

Application Number:	2019/0406	Application Type:	Full
Proposal:	Use of first floor for function room and external staircase (part retrospective)	Location:	Drop Off Café 38 - 42 Market Street Edenfield
Report of:	Planning Unit Manager	Status:	For publication
Report to:	Development Control Committee	Date:	25 February 2020
Applicant:	Mr C Davies	Determination Expiry Date:	28 February 2020
Agent:	Hartley Planning & Development Associates		

Contact Officer:	Neil Birtles	Telephone:	01706-238645
Email:	planning@rossendalebc.gov.uk		

REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	Cllr J Johnson A successful local business is trying to get on with providing food and entertainment to the residents of Eden ward.
3 or more objections received	YES
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.

1. **RECOMMENDATION**

That Planning Permission be granted subject to the conditions set out in Section 10.

2. **SITE**

This application relates to part of the two-storey building once occupied by the Co-op on the end of a terrace situated on the corner of Market Street (B6527) and Elizabeth Street (a short un-adopted street that gives access to the communal passageway running to the rear of the terrace).

The ground floor space within that part of the building fronting Market Street is occupied by a solicitors, beauty salon and clinic. In 2015 planning permission was granted for 100sqm of ground floor space behind these 3 units to be used as a café, its entrance facing Elizabeth Street. Further planning permissions have since been granted enabling the day-time café first permitted to open in the evenings and for it to make use of Elizabeth Street as an outdoor eating area.

The most recent decisions allow for the Drop Off Café to be open to customers : 09:00-23:00 Monday to Saturday (inclusive); and 10:00-22:30 on Sundays and Bank holidays, with no new customers to access the premises after 22:30 hours on Mondays to Saturdays (inclusive) and after 22:00 hours on Sundays. The permitted outside seating area can be used by customers between the hours of 09:00-19:00 on Monday to Sunday including Bank Holidays, with no system of sound amplification.

The site is within the Urban Boundary of Edenfield.

3. **PLANNING HISTORY**

2015/0107 Change of use of ground floor to cafe (Use Class A3)
Approved

2016/0575 Variation of Condition 3 of Planning Permission 2015/0107
(to extend the Opening Hours)
Refused

2018/0141 Variation of Condition 3 of Planning Permission 2015/0107
(to extend the Opening Hours)
Approved

2018/0177 Change of use of land to form outdoor eating area in association with café
Approved

2018/0178 Variation of Condition 3 of Planning Permission 2015/0107
(to extend the Opening Hours)
Approved

2018/0409 Construction of mezzanine floor (53sqm) to provide bunk house
accommodation for 4 people
Approved (Unimplemented)

4. **PROPOSAL**

The operator of the Drop Off Café seeks permission to regularise use of the first-floor space above the café and the three ground-floor units fronting Market Street for functions. There are two rooms, with a floor area of 242sqm, excluding toilets and a small kitchen. The applicant has utilised the first floor for a variety of functions including wedding parties, New Year's Eve parties and yoga events, without the benefit of planning permission. The Council's Planning Enforcement Team informed the applicant that permission is required, hence the submission of this application. As such the application is part retrospective in that the use is already taking place.

The submitted drawings also show that an external flight of stairs will lead up to a first-floor door formed in the east elevation of the building. This part of the development is proposed and not retrospective.

The Application Form indicates the intended hours of use are to be 09:00-23:00 Monday to Saturday (inclusive); and 10:00-22:30 on Sundays and Bank holidays.

The Planning Statement accompanying the application states:

"38-42 Market Street is a former cooperative building which had retailing on the ground floor and where the upper floor was a function room(s). This use of the upper floor has continued since then and people, including Councillors, recall its use for wedding receptions. We consider that this is its lawful use. Nevertheless, the application is submitted in order to establish its use beyond any doubt on the part of the LPA.

The Drop off café is a regular venue for walkers and cyclists, visitors and by the residents of Edenfield.

The application is for the use of the first floor as a function room, including an external fire escape. It will provide a venue, especially for the inhabitants of Edenfield, for wedding, retirement and birthday celebrations and other receptions, for educational and lecture purposes, for exercise classes such as yoga and other fitness classes, and for other community uses in association for the purposes for which it was originally built."

