

Application Recommended for Approval

APP/2019/0150

Brunshaw Ward

Full Planning Application

Refurbishment of existing ground floor fish and chip shop unit and first floor residential unit with single storey flat roof extension, together with new shop fronts and roller shutters to both front and side elevations.

113 LYNDHURST ROAD, BURNLEY

Background:

The original proposal included the erection of a 1st floor extension; this has now been deleted from the proposals (amended plans received 17th May 2019) following discussions with the applicant.

Objections have been received.

Relevant Policies:

Burnley Local Plan

SP1 – Achieving Sustainable Development

SP4 – Development Strategy

SP5 – Development Quality and Sustainability

IC3 – Car Parking Standards

TC7 – Hot Food Takeaways

TC8 – Shopfront and Advert Design

Site History:

None.

Consultation Responses:

Highway Authority – The proposal will not involve an increase in the number of bedrooms and there will be no alterations to the existing parking provision. Raise no objection on highway grounds.

Neighbouring residents – Three letters received objecting to the proposals on the following grounds;

- The double storey extension will cause car parking safety issues.
- The noise levels will increase due to increased opening hours.
- Smells and fumes from the cooking vents will increase.
- Disturbance from increased opening hours.
- Loss of privacy due to flat overlooking my rear yard and possibly my bedroom.
- Will restrict sunlight to the back of my property on certain hours of the day due to overshadowing.
- The bin storage area would be holding food waste which would increase smells, rats etc.
- What kind of take-away will it trade as?
- Noise from the flat.
- Value of house could decrease.

- An Indian restaurant would be open until early hours and would be noisy and smelly.
- Would cause parking problems.

Planning and Environmental Considerations:

The property is a long established fish and chip shop and is an end terrace on Lyndhurst Road within a mainly residential area; there are other commercial properties scattered along Lyndhurst Road.

The proposals involve the refurbishment of the fish and chip shop consisting of; a rear extension at ground floor level (the proposals originally included a 1st floor extension but this has now been deleted following discussions with the applicant), a new shop front with roller shutters and a new side shop window with roller shutters.

The main considerations are, design/materials, privacy/outlook, residential amenity and highway issues.



113 Lyndhurst Road



gable elevation of 113 Lyndhurst Road

Design/materials

The existing single-storey section at the rear of the property will be replaced by a flat roofed single storey extension that extends out as far as the back street; the extension will extend out a further 3.55m than the existing single-storey section. A steel staircase is proposed to the 1st floor flat at the rear of the property and the existing window at 1st floor level will be replaced with a door and an additional window inserted (*the proposed window has a horizontal emphasis and needs to be amended to a window with a vertical emphasis*).

It is proposed to replace the existing shop front with a larger shop front which extends across the whole of the frontage with a large glazed window with a door incorporated into the design. Perforated roller shutters are proposed as part of the new shop front (these can be conditioned in terms of them being powder colour coated and fitted internally). There will be coursed natural stone either side of the shop window and a new fascia sign above.

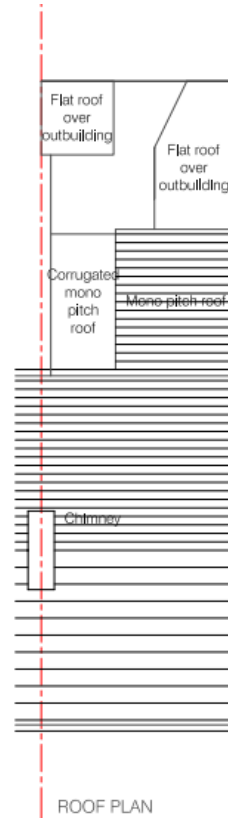
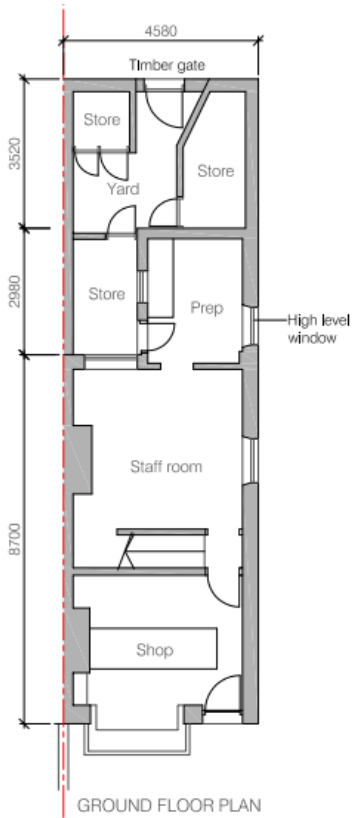
A new shop window is proposed on the gable elevation of the property, also with perforated steel shutters and a fascia sign above (the shutters can be conditioned so that they are fitted internally and powder colour coated).

