

<b>Application No:</b> 2010/168	<b>Application Type:</b> Full
<b>Proposal:</b> Single storey side extension, disability access ramp to side and flue to side	<b>Location:</b> 617 Burnley Road, Crawshawbooth Rawtenstall
<b>Report of:</b> Planning Unit Manager	<b>Status:</b> For Publication
<b>Report to:</b> Development Control Committee	<b>Date:</b> 5 July 2010
<b>Applicant:</b> Mrs N Khan	<b>Determination Expiry Date:</b> 16 June 2010
<b>Agent:</b> Mr D Hancock	

**REASON FOR REPORTING**                      **Tick Box**

**Outside Officer Scheme of Delegation**

**Member Call-In**

Name of Member:  
Reason for Call-In:

**3 or more objections received**                      ✓

**Other** (please state) .....

**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.

**APPLICATION DETAILS**

**1. SITE**

The application site is occupied by a 2-storey stone and slate property, with a small 1-storey lean-to at the side. Formerly Patrick's Restaurant, the property is currently vacant. It is situated on the east side of Burnley Road in the centre of Crawshawbooth - a local service centre - characterised by a mix of retail / commercial / residential properties.

There is a yard/garden to the north side of the building, which is bounded to the front by a 1m high stone wall and contains a mature conifer tree and other vegetation that partly screens the site from the gable of the neighbouring residential properties, 612 Burnley Road (which has no significant windows in the gable) and 7 Parrock Parade (which has an entrance door, living room, bedroom and attic windows in the gable).

The site is located within the Urban Boundary as designated in the Rossendale District Local Plan.

## 2. RELEVANT PLANNING HISTORY

2008/046

Change of use to restaurant and takeaway

Refused by Committee and dismissed on Appeal.

2009/0029

Single storey extension to side to form additional restaurant space and installation of flue

This application proposed a 1-storey extension to the side to have a width of 4.9 metres, and a depth of 5.3 metres, set back from the highway by 1m. There would be a 1.2 metre gap between the resulting extension and the side boundary.

The application was refused by Officers and subsequently dismissed on Appeal.

Notable conclusions of the Inspector in relation to the appeal that are relevant to the current application:

- The proposed lean to roof would emphasise the subordination of the extension to the main building.
- The variations in fenestration and design relative to the main building would not detract from the building and therefore it would not be out of keeping with the building or the surroundings.
- Whilst the extension would be clearly visible it would not be unduly prominent in the street scene.
- There would be no loss of privacy as a result of the appeal proposal.
- A flue /extraction system could be suitably installed, which could be imposed by condition.
- The proposal would not cause problems for neighbours in relation to noise and disturbance, even during evening opening hours.
- Given that the proposed extension would project 1.3 metres closer to the side boundary than the existing single storey structure, and having regard to its additional length, it would give rise to an undue sense of enclosure / appear overbearing in the outlook from the living room window of 7 Parrock Parade.

### 3. THE PROPOSAL

The applicant now seeks permission for a 1-storey extension to the side to provide additional floorspace for the restaurant , and with a disabled access ramp also to the side.

The resulting 1-storey lean-to would stand no nearer to the side boundary than the existing lean-to (which is retained) but project forward of it, set back from the highway frontage by 0.4 m. There would be a gap between the resulting extension and the side boundary ranging from 2.1m at the back to 2.6 m fronting the road. The existing trees would be retained. Bin storage would be located inside the existing extension. The remaining space to the side of the existing store room would be a concrete hard surface with a doorway created in the existing single storey extension to gain access to the bins. A 2.3m high stone wall is proposed midway down the side of the lean-to that projects out towards the side-boundary, to act as a screen between the ramped access/side door into the extension.

Permission is also sought for a flue to be sited within the existing lean to. The flue is to rise internally to roof level and be fitted with a jet cowl. The application form indicates intended opening hours would be 5pm to midnight Monday to Saturday and 5pm to 10.30pm on Sundays and Bank Holidays. The applicant envisages the premises will employ 4 people.

### 4. POLICY CONTEXT

#### **National Planning Guidance**

PPS1 Sustainable Development  
PPS4 Economic Development  
PPG13 Transport  
PPS 23 Pollution Control  
PPG24 Noise

#### **Development Plan**

##### **Regional Spatial Strategy (2008)**

DP1-9 Spatial Principles  
RDF1 Spatial Priorities  
RT2 Managing Travel Demand  
RT4 Management of the Highway Network  
EM 1 Environmental Assets

##### **Rossendale District Local Plan (1995)**

DS1 Urban Boundary  
DC1 Development Criteria  
DC4 Materials

#### **Other Material Planning Considerations**

4NW Draft Partial Review of the RSS  
LCC Parking Standards  
RBC Core Strategy  
RBC Interim Policy Statement: Hot Food Takeaways

## 5. CONSULTATION RESPONSES

### RBC (Environmental Health)

No objection.

### LCC (Highways)

No objection

## 7. REPRESENTATIONS

To accord with the General Development Procedure Order two site notices were posted on 29/04/10 and 36 neighbours were notified by letter on 27/04/10.