In support of the proposal it is also stated that:

- The proposed development accords with national and local planning policies.
- External changes are limited to the proposed external staircase for fire escape purposes. No new window openings are proposed.
- The proposed hours are those approved for the café.
- Car parking is limited, with space for 4 cars only - likely to be used by walkers or cyclists starting out from the cafe. But in any event a car parking survey carried out in June 2018, in connection with earlier applications associated with the Drop Off Café, shows that there are available car parking spaces in the immediate vicinity. That car parking report is submitted as part of the current application.

A Noise Impact Assessment has also been submitted.

5. POLICY CONTEXT

National

National Planning Policy Framework

Section 2	Achieving Sustainable Development
Section 6	Building a Strong, Competitive Economy
Section 8	Promoting Healthy & Safe Communities
Section 9	Promoting Sustainable Transport
Section 11	Making Effective Use of Land
Section 12	Achieving Well Designed Places

Development Plan Policies

RBC Core Strategy (2011)

AVP5	Area Vision for South West Rossendale
Policy 1	General Development Locations and Principles
Policy 7	Social Infrastructure
Policy 8	Transport (including Appendix 1 Parking Standards)
Policy 9	Accessibility
Policy 11	Retail & Other Town Centre Uses
Policy 14	Tourism
Policy 23	Promoting High Quality Designed Spaces
Policy 24	Planning Application Requirements

Other

National Planning Practice Guidance

6. CONSULTATION RESPONSES

RBC Environmental Health

No objection subject to Conditions.

LCC Highways

No objection.

7. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order, neighbours were notified by letter.

Comments have been received from 40 people - 5 objectors to the application and 35 expressions of support.

Objections

The objectors reside near to the premises: 1 / 2 / 3 / 16 Heycrofts View and 47 Market Street.

The main reasons for objection are:

- Noise disturbance
- Lack of off-street parking

Appendix 1 more fully explains the objectors concerns.

Support

Whilst some expressions of support have been submitted by residents of Edenfield others have come from as far afield as Oldham and Stalybridge. Whilst some give no reason for their support, others make the following points:

- A much needed facility for the village - will improve venue choices. Edenfield has recently lost the use of various sized function rooms in both the methodist church and the Horse and Jockey pub.
- The cafe has done great work to build the community in Edenfield and the function room will enhance this.
- Allowing a local business to provide facilities for the local and wider community can only be a positive.
- The cafe and owners have attracted cyclists and customers from locally and further afield communities based purely on its great service and top quality food. An asset for the local community, and the expansion applied for will make this one of Edenfields top attractions.
- Will provide much needed local employment opportunities.
- Better a friendly café with a function room here, using the full potential of the building, to another empty business property.
- With any proposal of this nature there are issues of potential noise, disruption and parking - these need to be managed by the applicant/the Council to ensure that all reasonable steps are taken to keep impact to a minimum.

Edenfield Village Residents Association has also expressed its support.

8. **ASSESSMENT**

The main considerations of this application are:

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

Principle

The application relates to part of an existing building located within the Urban Boundary of Edenfield and which fronts the main road running through the village. To this extent the proposal is in a sustainable location, accessible for residents of Edenfield by means of travel other than the private car.

The applicant wishes to make use of the first-floor space to which this application relates for a range of activities/events, including exercise classes (e.g. yoga), for educational and lecture purposes, other community uses and for wedding, retirement and birthday celebrations & other receptions. As such it is likely to be used during the day and during the evenings, attracting people not necessarily resident in Edenfield.

The Planning Statement accompanying the application argues that it is at present lawful to use this first-floor space for functions as the Co-op used it for meetings and wedding receptions. Little weight can be given to this as use of the first-floor space in this way appears to have ceased many decades ago, and subsequent occupiers of the ground-floor units subsequently made use of it for ancillary storage purposes.

Nevertheless this is, in principle, an appropriate location in which to locate such a use. National planning guidance and Core Strategy policies are supportive of proposals making effective use of land and buildings, making available premises for social/cultural activities and adding to economic activity/employment.

Visual Amenity

The proposal will result in construction of an external staircase to a first-floor door formed in the east elevation of the building, to meet fire regulations. These works will not unduly detract from the character and appearance of the area.

Neighbour Amenity

The proposed external staircase will not prevent occupiers of other properties in the terrace accessing their rear yards. So long as the fire-door has no glazing and it and the associated staircase are used only in the event of an emergency they will not detract to an unacceptable extent from the light, outlook or privacy of any neighbours.

