Khan	Determination Expiry Date:	26/05/23
Agent:	David Hancock DJ Hancock Design		

Contact Officer:	Caroline Callow	Telephone:	01706 252432
Email:	planning@rossendalebc.gov.uk		

REASON FOR REPORTING	
Outside Officer Scheme of Delegation	No
Member Call-In Name of Member: Reason for Call-In:	Cllr Sean Serridge Visual amenity
3 or more objections received	Yes
Other (please state):	No

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

1. RECOMMENDATION

That Advertisement consent be refused for the reason set out in Section 10 of this report.

2. THE SITE

This application relates to a site on the west side of Burnley Road. Planning permission was granted on appeal in 2017 for the change of use of the premises from a public house to a restaurant. To the north side is a small area of hardstanding able to accommodate a handful of cars and a gym, plumbing depot and garden centre. To the south is a car sales premises and on the opposite side of Burnley Road are residential dwellings.

The Site is located within the Urban Boundary.

3. RELEVANT PLANNING HISTORY

2023/0049 Advertisement Consent: 2500 x 1250 fixed sign on timber frame advertising the premises. Refused

2018/0354 Non Material Amendment: Alteration to windows at ground floor front elevation and changes to extension to accommodate requirements of Building Control, pursuant to Planning Application 2017/0324 –Withdrawn

2018/0233 Approval of Conditions Reserved by Condition 4 (External Extract Duct serving restaurant kitchen) pursuant to Planning Permission 2017/0324 –Approved

2018/0021 Conditions 4 and 5 of Planning Permission 2017/0324 for Change of Use from public house (A4) to restaurant (A4), demolition of Porch and Smoking Shelter and erection of extension/porch to north side and elevational changes- Split decision

2017/0324 Change of use from Public House (A4) to Restaurant (A3) Demolition of porch and smoking shelter and erection of porch/extension to north side and elevational changes- Refused and allowed on appeal.

4. PROPOSAL

The applicant seeks advertisement consent to erect a hoarding attached to the road side of a stone wall 13.2m from the building. It would measure 2.5m in width and 1.25m in height. With the base 2.15m from ground level. The hoarding would consist of a timber frame and PVC sheet. A previous application was refused and this application is similar in all respects other than being located 13.2m from the building at the closest point it would be located 12m from the restaurant building.

5. POLICY CONTEXT

National

National Planning Policy Framework (2021)

- Section 2 Achieving sustainable development
- Section 4 Decision-making
- Section 6 Building a strong, competitive economy
- Section 12 Achieving well-designed places

Development Plan Policies

Rossendale Draft Local Plan 2019-2036

- SS Spatial Strategy
- ENV1 High Quality Development in the Borough

Other Material Planning Considerations

National Planning Practice Guidance

6. CONSULTATION RESPONSES

LCC Highways – No objections but should the sign be illuminated would wish to be re-consulted.
Cadent Gas – Advised they have no objections to the proposal but an informative should be added advising that they have assets in the area.

7. REPRESENTATIONS

To accord with the General Development Procedure Order neighbour letters were sent out to surrounding properties on 14.04.23 and a site notice was posted near the site on 19.04.23.

The publicity period has now expired and no representation have been received.

8. ASSESSMENT

Paragraph 136 of the National Planning Policy Framework (NPPF) states that advertisements should be subject to control only in the interests of amenity and public safety taking into account cumulative impacts.

Visual Amenity

The east side of Burnley Road in this location is a residential area. On the west side in the immediate vicinity of the site are business premises including Fitco, a plumbing depot, the Kashmir restaurant and the Lee Brook garden centre. All the properties including the Kashmir restaurant and Fitco have existing advertisements on their buildings.

The proposed hoarding would measure 2.5m by 1.25m. It is of a similar size to one erected by Fitco, which is immediately adjacent to the proposed advertisement. Both properties were contacted in January by the Council and advised to remove the signs. The Kashmir restaurant removed their sign but left the wooden structure in situ. The Fitco sign is still in place and the Council is in the process of issuing an enforcement notice.