The steel extraction flue will remain in the same location at the rear of the property.

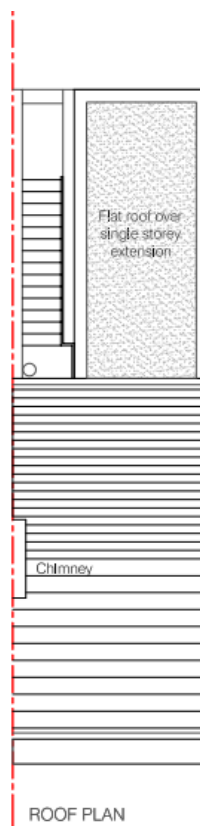
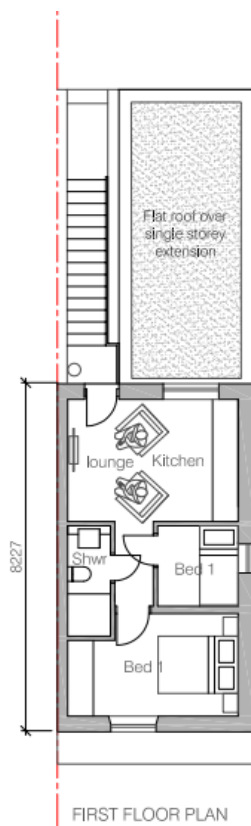
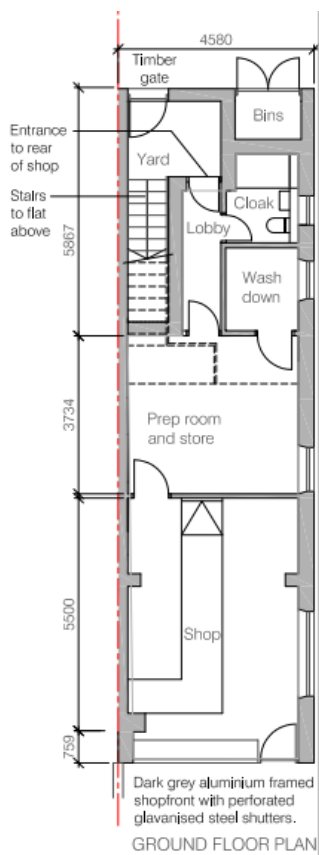
There will be 2 windows on the gable elevation of the single-storey extension and timber louvered doors on the rear elevation.

A yard area will remain and there will be a separate bin store provided which is incorporated into the extension and will be access via the louvered doors.