The applicant seeks permission to use the first-floor space at the same hours as the café is permitted to open. The Noise Impact Assessment which accompanies the application advises:

“An environmental noise survey and noise impact assessment has been undertaken to assess the potential increase in noise levels from the development of a multi-use venue function room at the 1st Floor, The Drop Off Café, 42 Market Street, Bury, BLO 0JN, may have on the surrounding noise-sensitive receptors.

The background sound levels measured during the environmental noise survey, have allowed an entertainment noise breakthrough and breakout assessment to be carried out.

The entertainment noise breakthrough assessment has shown that the current partition wall detail installed at the proposed development provides sufficient sound insulation to ensure that the amenity of the property directly adjoined to the proposed venue is fully protected. All internal ambient noise levels in the neighbouring dwelling, due to the sites operation, do not exceed that of the internal ambient noise levels of a bedroom at night as set out in BS8233:2014.

The entertainment noise breakout assessment has shown that when a live band or amplified music is in operation, the current building elements do not provide sufficient sound insulation to ensure that the prevailing background sound level at the closest noise-sensitive receptors is not exceeded.

Therefore, upgrades to the glazed areas and roof elements of the façade have been recommended within section 4.1 to ensure that the noise generated from the operation of the venue falls below the prevailing background sound level at the noise-sensitive receptors across all octave bands.”

The additional noise mitigation and management plans specified in the body of the report are as follows:

a) Roof

The following upgrades (if installed correctly) to ensure that the roof provides the required amount of sound insulation:

- 1 layer of Roofing Slates
- 50mm Timber Battens
- 100mm Timber Joists
- 1 x 150 mm Rockwool RW3 Slab Insulation (density 60 kg/m³) within Joists
- Resilient Bar attached to Timber Joists
- 2 x 15 mm Gyproc SoundBloc Plasterboard

b) Glazing

The glazing units (including frames and other design features) provide an attenuation of 35.0 dB Rw and octave band attenuation as specified.

c) Doors

Doors leading to external areas (including fire exits) installed in the proposed development require a minimum sound reduction index of 35.0 dB Rw.

d) Music Limiting Device

Automated volume controls capable of limiting amplified music limit level noise (including at the specified frequencies to prevent significant bass frequency noise) and a Distributed PA System.

e) Noise Management Plan

The following measures that should be implemented to ensure low likelihood of impact at the Nearest Sensitive Receptor:

- The operational hours should be 09:00-23:00 Monday to Saturday and 10:00 – 22:30 on Sundays and Bank Holidays.
- All doors and windows should remain fully closed throughout periods of operation.
- The venue should have a designated phone line for noise complaints. This is a pro-active method of engaging with the surrounding community and ensuring immediate action is undertaken if any concern arises.
- The in-house PA system and noise limiter should be appropriately calibrated for both DJ and band events.
- All staff including that of external entertainment i.e. bands and DJ's should be made aware of the impact excessive noise can have on the surrounding NSRs.
- All staff should be trained in noise reductive work practices where possible.

The Council's Environmental Health Unit has advised that:

- It has received noise complaints about the use of the 1st floor as a function room.
- The Noise Impact Assessment submitted with the application states that the when a live band or amplified music is in operation, the current building elements do not provide sufficient sound insulation to ensure that the prevailing background sound level at the nearest noise sensitive receptors is not exceeded.
- It has no objection to the proposal subject to a Condition to ensure all the structural upgrades in paragraph 4.1.7 of the above report are completed prior to the use of the premises and the noise management plan is adhered to.

The applicant seeks permission to use the function rooms between the hours permitted for the café. To minimize the likelihood of noise disturbance for residential neighbours in the late evening from people returning to their cars/waiting outside the premises for taxis, etc. it is considered appropriate to Condition that the function rooms are similarly restricted to the café in terms of hours of operation.

Highway Safety

Although all of the objectors to the proposal have raised concerns about the lack of off-street parking at the premises LCC Highways has raised no objection. It has advised:

“The proposed site has a varied history and I am mindful that previously granted planning permissions have not recognised the existence of the upper floor for a Leisure and Assembly use, hence the current application to regularise the situation.