The proposed sign at a distance of 12m from the Kashmir restaurant building is prominent in the street scene and appears as a hoarding not related to the business due to the separation distance. It is considered that it would be detrimental to visual amenity. If this application is approved it would be difficult to refuse advertisement consent for the Fitco sign, should consent be sought, and more difficult to resist other subsequent applications for hoardings in the vicinity. Together with the advertisements already on the buildings, the proposal would result in a clutter of signs. The proposal would be detrimental to the visual amenity of the street scene and the largely residential character of the area. The relocation of the sign 1.2m closer to the building, following the previous refusal does not alter this assessment.

It was suggested to the applicant that the advertisement be relocated to a distance 4-5m from the building to give the appearance of the sign relating to the building rather than a more general hoarding. It was also suggested that the frame should be fixed to the reverse side of the wall to improve the appearance. The applicant declined to make the suggested changes.

Highways

LCC Highways have no objections to the proposal but would wish to be consulted if the sign were to be illuminated.

9. CONCLUSION

The proposal would be detrimental to the visual amenity of the area and together with existing signs on the buildings and other hoardings such as the Fitco sign would result in a clutter of signs and bring a more commercial appearance to the residential area on this section of Burnley Road.

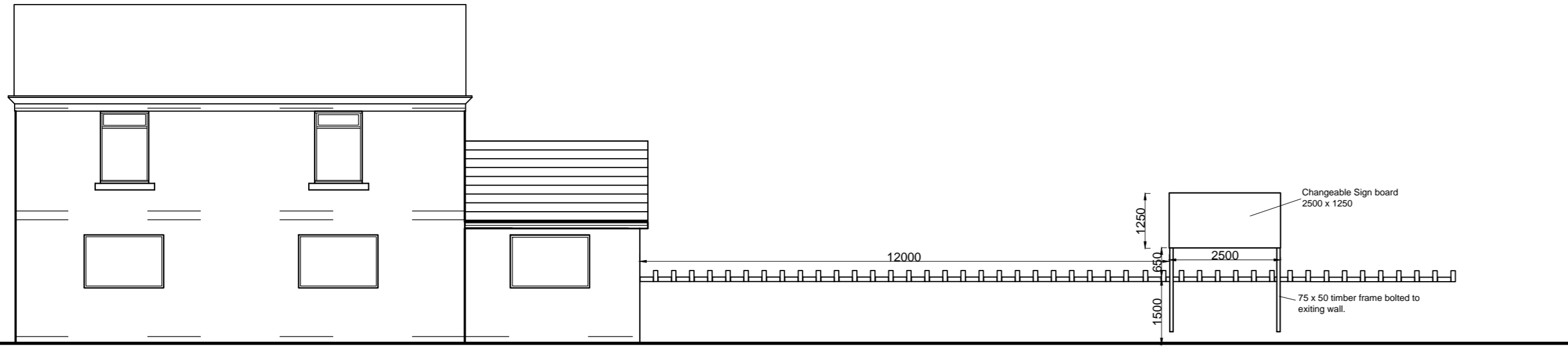
10. RECOMMENDATION

That Advertisement Consent be refused for the following reason:

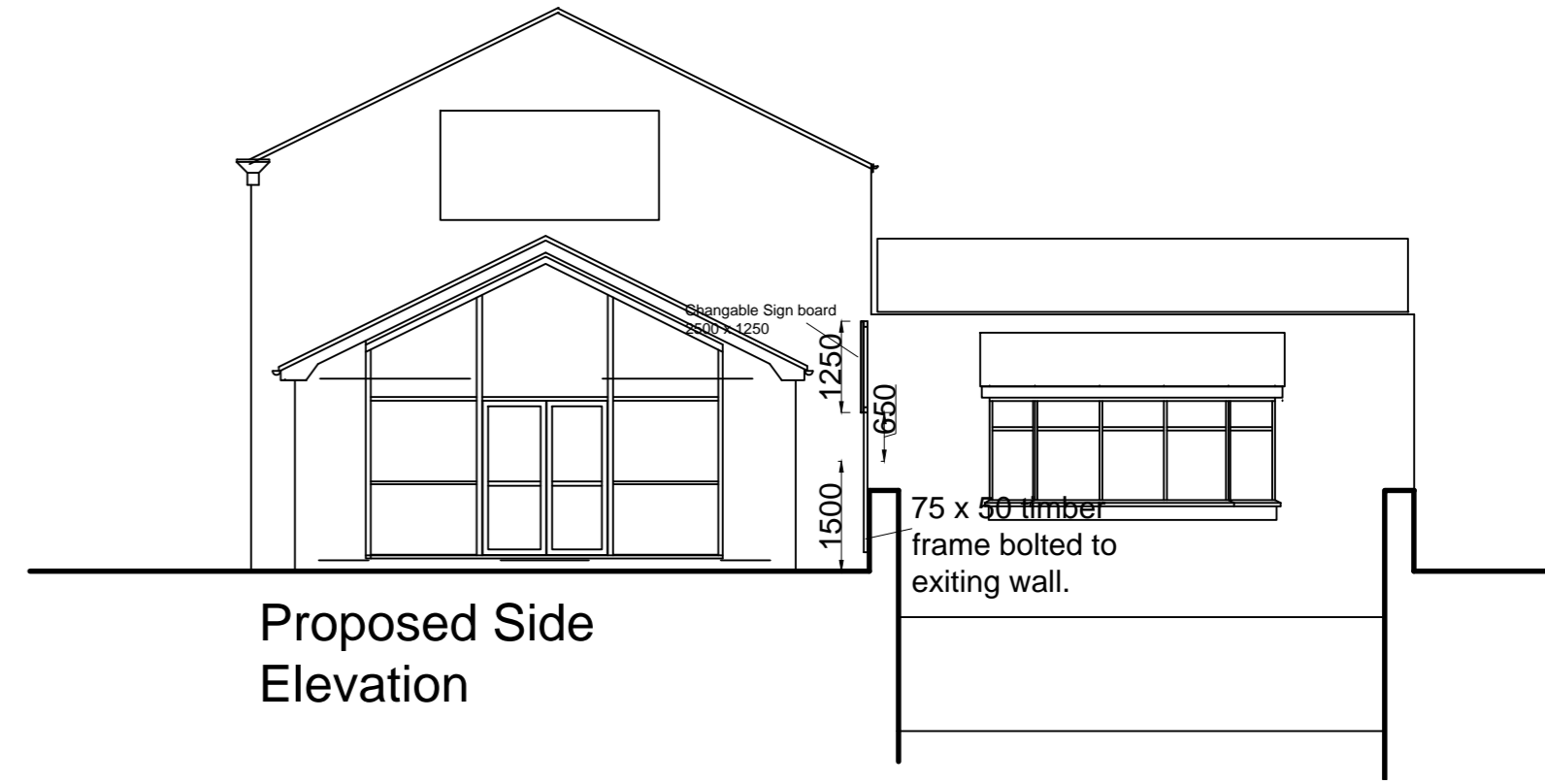
The proposed advertisement would result in a clutter of signs and would be detrimental to the visual amenity of the area and would not result in a high quality of development in line with the requirements of Policy ENV 1 of the Rossendale Local Plan 2019-2036.

