

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 (A682) in the centre of Crawshawbooth - a local service centre - characterised by a mix of retail / commercial / residential properties. The most immediate neighbouring properties are in residential use.

The site is located within the Urban Boundary.

2. RELEVANT PLANNING HISTORY

2008/46 Change of use to restaurant and takeaway

Refused by Committee and dismissed on Appeal.

2009/29 Single storey restaurant extension to side & installation of flue

This application proposed a 1-storey extension to the side of a width of 4.9m and depth of 5.3m, with mono-pitch roof and setback from the highway of 1m, leaving a 1.2m gap between the resulting extension and the side boundary.

Refused by Officers and dismissed on Appeal.

2010/168 Single storey restaurant extension to side, access ramp & installation of flue

This application proposed a 1-storey extension to the side leaving a gap of 2.1+m between the resulting extension and the side boundary.

Refused by Committee and dismissed on Appeal.

3. THE PROPOSAL

The applicant now seeks permission for the replacement of the timber shopfront, for new frames for two windows in the front elevation of the existing side extension and to install a flue on the rear roof plane.

The new shopfront which has been installed is of white UPVC construction and replicates the previous shopfront in that it possesses a window to each side of a central door. The new frames for the two windows in the front elevation of the existing side extension are also white UPVC.

The proposed flue would be stainless steel and measure 1.25m high. Set back 2.25m from the roof ridge, it will have a height equal to that of the ridge and 0.5m less than the chimney stack it will be immediately behind.

4. POLICY CONTEXT

National

PPS1 Sustainable Development
PPS3 Housing
PPS4 Economic Development
PPS23 Pollution Control
PPG24 Noise

Development Plan

Regional Spatial Strategy (2008)

DP1-9 Spatial Principles
EM 1 Environmental Assets

Rossendale District Local Plan (1995)

DS1 Urban Boundary
DC1 Development Criteria
DC4 Materials
HP5 Shop Fronts

Other Material Planning Considerations

RBC Submitted Core Strategy (2010)
RBC Interim Policy Statement: Hot Food Takeaways
RBC Shopfront Design Guide (Draft SPD)

5. CONSULTATION RESPONSES

RBC (Environmental Health)

No objection. To have an efficient system to mitigate a statutory nuisance an activated charcoal system would need to be installed to deal with odour control, and acoustic damping to deal with any noise.

6. REPRESENTATIONS

To accord with the General Development Procedure Order a site notice was posted on 23/11/10 and 36 neighbours were notified by letter on 18/11/10. The site notice has been posted to go above and beyond the regulatory requirement to ensure a high level of Community engagement to accord with PPS1.

Five objections have been received. The objectors state:

- The new shop front is an eyesore to the village
- Cooking smells will be unpleasant and spoil enjoyment of my home.
- If the flue is approved then appropriate conditions in respect of noise and smell should be imposed. A condition that all doors/windows particularly to the kitchen/side of the property are kept closed during opening hours/cooking times

to prevent noise/smell nuisance to the adjoining properties needs also to be in place.

- The restaurant use has been abandoned.

7. REPORT

The application relates to a property which is located within the Urban Boundary, is near to the centre of Crawshawbooth, and fronts a main road along which bus services run.

Unlike the recent applications, this application is not seeking permission for extension of the building.

The proposal relates to works associated with an existing (though vacant) restaurant. This being the case, in dealing with this application the main considerations are :

- 1) Visual Amenity; &
- 2) Neighbour Amenity

Visual Amenity

There are a range of shopfront types within the local service centre of Crawshawbooth, including ones with white and brown UPVC frames. In this instance the stone stallrisers and surrounds of the shopfront are maintained so that the resulting design is not too dissimilar to that it has replaced. Whilst the use of timber instead of UPVC for the new frame would have been encouraged, it is considered that the new shopfront and window frames do not unduly detract from the character and appearance of the area. The attached does not possess a shopfront, it being in residential use and has white UPVC window frames.

The proposed flue would not be unduly prominent in the street-scene and therefore would not unduly harm the character and appearance of the area.

The scheme is considered acceptable in terms of visual amenity.

Neighbour Amenity

The new shopfront/window frames and flue would not cause harm to the light, privacy or outlook of neighbours.

With respect to the amenities of neighbours the principal issues the scheme gives rise to are in relation to odour and noise. The Council's Environmental Health Unit has raised no objection to the scheme. The matters of detail it has raised are addressed in the Conditions recommended below.

8. Summary Reason for Approval

The works for which permission is sought are considered appropriate in principle for a property within the Urban Boundary and, subject to the conditions, will not detract to an unacceptable extent from visual and neighbour amenity or highway safety. The scheme has been considered in relation most particularly with PPS1/PPS3/PPS4/PPS23/PPG24, Policy EM1 of the Regional Spatial Strategy and Policies DC1/HP5 of the Rossendale District Local Plan.

9. Recommendation

Approval

Conditions

1. The development shall be carried out in accordance with the drawings numbered 1039/5, 1623 -1 both date stamped 18 November 2010 and amended drawings 1039/4 and 1039/6 date stamped 15 December 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.
2. All facing materials to be used shall be as stated on the application form and approved drawings, unless otherwise first agreed in writing by the Local Planning Authority.
Reason: In the interests of visual amenity, in accordance with Policy DC1 of the Rossendale District Local Plan.
3. 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.
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.

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