In respect of the plans submitted the existing first floor layout would suggest that there has been a previous use for this site...comprising of toilet facilities, a small kitchen and 2 separate rooms, the function room and also a social room.

For the purpose of these comments I have aggregated the function and social rooms and derived a floor area of 242msq (excluding the toilets/kitchen). Based on Rossendale's parking standards this would equate to a parking provision requirement of 12 spaces (@1:20). There are no off-street parking facilities for the development.

In order to check the parking survey results provided by the applicant and compare with my own observations, I undertook an early morning parking survey along Market Street earlier this morning at 7:00am. This would be representative of the existing parking requirements of the local residents. Using the same boundaries and assuming a parking space length of 6m and excluding junctions and vehicle access crossings there were 7 free spaces along the east side and a further 10 on the west side. I have not included Exchange Street (which the applicant surveyed) as this is too far from the proposed venue, and neither would I consider the use of the Rawstrons Arms car park as an alternative due to distance and 3rd party ownership.

Based on my survey results, there is a capacity for additional on street parking and on that basis I would not offer any objection to the proposal on highway grounds.

In respect of the second element of the application - the external staircase - the back street provides a communal access facility for the neighbouring residents and a clear access should therefore be maintained at all times.”

The Highway Authority does then suggest that the Council may wish to consider attaching a Condition such that the uses of the ground and first floor remain mutually exclusive and any proposals to combine a ground and first floor use must be the subject of a further planning application. It does so on the basis that peak parking demand associated with the function rooms would not then compete for parking spaces generated by the café and other ground-floor uses within the building.

Paragraph 55 of the National Planning Policy Framework states that:

“Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.”

In this instance LCC Highways has suggested a Condition rather than recommending its imposition or indicating that in its absence it would recommend refusal of the application. Furthermore, officers do not see how a Condition that the Function Rooms not be in use when the Café and 3 ground-floor units facing Market Street are in use (or vice versa) would meet the ‘tests’ of being *enforceable, precise and reasonable* - the Café and Function Rooms are both reliant on the same entrance from Elizabeth Street, same WCs, etc. and the 3 ground-floor units facing Market Street are not within the Applicant’s control.

Accordingly, whilst officers can appreciate the objectors concerns about the lack of off-street parking at the premises the Highway Authority has not recommended refusal of the application or imposition of any conditions on highway grounds.

9. SUMMARY REASON FOR APPROVAL

The proposed development is appropriate in principle and, subject to the conditions, is not considered likely to unduly detract from visual and neighbour amenity or highway safety. It is considered that the development is in accordance with the National Planning Policy Framework and Policies AVP5 / 1 / 7 / 8 / 23 of the Council's adopted Core Strategy DPD (2011).

10. RECOMMENDATION

That planning permission be granted.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following drawings, unless otherwise required by the conditions below :

<u>Drawing Title</u>	<u>Drwg No</u>	<u>Date Rec'd</u>
Location Plan	CD.151119.13	18 / 11 / 19
Existing First Floor Plan	18001-12	24 / 09 / 19
Proposed First Floor Plan	18001-16	24 / 09 / 19
Proposed Rear Elevation	18001-25	24 / 09 / 19

Reason : For the avoidance of doubt and to ensure a satisfactory standard of development.

3. Within two months of the date of this decision, the structural upgrades set out in Paragraph 4.1.7 of the submitted Nova Acoustics Noise Impact Assessment, together with the Music Limiting Device and Distributed PA System, shall be completed and the Noise Management Plan shall thereafter be adhered to. Prior to first use of the premises as hereby permitted Nova Acoustics shall submit to the Local Planning Authority written confirmation that the required structural upgrades, together with the Music Limiting Device and Distributed PA System are complete and the arrangements in place to ensure adherence with the Noise Management Plan.
Reason: To adequately minimize the likelihood of noise disturbance for neighbours.

4. The first-floor external door hereby permitted shall contain no glazing and shall only be opened in the event of an emergency.
Reason: To ensure the development avoids undue harm to neighbour amenity.

5. The first-floor shall not be open to customers/the public outside the following hours : 09:00-23:00 Monday to Saturday (inclusive); and 10:00-22:30 on Sundays and bank holidays. New customers shall not be permitted access to the premises after 22:30 hours on Mondays to Saturdays (inclusive) and after 22:00 hours on Sundays.
Reason: To ensure the development avoids undue harm to neighbour amenity.