Informatives

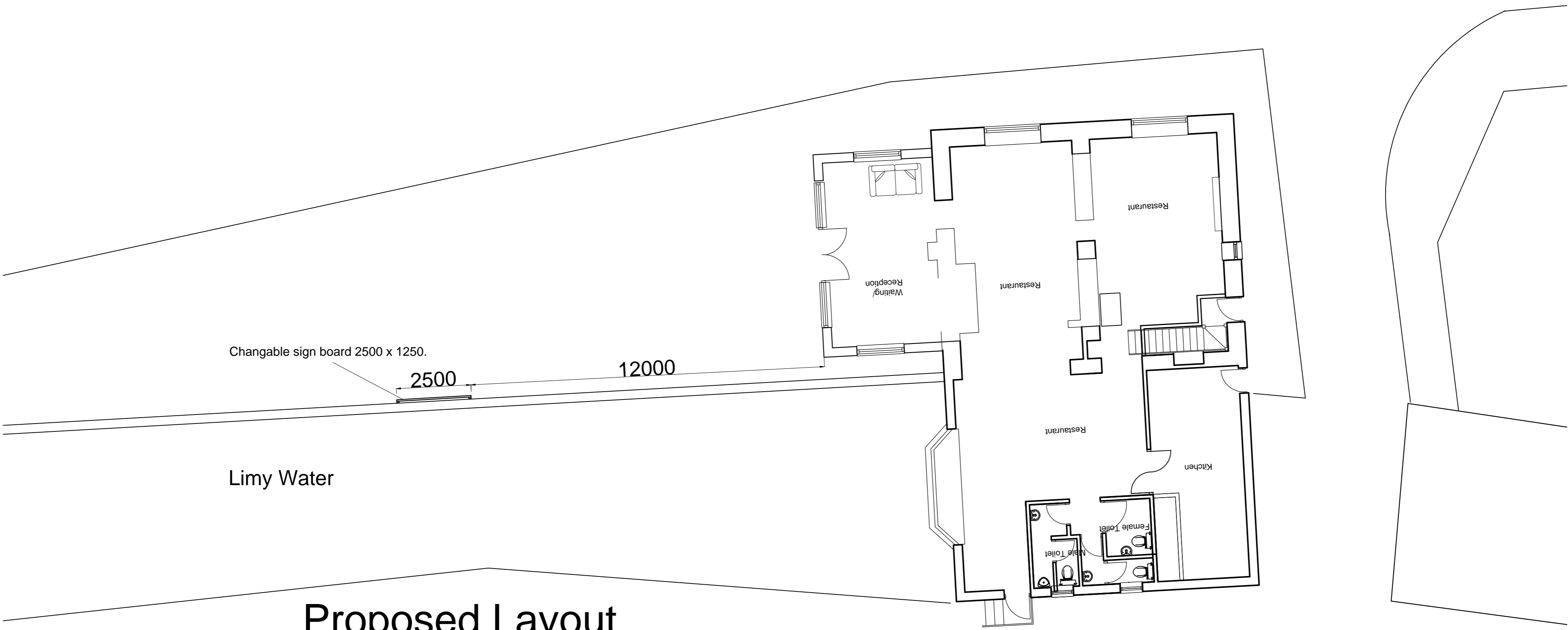
The proposal would not comply with the development plan and would not improve the economic, social and environmental conditions of the area. The Local Planning Authority sought reasonable amendments to the application in order to deliver an acceptable form of development. In this case it was not possible to resolve the issues as set out in the refusal notice. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.



Proposed Front Elevation



Proposed Side
Elevation



Proposed Layout

Title
Proposed Elevations
and Layout

Job
Craven Heifer 264 Burnley
Road, Rawtenstall

Client
Mrs Zenab Khan

Dwg No
15012/2

Scale
1:50

DJ Hancock Design
22 Croft Street
Bacup
Tel 01745 799359
Mob 07599 008 791

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A vertical banner for Kashmir Restaurant featuring images of various dishes like curries and breads.

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ENTRANCE

A large black sign for FITC gym with white text and a logo. Below the main sign is a smaller sign with 'ENTRANCE' and a blue arrow.

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A large black sign for FITC gym, partially visible on the right side of the image.

14 02 2023