Four objections have been received, making the following points :

- Inadequate parking
- No more food outlets are required in the area
- The noise and smell of the flue would be detrimental to neighbouring properties, with particular reference to the attached residential care home.
- Noise of customers of the restaurant will be detrimental to neighbouring properties
- A large mature Evergreen and shrub planter will be lost, which add value to the street scene.
- Seating numbers are not commercially viable. The real intention is to operate a takeaway business on the site.

The occupier of No.7 Parrock Parade has stated that:

- Light and privacy will be affected. The sense of enclosure will be further compounded by the new retaining wall and gate.
- The two new doors that would result would introduce noise and overlooking in the immediate vicinity of the side window of No.7.
- The extension would result in overdevelopment of the plot.
- The restaurant use has been abandoned.
- If the Council do decide to grant planning permission the conditions would need to be carefully considered, seeking to avoid takeaway use.

## 8. ASSESSMENT

The main considerations of the proposal are :

- 1) Principle; 2) Visual Amenity;
- 3) Neighbour Amenity; 4) Highway Safety

### Principle

The site is located within the Urban Boundary where the Council seeks to locate most new development. The proposal is to extend an existing restaurant. The application is considered acceptable in principle.

### Visual Amenity

The proposed extension is considered to be of a siting/size/ design/facing materials that are in-keeping with the character and appearance of the building and the area. Nor will the proposed access ramp to the side, and the associated stone screen-wall, cause significant harm to the visual amenities of the area.

Such limited information has been submitted regarding the flue/extraction system I consider it appropriate to attach a condition. I am satisfied with the intended bin storage arrangements.

The existing trees/shrubs to the side do not significantly contribute to the overall character and appearance of the area, but the applicant has indicated their intention to retain them.

The scheme is considered acceptable in terms of visual amenity.

#### Neighbour Amenity

In respect of the application recently refused/dismissed on Appeal, which sought permission for a larger extension than is currently proposed, the Inspector concluded that the development would result in unacceptable detriment for residents of 7 Parrock Parade.

I am satisfied that the reduction in size of the proposed extension adequately addresses the previous concerns about the sense of enclosure / overbearing effect it would have for occupiers of 7 Parrock Parade. Whilst it is considered desirable to have a screen wall to the rear of the ramped access/side door into the extension at 2.3m in height, as proposed, it will cause a degree of overbearing and loss of light for occupiers of 7 Parrock Parade that is unacceptable. A condition is proposed to control the height at which it is constructed.

In relation to noise, as concluded by the Appeal Inspector, the site is situated on a main road within a local service centre, the extent of additional noise generated over and above the existing restaurant use would not be significant. Likewise, I concur with the Inspector that it is appropriate to attach a condition regarding the flue/extraction system.

Taking into account the existing restaurant has no restriction on opening hours, the hours of opening proposed by the applicant are considered acceptable in this instance.

On this basis the proposed development is not considered likely to result in unacceptable detriment for any neighbour.

#### Highway Safety

It is considered that the modest increase in the size of the restaurant will not add significantly to traffic on the local highway network or the need for parking. The Highway Authority has been no objection to the proposal.

## 9. SUMMARY REASON FOR APPROVAL

The proposed development is considered acceptable in principle, and would not unduly harm visual and neighbour amenity, or highway safety. The scheme is therefore considered to accord with PPS1 / PPS4 / PPG13 / PPS23 / PPS24, Policies DP1-9 / RT2 / RT4 / EM1 of the Regional Spatial Strategy, and Policies DC1 / DC4 of the Rossendale District Local Plan.

## 10. RECOMMENDATION

That the application be approved.

### Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: Required by Section 51 of the Planning and Compulsory Purchase 2004 Act.
2. The development shall be carried out in accordance with the drawings numbered 1008/4, 1008/5, 1008/6, 1008/7 and 1623-1 date stamped on 21 April 2010, unless otherwise required by the conditions below or otherwise first agreed in writing by the Local Planning Authority.  
Reason: To ensure the development complies with the approved plans and for the avoidance of doubt.
3. All materials to be used in the roof and external elevations of the extension shall match those of the existing building in colour, form and texture.  
Reason: In the interests of visual amenity, in accordance with Policy DC1 of the Rossendale District Local Plan.
4. Any construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am to 1:00 pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.  
Reason: To safeguard the amenities of neighbours, in accordance with Policy DC1 of the Rossendale District Local Plan.
5. The premises shall not be open for trading except between the hours of 17:00pm and 00:00am Monday to Saturday and 17:00 – 22:30 Sundays and Bank Holidays.  
Reason: In the interests of neighbour amenity, in accordance with Policy DC1 of the Rossendale District Local Plan.
6. Prior to the commencement of development a scheme detailing the proposed extractor ducting, flue, cowl, filters, anti-vibration mountings, acoustic levels shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first use of the extension hereby permitted and the system thereafter retained in good working order.

Reason: In the interests of neighbour amenity, in accordance with Policy DC1 of the Rossendale District Local Plan.

7. Notwithstanding what is shown on the approved drawings, details of the intended screen wall/gate between the ramped access and yard shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved scheme shall be implemented in full prior to first use of the extension hereby permitted.

Reason: In the interests of neighbour amenity, in accordance with Policy DC1 of the Rossendale District Local Plan.

<b>Contact Officer</b>	
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