APPENDIX 1 - Summary of Neighbour Objections

1 Heycrofts View

My objections are:

- 1) Car Parking/Spaces
- 2) Noise levels
- 3) Previous/intended breaches of planning permission

In an already overpopulated village where spaces are a premium the proposed additional traffic/parking is causing problems, since the Drop off Café was opened the parking on Heycrofts View has become a lottery, visitors to the café and other business associated with the building are blocking driveways and at times parking and manoeuvring on and off private property, this is highlighted over the weekends and public holidays.

Since the Café was established there has been late night entertainment at the venue. Not only is this unlawful, this has been clearly heard by ourselves, keeping us awake and is totally unacceptable. It is apparent that there is also an issue with the soundproofing such that the building is unsuitable for amplified music and sound systems to operate. I have concerns also about the noise of people leaving and shouting, bantering and general disturbances at late/early hours of the day.

2 Heycrofts View

Object to the proposal on the grounds of Noise, Traffic, Visual Amenity, Previous Similar Decisions and Cumulative Impact.

This is a residential area. Unlawful use of the venue has demonstrated that the noise levels emanating from the building and from people leaving the building late at night and until the early hours are unacceptable.

The applicant has used the first-floor multiple times for birthdays, weddings, etc., often with live music that is clearly audible within my house, despite having double glazing and locked shut windows. The music is so loud and insulation so poor that when live music has been played the song/words can be clearly heard, along with the deep bass music.

The applicant has repeatedly gone beyond the permitted licensing time of 23:00; the music regularly plays until midnight and this is followed by people leaving the premises between midnight and 1am. People who leave have often been drinking for a long period and their voices can be clearly heard, as can their arguing; cars doors are slammed, engines started and taxis turn up to collect people. This is causing my family and me to be awakened late into the night and early in the morning by these regular disturbances. I am aware other neighbours are also impacted by the noise. I also spend Sunday morning picking up empty beer bottles which have been strewn over the road after a function has been held.

Parking from the café alone has made the traffic situation on Heycrofts View and Market Street dangerous. Before the café was established this was a very quiet cul-de-sac with next to no traffic. My children regularly played on the street with very little risk. Since the Drop-Off Café was established, parking on Heycrofts View has become increasingly difficult. Cars ignore the yellow lines at the junction to Market Street, drivers Double Park and often block access to my drive. This is likely to worsen should the first-floor proposal be permitted.

Lancashire County Council has used incorrect figures from the Parking Standards in providing its response. We estimate parking space numbers for the café and function rooms at 67-71 places. This does not include provision for the hairdressers, skin clinic or the other currently vacant premises in the building, and does not consider other householders and businesses in the area that rely on the availability of the limited number of parking spaces to allow their businesses to operate.

There are no car parking facilities at the venue, and the potential number attending events at first floor level will far exceed what limited parking space is available. I have counted the spare on-street spaces tonight and there are around 10, and the house owners are not even back from work yet. In addition, since the survey there has been a new housing development on Market Street with a further reduction of spaces.

There is a proposal to install an emergency stairwell at the rear of the premises which will likely dominate my view of the premises.

It is not clear why the applicant is stating that the previous use was as a function room. I have lived next to the property for 17 years and have been associated with Edenfield for over 50. I have no recollection of its use as a function room; when I moved into the property in early 2003 it was used for storage of footwear.

This is the eighth planning application in the last four years for the Café. What was an initial approval for a small café during day time hours, has expanded into a downstairs evening venue, use of the outside space for dining, guest accommodation upstairs and now an application for space three to four times larger than the café for the use of function rooms. We suffer excessive noise from the property from around 8am when the applicant arrives (there appears to be inadequate ventilation in the kitchen so the kitchen doors are permanently open in the Summer, this is followed by noise from café attendees sitting outside all day), throughout the day and until well after midnight when the current unlawful use finishes.

3 Heycrofts View

We are supportive of the Drop Off Café but have some objections to the proposal:

- The proposed Emergency exit overlooks our garden - we would like it confirmed that the exit is made from opaque materials and only used for emergencies and practicing emergency procedures.

- We hear the music from the 2nd floor when events have taken place in the last year. As we have 3 school children we are concerned that the closing time, especially on school nights, of 2300 is unreasonable. We feel this will have an impact on our family's sleep.

