

Application Number:	2020/0092	Application Type:	Full
Proposal:	Full: Change of use of the building from a dwelling to extend escape rooms attraction to incorporate a bar at ground floor and escape room at first floor (sui generis) and variation of condition 3 of planning permission no. 2018/0004 to extend the opening hours from 10.00am - 10.00pm 7 days per week to 10.00am - 11.00pm 7 days per week	Location:	31 Kay Street Rawtenstall Rossendale Lancashire BB4 7LS
Report of:	Planning Unit Manager	Status:	For publication
Report to:	Development Control Committee	Report Written:	28 th May 2020
Applicant:	Mr Simon Milnes	Determination Expiry Date:	12 th June 2020
Agent:	Chris Astin Building Design Services		

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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	
Other (please state):	Council owned property

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 the Committee grant planning permission for the reasons set out in Section 9.

2. **SITE**

The application relates to No. 31 Kay Street in Rawtenstall. The property forms part of a two storey stone-built terrace of buildings which are in a variety of (mainly commercial) uses. The property in question is owned by Rossendale Borough Council and is currently in use as a dwelling. The neighbouring property to the north (No. 29 Kay Street) is in use as a tattoo studio and the properties to the south (No. 33-35 Kay Street) are in use as an 'escape rooms' visitor attraction (sui generis).

The property has a front access doors leading on to Kay Street, and also has a rear access door leading on to a courtyard which can be accessed off Buller Street.

The site is located within the Rawtenstall Town Centre Conservation Area.

3. **RELEVANT PLANNING HISTORY**

33-35 Kay Street, Rawtenstall, BB4 7LS

2018/0004 Change of use of the building from offices to escape rooms attraction (sui generis) - Approved

4. **PROPOSAL**

The applicant seeks planning permission for the change of use of the premises from a dwelling to an 'escape rooms' visitor attraction (sui generis). The attraction would extend the 'escape rooms' visitor attraction at Nos 33 and 35 Kay Street which involve members of the public solving puzzles and riddles in order to escape from purpose-designed rooms. The proposal also involves creating a bar for both customers of the attraction and for the general public and extending the opening hours of the attraction from 10pm to 11pm seven days a week

The scheme would involve the creation of one escape room within the building at first floor level and toilets. The bar would be located on the ground floor, accessed off Kay Street.

No alterations are proposed to the external appearance of the building as part of the scheme.

5. **POLICY CONTEXT**

National

National Planning Policy Framework (2019)

Section 4 Decision-making

Section 12 Achieving well-designed places

Development Plan Policies

Rossendale Core Strategy DPD (2011)

AVP 4	Rawtenstall, Crawshawbooth, Goodshaw and Loveclough
Policy 1	General Development Locations and Principles
Policy 9	Accessibility
Policy 23	Promoting High Quality Design & Spaces
Policy 24	Planning Application Requirements

Other material considerations

National Design Guide

6. CONSULTATION RESPONSES

RBC Environmental Health

No objection subject to amended plans.

LCC Highways

No objection.

Environment Agency

No comments

RBC Property Services

No comments.

Rossendale Civic Trust

No comments.

7. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order a site notice was posted on 11/03/2020 and 29 neighbour letters were sent out on 05/03/2020. Neighbours were re-consulted regarding the variation of condition 3 of planning permission no. 2018/0004 to extend the opening hours from 10.00am - 10.00pm 7 days per week to 10.00am - 11.00pm 7 days per week. A notice was not published in the Rossendale Free as the proposal is for a change of use and there are no external alterations.

No comments or objections have been received.

8. ASSESSMENT

The main considerations of the application are:

1) Principle; 2) Visual Amenity and Heritage Impact; 3) Neighbour Amenity; 4) Access, Parking and Highway Safety

Principle

Loss of residential

Paragraph 85 of The Framework recognises that town centres need to grow and diversify and allow a suitable mix of uses, including housing.

The property is located within the urban boundary, where Policy 1 of the Core Strategy seeks to locate most new development. The property is also located within Rawtenstall Town Centre where housing development is supported in accordance with Policies 2 and 3 of the Core Strategy.

The development comprises the loss of 56 SQM of residential floorspace and the creation of a sui-generis use to extend the 'escape rooms' visitor attraction at Nos 33 and 35 Kay Street. The residential space at ground and first floor levels is currently owned by the Council and is in a residential use which is considered to be an appropriate town centre use.

Policy 11 does not specifically require supporting information to justify the loss of residential space. However, it is noted that the proposal would support an existing town centre business. Furthermore, there would be employment benefits as the applicant states in the submitted Planning Statement that the proposal will increase the number of part time staff employed at the business from 5 to 9.