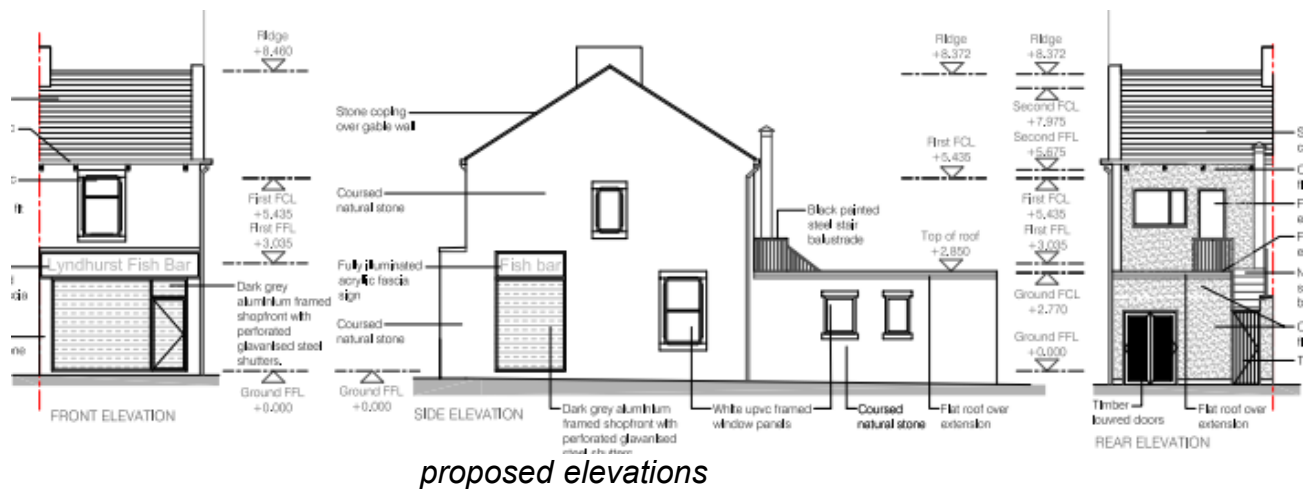
The design and materials are considered to be acceptable.



existing floor plans



proposed floor plans



Privacy/outlook

On the opposite corner of Irene Street/Lyndhurst Road is another shop premises, there is a dwelling attached to the application property and dwellings in front on the opposite side of Lyndhurst Road and to the rear.

The proposed new side windows will not have a detrimental effect on the retail premises on the opposite side of Irene Street. Now that the 1st floor extension has been deleted from the application the extension will not have an adverse effect on dwellings to the rear and side.

Privacy and outlook are considered to be acceptable.

Residential amenity

The property has an established use as a fish and chip shop (hot food takeaway). The proposal is for the property to remain as a fish and chip shop (although it could be changed to another type of takeaway without formal consent). The proposed opening hours are 11am to 9pm Monday to Saturday plus Bank Holidays and match days. As the property has an established use, the type of takeaway proposed and the opening hours are not under consideration.

The extraction flue is to remain in the same location.

Noise and smells should not be any different than at present and as the application is not for a change of use, again these are not issues that can be considered.



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rear of the property

Highway issues

Although the 1st floor of the existing property is to be used as a separate flat with access from the rear (external staircase) there are no additional bedrooms proposed at the property (the bedrooms are currently used as store rooms). The Highway Authority have no objections to the proposals.

The property is an existing fish and chip shop and off-street parking is available at the side of the property; this situation will not change.

Conclusion

The property has a long established use as a fish and chip shop (hot food takeaway). The proposed extension and alterations are considered to be acceptable and in accordance with the Local Plan policies listed above.

Recommendation:

Grant subject to the following conditions:

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: drawing Nos: 1908-PL01 & 1908-PL02, received 22 March 2019, Amended Drawing Nos: 1908-LP01 (location plan), 1908-PL10A & 1908-PL11A received 17 May 2019

3. The roller shutters to the front and gable shop windows shall be incorporated internally in the design of the shop fronts on the front and gable elevations and shall be powder colour coated in a colour to be agreed in writing beforehand with the Local Planning Authority.
4. The flat roof of the single-storey extension shall not at any time be used as a balcony/sitting area.

Reasons:

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. In the interests of visual amenity and in accordance with policy TC8 of Burnley's Local Plan 2018.
4. In the interests of residential amenity and in accordance with policy HS5 of Burnley's Local Plan 2018.