- All the other businesses in the area which accommodate large parties of people have off street parking, e.g. Rostron's Arms, The Coach, Edenfield Cricket Club, Duckworth Arms. Parking in Edenfield is of a premium, especially on Market Street. Currently cars from the local businesses already park on pavements on Heycrofts View and this is likely to be increased further and later in to the night.

16 Heycrofts View

Welcomed the café, unfortunately the upstairs function room has caused many problems with the local residents:

- My children have been kept awake by the music coming from the upstairs room! It's incredibly loud and also goes on after 12 on most functions! The noise then continues of people leaving the premises and singing and chatting as they wait to be collected in taxi's etc.
- There is not enough parking on Market Street or Heycrofts View - already car park in dangerous areas on the double yellows and on one occasion across my driveway!
- I have also noticed bottles of beer being left around the bus stop area and on the grass area across from our house! Not nice to wake up to on a sat/sun morning.

47 Market Street

My objection is based on Car Parking and Persistent Noise Nuisance.

The submitted parking survey was conducted over the weekend of 16th-17th June 2018. This weekend appears to have been a quiet weekend for the café and photographs were taken when the café, hairdressers and beauty clinic were closed. The photographs clearly show poor weather. Parking tends to be more of a problem when the weather is fine and large numbers of cyclists congregate at the Café, often arriving in cars with bike racks or vans containing mountain bikes. These vehicles are often left in the vicinity of the café on Market Street and Heycrofts View for long parts of the day whilst their owners complete their bike rides.

Since the survey was conducted, the Horse and Jockey pub, at 85 Market Street has been demolished and 10 houses have been constructed on the site. This means that staff and visitors to the café (including the proprietor) now park in the immediate vicinity of the café, this frequently cause problems for residents.

I often have problems parking near to my house and more importantly getting access to my driveway as shown in the photographs below. As well as blocking the drive, patrons of the café and visitors to the other business in 38-42 Market Street frequently park on pavements making safe access to Market Street extremely difficult.

LCC have calculated the required number of parking spaces based on a ratio of 1:20 (1 space per 20 sq. m). The recent illegal use of the building for large numbers of people at wedding celebrations would in my respectful submission be more appropriately as A3 (Restaurant) use which requires a ratio of 1:5 (1 space per 5 sq. m). Rather than the 12 parking spaces calculated by LCC, this would require 48 parking spaces.

The LCC Highways survey conducted at 7am on 28th November 2019 has identified 17 spaces in the vicinity of the café which could be used by night-time patrons, this falls short of the likely number required for large wedding receptions including catering.

The noise nuisance from night-time events on the first-floor is considerable and on two separate Saturday nights in the last month it has been possible to identify songs from their lyrics from inside my house with the windows closed.

The planning application is for the first floor to open for the same hours as the existing ground floor café. A New Years' Eve event using the first floor space was advertised as continuing until 2am. On summer evenings when windows are open and people choose to congregate outside the building to smoke, the noise nuisance will be even more apparent to neighbours.

No enforcement action has been taken by RBC despite previous breaches of licensing, planning and environmental health regulations. I have no confidence that noise will be confined to the hours stated in the application.

The applicant's Planning Statement refers to *38-42 Market Street* as *"a former cooperative building which had retailing on the ground floor and where the upper floor was a function room(s). This use of the upper floor has continued since then and people, including Councillors, recall its use for wedding receptions. We consider that this is its lawful use."* This statement implies that use of the upper floor as a function room has continued since the Co-op sold the building and this is not correct. The sale brochure for the building from Morris Dean Estate Agents (dated 7 January 2013) states that the building comprises "three ground floor retail units with rear garage/workshop and upper ground floor storage space" and, on the second page, describes the first floor as "comprising disused storage extending to 316.5 sq. metres". The reference to councillors who remember the use of the room as a function room can only refer to Councillors who lived in Edenfield in the 1960s. The "Co-op" ceased trading in the late 1960s, the first floor used after this date only as storage for various businesses which existed on the ground floor.

Since the Co-op closed, the houses on Heycrofts View have been built which means that the use of the upstairs space is now more likely to have an impact on neighbours than the Co-op function room could have done in the past. The planning committee may be interested to know that Application 1991/038 to convert the upstairs into a restaurant with seating for 80 persons was refused in February 1991.