The loss of residential space is not contrary to any policy requirements of Policy 11 and as such, the loss of residential space is acceptable in principle.

Principle of sui generis use

Paragraph 85 of The Framework recognises that, in order to promote the long term vitality and viability of town centres, they should be able to grow and diversify and allow a suitable mix of uses. It also recognises that town centres need to respond to rapid changes in the retail and leisure industries.

The property is located within the urban boundary, where Policy 1 of the Core Strategy seeks to locate most new development. The property is also located within Rawtenstall Town Centre where retail development, together with other town centres uses, is supported in accordance with Policy 11 of the Core Strategy.

Core Strategy Policy 11 (Retail and other Town Centre Uses) and the emerging Local Plan Policy R1 do not specify sui generis development as being one of the preferred town centre uses but both policies state that proposals for non-retail uses appropriate to town centres will be considered favourably. In light of the NPPF position, this could be taken to include sui generis use.

As such, the principle of sui generis use is supported in principle. The proposed development is in accordance with Policy 11 of the Core Strategy and is acceptable in principle.

Visual Amenity and Heritage Impact

Policies 23 and 24 of the Core Strategy seek to ensure that all new developments are of the highest quality of design and protect visual amenity.

Paragraph 192 of the Framework states:

"In determining applications, local planning authorities should take account of:

a) *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.*”

The building is located within Rossendale Conservation Area. In the Rawtenstall Conservation Area Character Appraisal and Management Proposals Plan it is identified as forming part of Character Area 4: Bacup Road which states:

“Kay Street retains some well detailed late 19th century shops and houses in two storey terraced buildings....”

No external alterations to the building or the rear yard are proposed as part of the scheme.

As such the scheme is considered acceptable in terms of visual amenity and heritage impact.

Neighbour Amenity

There are no residential properties immediately adjacent to the site, and in any case it is not considered that the proposed use of the first floor of the site as an Escape Rooms attraction would give rise to any significant disturbance. The proposed bar area at ground floor level would be open to the general public and would have some potential for noise and nuisance. The proposed extension of the opening hours from 10.00am - 10.00pm 7 days per week to 10.00am - 11.00pm 7 days per week is a variation of condition 3 of planning permission no. 2018/0004. The Council’s Environmental Health Team has been consulted on the application and requested that the plans be amended to include a double door entry from Kay Street rather than a single door entry. The Council’s Environmental Health Team have confirmed they are satisfied with the revised plans subject to this being secured by a condition to reduce the severity of any noise nuisance when customers leave the premises.

As such the scheme is considered acceptable in terms of neighbour amenity.

Access, Parking and Highway Safety

The proposed scheme would not result in any changes to the existing parking arrangements at the site, and there has been no objection from the Local Highway Authority.

The scheme is considered acceptable in terms of access, parking and highway safety.

9. REASONS FOR APPROVAL

The proposed development is appropriate in principle within the urban boundary. It is considered that the development would not unduly affect the visual amenities of the area, neighbour amenity or highway safety subject to conditions. Accordingly, the scheme is considered to accord with the National Planning Policy Framework and Policies AVP4, 1, 9, 10, 23 and 24 of the Council’s Core Strategy DPD (2011).

10. RECOMMENDATION

That the application be granted.

11. **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 following plans and documents unless otherwise required by the conditions below:

- Submitted application form signed 21st February 2020 by the Local Planning Authority.
- Proposed Change of use of No. 31 Kay Street, Rawtenstall, Rev B, by the Local Planning Authority.
- Planning Statement

Reason: To ensure the development complies with the approved plans and submitted details.

3. The Escape Rooms visitor attraction hereby permitted shall only operate between the hours of 10:00am – 11:00pm, 7 days per week.

Reason: To accord with the permission sought and in the interests of neighbour amenity.

4. The double door entry hereby permitted as shown on the submitted plans (Drawing Proposed Change of use of No. 31 Kay Street, Rawtenstall, Rev B) shall be maintained so long as the ground floor bar is in situ, and shall be retained as such thereafter.

Reason: To protect the amenities of occupiers of nearby premises.

12. **INFORMATIVES**

1. The Local Planning Authority has a Core Strategy (adopted in November 2011) and a series of Supplementary Planning Documents, which can be viewed at:

http://www.rossendale.gov.uk/downloads/download/331/core_strategy_local_plan_part_1_adopted

The Council operates a pre-application planning advice service. All applicants are encouraged to engage with the Local Planning Authority at the pre-application stage. In this case the applicant did not engage in pre-application discussions.

The Local Planning Authority has considered the application and where necessary considered either the imposition of planning conditions and/or sought reasonable amendments to the application in order to deliver a sustainable form of development in accordance with the National Planning Policy Framework and the local planning policy context.