

Application Number:	2020/0341	Application Type:	Full
Proposal:	Full: change of use from existing pub and nightclub to Class B1 office use, including the formation of 2 No. new access doors and renovation of the windows, doors and rear canopy.	Location:	Queens Cottage 1 Bank Street Rawtenstall Rossendale Lancashire BB4 7NF
Report of:	Planning Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	21/09/2020
Applicant:	Miss Howieson	Determination Expiry Date:	25/09/2020
Agent:	Mr Martin Hill		

Contact Officer:	James Dalglish	Telephone:	01706 238643
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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):	

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

Approval subject to the conditions set out in this report.

2. SITE

The application relates to the northern portion of the Queen's Arms (Queen's Cottage), a Grade II Listed building of predominantly stone construction located prominently at the junction of St. Mary's Way and Bacup Road in the town centre (and Conservation Area) of Rawtenstall. The building is currently vacant, and has been for some time.

The list description for the building reads as follows:

"14/233 Queen's Arms Hotel - GV II

Hotel, 1830. Dressed sandstone, hipped slate roof with side wall chimneys. Rectangular plan 5 x 3 bays. Three storeys, symmetrical, in simple classical style, with moulded cornice, low parapet, doorways with simple surrounds and cornices in centre of front and right return walls, vertical rectangular windows with altered glazing at ground floor, sashed above, those at 2nd floor shorter. Interior altered. History: built on new crossing of Burnley-Bury and Blackburn-Todmorden turnpike roads; in earlier C19 served as courthouse and town hall."

The site is also in relatively close proximity to several other Listed Buildings, including:

- Longholme Parsonage (Grade II)
- Gateway and railings to churchyard of Longholme Methodist Church (Grade II)
- Longholme Methodist Church War Memorial (Grade II)
- Rawtenstall Cenotaph (Grade II*)
- Church of St. Mary (Grade II)
- Central Library (Grade II)

The building fronts directly onto the footway along St. Mary's Way / Bank Street. To the rear, there is an enclosed car parking area.

Overall, the building appears to be in a reasonable state of repair externally, though some elements (particularly to the rear of the building) have begun to deteriorate.

3. RELEVANT PLANNING HISTORY

1993/0284LB - Application for listed building consent for the erection of boundary wall 1m in height at rear of premises (Approved)

2001/0196LB - Proposed internal alterations and proposed new canopy to rear (Approved)

2003/0749LB - Retrospective application for internal, ground floor refurbishment. Erection of 7 illuminated signs to the front, rear and side elevations of the building (Approved)

2020/0197 - Listed Building Consent: conversion of public house (A4), night club (sui generis) and residential accommodation (C3), to restaurant (A3) at ground floor level, and 4 no. two-bedroom apartments (C3) at first and second floor level. Works including replacement windows and external doors, off street parking, bin and cycle storage, installation of metal flue and sand blasting to external stone walls (Approved – adjacent building)

2020/0199 - Full: Conversion of public house (A4), night club (sui generis) and residential accommodation (C3), to restaurant (A3) at ground floor level, and 4 no. two-bedroom apartments (C3) at first and second floor level. Works including replacement windows and external doors, off street parking, bin and cycle storage, installation of metal flue and sand blasting to external stone walls (Approved – adjacent building)

4. **PROPOSAL**

The applicant seeks to convert the building from its current use as a drinking establishment and nightclub to B1 office use on both the ground and upper floor. Two open-plan office units would be created on each of the two floors, following internal renovations.

As part of the conversion works it is proposed that the existing windows will be replaced with new matching timber window units (in anthracite grey). New hardwood timber doors are proposed (again in anthracite grey), with two new door openings to the rear elevation. It was originally proposed to install new grey metal roller shutters over the new door openings on the rear elevation, and a replacement canopy above.

However, following discussions between the case officer and the applicant's agent, the originally proposed external roller shutters to the rear elevation of the building have been omitted (they will now be installed internally, and will not therefore be visible from the exterior).

Similarly, following further discussions the applicant has agreed to remove the canopy from the rear elevation of the building and not to install a replacement canopy.

No changes are proposed to the existing access to the building.

