

Application Recommended for Approval

Rosegrove with Lowerhouse Ward

APP/2010/0056

Full Planning Application

Variation of condition 2 on (APP/2004/0632) to open for trading on Sundays 10:00 hours to 14:00 Hours

318 GANNOW LANE BURNLEY

Background:

The application relates to premises at the end of a parade of shops in the Rosegrove Local Centre.

Planning permission was granted in 2004 for change of use from joiner's shop to hot food takeaway with eat-in facilities with day-time opening hours Mon – Sat.

An objection has been received.

Summary of Reason for Recommendation:

The development is generally in accordance with the Development Plan, in particular the policies listed below, and there are no other material considerations to indicate that planning permission should not be granted:

Relevant Policies:

Burnley Local Plan Second Review

CF11 - District and local centres

CF13 - Restaurants, cafes, public houses and hot food take-aways

Site History:

80/0130:Advertisements – Granted

80/0569:New shop front - Granted

2004/0262:Proposed change of use from joiners shop to hot food take-away (opening hours 7.30am to 4.30pm seven days a week) – Refused

2004/0632: Proposed change of use from joiners shop to hot food take-away with eat-in facilities (resubmitted application with reduced opening hours 8am-4.30pm Mon-Fri, 8am-2pm on Saturday and no Sunday opening) - Granted

Consultation Responses:

Environmental Health – No objections.

Highway Authority (Lancashire County Council) - No additional traffic implications from the limited Sunday opening proposed.

Neighbouring resident (house next door) - Letter making the following objections (summarised):

Parking – limited street parking only for residents and café.

Privacy – customers stand outside café, next door to front living room.

Cooking smells

Noise – from customers outside the café; car parking noise.

Litter [*this is controlled under other legislation*]

Planning and Environmental Considerations:

The application site is at the end of a parade of shops at the junction of Rosegrove Lane and Lowerhouse Lane, forming part of the Rosegrove local shopping centre. Property attached at either side is No316 a dwelling house and 320 a shop.

Planning permission was granted in 2004 for the use as a hot food take-away with eat-in facilities with hours limited by condition to:

Mon-Fri 0800 – 1700

Sat 0800 – 1400

No Sunday opening.

The hours of opening were to protect the amenities of nearby residential properties, outside those hours, when activity in the area has subsided.



Application site

The present application was initially submitted seeking the addition of Sunday opening between 0800 and 1400. My view was that, whilst Sundays have become more active in recent years, there remains a tendency for a more leisurely start to that day, with general noise and activity levels quite low until mid-morning. On that basis the applicant has amended the application so that opening is requested between 1000 and 1400.

The neighbouring resident has expressed concerns. Generally, however, a local centre would be expected to cause a moderate degree of noise and disturbance to nearby residents. This would inevitably result from the activities associated with local

shops that might open for long hours Mondays to Saturdays. Also, many shops are now open from, 1000 on Sundays.

On that basis the short period of Sunday opening is considered acceptable.

Recommendation: That planning permission be Granted subject to the following conditions:

1. The development must be begun within three years of the date of this decision.
2. The use hereby permitted shall not be open to customers outside the hours of 0800 hours to 1700 hours on Mondays to Fridays; 0800 hours to 1400 hours on Saturdays; and 1000 hours to 1400 hours on Sundays.

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. In order to protect the amenities of nearby residential properties, outside those hours, when activity in the area has subsided, in accordance with Policy CF13 of the Burnley Local Plan Second Review.

AR
18.3.2010