5. **POLICY CONTEXT**

National

National Planning Policy Framework

Section 2	Achieving Sustainable Development
Section 4	Decision Making
Section 5	Delivering a sufficient supply of homes
Section 6	Building a Strong, Competitive Economy
Section 7	Ensuring the vitality of town centres
Section 9	Promoting Sustainable Transport
Section 11	Making Effective Use of Land
Section 12	Achieving Well Designed Places
Section 14	Meeting the Challenges of Climate Change, Flooding, etc
Section 15	Conserving and Enhancing the Natural Environment
Section 16	Conserving and Enhancing the Historic Environment

Development Plan Policies

Rossendale Core Strategy DPD

AVP 4	Rawtenstall, Crawshawbooth, Goodshaw and Loveclough
Policy 1	General Development Locations and Principles
Policy 2	Meeting Rossendale's Housing Requirement

Policy 3	Distribution of Additional Housing
Policy 7	Social Infrastructure
Policy 8	Transport
Policy 9	Accessibility
Policy 11	Retail & Other Town Centre Uses
Policy 16	Preserving and Enhancing Rossendale's Built Environment
Policy 18	Biodiversity, Geodiversity and Landscape Conservation
Policy 19	Climate Change and Low & Zero Carbon Sources of Energy
Policy 23	Promoting High Quality Design & Spaces
Policy 24	Planning Application Requirements

6. **CONSULTATION RESPONSES**

Consultee	Summary of Comments received
Cadent	No comments received
Ecology	No objection, provided advice
Environment Agency	No objection, provided advice
Historic England	No comments to make on the application
LCC Highways	No objection
RBC Environmental Health	No objection
RBC Conservation Officer	No comments have been received (no officer in post)
United Utilities	No comments received

7. **NOTIFICATION RESPONSES**

To accord with the General Development Procedure Order a site notice was posted on 07/08/2020 and 10 letters were sent to neighbours on 04/08/2020. A press notice was also published on 14/08/2020.

5 letters of objection have been received, raising the following points in summary:

- Lack of suitable access
- Out of keeping with original building
- Harm to visual amenity
- Land ownership / private access rights issues
- Harm to heritage asset
- Disturbance / harm to neighbour amenity
- Canopy is a danger to lorries

8. **ASSESSMENT**

The main considerations of the application are:

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

Principle

The application site is located within the defined urban boundary, where Policy 1 of the Core Strategy seeks to locate the majority of new development.

In terms of the proposed change of use of the building, it would result in the loss of part of a public house and nightclub – which are forms of social infrastructure that Policy 7 of the Core Strategy seeks to protect in most cases. However, the policy provides a list of considerations that should be considered when assessing such applications as follows:

- The availability of alternatives within 15 minutes travelling time by non-car modes
- The financial viability of the existing use
- The results of marketing the site for existing or other community uses for a minimum period of six months
- Whether it is possible for the community facility to be retained in the same locality, but combined with another use
- Significance of loss on the local community

In this case, there are a large number of other public houses / bars (and a nightclub) within a very short distance of the site (all of which are within walking distance). It is understood that the wider Queen’s Arms property has been vacant for several years, and was put up for sale initially in September 2018. The property was purchased, and then sold again as three separate units in February 2020, there having been no interest in using the building as a whole.

It is considered in this case that there is no evidence to suggest that the current lawful use of the property is still financially viable. It is also noted that the majority of the Queen’s Arms building has recently been granted planning permission (and Listed Building Consent) for conversion to a restaurant and apartments – which would make it impossible to operate the part of the building in question in this current application as a public house / nightclub if those other consents are implemented.

In any case, having regard to the number of other similar facilities within a very short distance, it is not considered that the loss of the public house and nightclub in this case will have any great significance for the local community.

Policy 11 of the Core Strategy states that *“retail development, together with other town centre uses, including offices, leisure, arts, culture and tourist facilities, will be focused within the defined town and local centres.”*

Offices (B1) are a defined town centre use, and as such the proposed scheme accords with the aims of Policy 11, as it would be within Rawtenstall Town Centre.

The offices would also be sustainably located close to shops, services, public transport links and other amenities – and as such are acceptable in principle.

Overall, the development is considered acceptable in principle.

Visual Amenity / Heritage Impact

Policy 23 of the Core Strategy seeks to ensure that all new developments “are of the highest standard of design that respects and responds to local context, distinctiveness and character”.

Policy 23 of the Core Strategy seeks to ensure any new development is “compatible with its surroundings in terms of style, siting, layout, orientation, visual impact, local context and views, scale, massing, height, density, materials and detailing”.

The proposed scheme does not entail any significant alterations to the external form of the building. The proposed use of replacement timber window units (a mix of top-hung and sash units to replace existing) is appropriate, and would be sympathetic to the building’s historic fabric.

Following discussions between the case officer and the applicant’s agent, the originally proposed external roller shutters to the rear elevation of the building have been omitted (they will now be installed internally, and will not therefore be visible from the exterior).

Similarly, following further discussions the applicant has agreed to remove the canopy from the rear elevation of the building and not to install a replacement canopy (as originally proposed).

Overall, it is considered that the scheme represents an enhancement to the appearance of the Listed Building in line with the recommendations of Core Strategy Policy 16.

Having regard to the above, the development is considered acceptable in terms of visual amenity / heritage impact.

Neighbour Amenity

Core Strategy Policy 24 requires new developments to be designed to protect the amenity of the area, including residential amenity in terms of light, outlook, landscaping, and mitigating noise and light pollution.

Given the nature of the proposed (office) use of the building, it is not considered that the development would be incompatible with the approved restaurant and residential uses in the adjacent buildings. The proposed use is a type which would be expected in a town centre location such as this, and it is not considered that it would cause any undue harm to neighbour amenity.

The Council’s Environmental Health Officer has been consulted and has raised no objection to the proposed scheme.

The proposal is compliant with the Framework and Policy 24 of the Core Strategy with regards to neighbour amenity.

Access, Parking and Highway Safety

The Local Highway Authority has raised no objection to the proposed scheme, stating that

“The proposal raises no highway concerns. It is noted that the greater part of the former PH has recently been granted planning permission to convert to a restaurant and accommodation under 2020/0199. Parking to the rear is limited, however the site is located

in a town centre close to public transport links and I would therefore raise no objection to the proposal on highway grounds.”

Objectors' comments in relation to vehicular access to the rear of the building are noted and have been considered. Partly in response, amended plans have been received which show the removal / omission of the proposed replacement canopy on the rear elevation – to lessen the likelihood of delivery vehicles colliding with the canopy. This is considered to be an improvement on the existing situation (a canopy is currently installed).

In terms of concerns raised by objectors in relation to the arrangement of vehicular access over land outside the applicant's ownership within the rear courtyard, matters relating to private land ownership are private civil matters to be addressed outside of the planning process. In any event, the Local Highway Authority has been consulted and has no objection to the proposed plans. Even if no direct vehicular access was possible to the rear of the building, this would not substantiate refusal of the application given the highly sustainable town centre location of the site, and the fact that the existing lawful use of the property (as part of a pub / nightclub) could reasonably be assumed to have similar requirements in relation to access / servicing.

Having regard to all of the above, the scheme is considered acceptable in terms of access, parking and highway safety.

9. SUMMARY REASON FOR APPROVAL

The proposed development is acceptable in principle, and subject to conditions would not detract from visual amenity, heritage value, neighbour amenity or highway safety. As such, the scheme accords with the National Planning Policy Framework and Policies 1, 2, 3, 7, 11, 16, 18, 23 and 24 of the Core Strategy DPD.

10. 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:

- Application form
- Existing and Proposed Plans (203111_A1_2.000B)
- Existing and Proposed Elevations (203111_A3_2.001C)
- Location and Site Plans (203111_A3_1000)
- Heritage Statement (203111_A4_1001)

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

3. Prior to first use of the offices hereby approved, the existing canopy on the rear elevation of the building shall be removed from the building.

Reason: In the interests of securing visual improvement of the building.

11. **INFORMATIVES**

1. Standard approval informative.
2. Whilst the development is low risk for bats, the applicant is reminded that under the Habitat Regulations it is an offence to disturb, harm or kill bats. If a bat is found all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.
3. The applicant is reminded that, under the Wildlife and Countryside Act 1981 as amended it is an offence to remove, damage, or destroy the nest of a wild bird, while the nest is in use or being built. Planning consent does not provide a defence against prosecution under this act. If a bird's nest is suspected work should cease immediately and a suitably experienced ecologist employed to assess how best to safeguard the nest(s).
4. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:
 - on or within 8 metres of a main river (16 metres if tidal)
 - on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
 - on or within 16 metres of a sea defence
 - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
 - in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it is a tidal main river) and planning permission is not required

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact The Environment Agency's National Customer Contact Centre on 03708 506 506.