

<b>Application Number:</b>	2021/0267	<b>Application Type:</b>	Full
<b>Proposal:</b>	Full: Installation of wood fired pizza oven flue to be fitted through roof of retail unit.	<b>Location:</b>	Unit 1 Rawtenstall Bus Station Bacup Road Rawtenstall BB4 7UW
<b>Report of:</b>	Planning Unit Manager	<b>Status:</b>	For publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	27 July 2021
<b>Applicant:</b>	Mr Michele Pillitteri of Pizza Mans Ltd	<b>Determination Expiry Date:</b>	13 July 2021 Time extension to 30 July 2021
<b>Agent:</b>	Mr Francesco Pillitteri		

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

## 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 this report.

## 2. **SITE**

The application relates to Unit 1 of Rawtenstall Bus Station. The unit is currently vacant. It is located within the urban boundary and within the Rawtenstall Town Centre Conservation Area.

## 3. **PROPOSAL**

Full planning permission is sought for the installation of a wood-fired pizza oven flue. The pizza oven will be sited within Unit 1, however the flue will project out of the roof of the bus station building. It will project 60mm above the ridge.

The flue will have a powdered coated finish to match the grey colour of the roof of the building.

Planning permission is required for the installation of a flue as it projects beyond the ridge of the building, and there are no permitted development rights for such works.

Use of the building as a pizzeria (Use Class A3 – restaurant) does not require planning permission. Members will note the planning history below, which demonstrates that the units within the bus station benefit from planning permission for a range of uses, including A3.

## 4. **PLANNING HISTORY**

### 2017/0390

Application for a minor non-material amendment to planning permission ref: 2016/0608 (which was for the erection of a bus station and retail/cafe units (Use Classes A1, A2, A3, A4, A5 or B1), including associated facilities, car parking and landscaping) to amend:

- Double Door Pedestrian Entrance Set amended to 2no. double sliding doors
- New area for display unit/TV/monitor added above new 2no. double sliding pedestrian entrance.
- Bay 7 and 8 re-arranged to accommodate evening bus service.
- Reconfiguration of the internal space to increase the number of retail units to 4 and increase the amount of retail floor space

Approved 30.08.2017.

### 2016/0608

Section 73 application to vary / remove conditions 2, 3, 4, 7, 11, 12, 13, 14, 20, 21, 22 and 28 attached to planning approval 2015/0476 which granted consent for the erection of a bus station and retail/cafe units (Use Classes A1, A2, A3, A4, A5 or B1), including associated facilities, car parking and landscaping, demolition of former Police Station, Town Hall Annex, Public Toilets and part demolition and works to the Old Town Hall, within Rawtenstall conservation area.

Approved 18 January 2017.

2015/0476

The redevelopment of the site for a bus station and retail/cafe units (Use Classes A1, A2, A3, A4, A5 or B1), including associated facilities, car parking and landscaping, demolition of former police station, town hall annex, public toilets and part demolition and works to the Old Town Hall, within Rawtenstall conservation area. Approved 9<sup>th</sup> March 2016

2014/0538

Demolition of the town hall, One Stop Shop (Town Hall Annex), former police station, bus station, public toilets and removal of existing car parking areas (30 spaces) and construction of a new bus station with retail at ground floor and offices above, and provision of associated parking (56 spaces) and landscaping. Withdrawn

## 5. **POLICY CONTEXT**

### **National**

National Planning Policy Framework (2019)

Section 12 Achieving Well Designed Places

Section 16 Conserving and enhancing the historic environment

### **Development Plan Policies**

RBC Core Strategy (2011)

AVP 4 Rawtenstall  
Policy 1 General Development Locations and Principles  
Policy 16 Preserving and enhancing Rossendale's built environment  
Policy 23 Promoting High Quality Design and Spaces  
Policy 24 Planning Application Requirements

### **Other**

National Planning Practice Guidance  
RBC Emerging Local Plan  
National Design Guide

## 6. **CONSULTATION RESPONSES**

RBC Environmental Health	No objection
RBC Property Services	Support
Growth Lancs Heritage Advisor	No objection

## 7. **NOTIFICATION RESPONSES**

The application was advertised by posting a site notice outside of the bus station and by posting a notice in the Rossendale Free Press.

No responses have been received.

## 8. ASSESSMENT

### Principle

The principle of installing a flue on the Rawtenstall Bus Station building is acceptable. The building is located within the urban boundary, where new development is to be directed.

### Visual Amenity and Heritage

The Council's Heritage Advisor has provided the following observations:

*"I visited Rawtenstall Bus Station today to assess the application for the new flue to serve a new restaurant use for a commercial unit within the building.*

*The building is located in Rawtenstall Conservation Area.*

*The principle statutory duty under the Planning (Listed Building and Conservation Areas) Act 1990 is to preserve the special character of heritage assets, including their setting. LPAs should, in coming to decisions, consider the principle Act. Under Section 72(1) LPA's should pay special attention to the desirability of preserving or enhancing the character or appearance of CA's. In relation to conservation areas decision makers should consider the impacts on the character and appearance of a conservation area (which includes its setting) separately. Development proposals need to satisfy both aspects (to preserve or enhance) to be acceptable.*

*The key heritage issue for the LPA to consider is therefore; whether the proposed flue will harm the character or appearance of the Rawtenstall Town Centre Conservation Area.*

### *Assessment*

*Rawtenstall town centre's surviving historic architecture is primarily C19 and early C20 in origin. Its listed buildings are primarily early and mid C19, whilst areas of unlisted mid to late C19 workers' terraced housing also survive. The historic core is comprised mainly of C19 commercial, industrial and institutional buildings. Pre-1919 buildings are built almost exclusively in local sandstone.*

*In this context I noted that the new Station building is highly prominent and can be viewed from distance from most of the surrounding road network (North Street, Bank Street, Kay Street and Bacup Road) and stands alone within a hard-surfaced landscaped precinct. The building, itself is of a large scale in a modern design, incorporating full height glazing and part stone elevations with a varied multi-pitched slate grey coloured roof.*

*From the plans the new flue will extend 600mm above the existing grey profile sheeted roof in the north-west section of the building. The flue relates to the installation of a pizza oven to enable the restaurant use.*

*Visually I think the addition of the flue will be seen as being a minor roof addition and will largely be lost in the scale of the roof. The protrusion above the ridge will be insignificant, especially when you consider that the building is viewed within a wide setting with substantial buildings to the south. On this basis I feel the visual impact will be minimal and any harm to the appearance of the CA, will I think be negligible."*

Officers are in agreement with the Heritage Advisor's comments that the proposed flue will cause negligible harm to the appearance of the Conservation Area and that the application is acceptable in regards to visual amenity.

## Residential Amenity

The proposal is limited to the installation of a flue on the roof of the bus station building. It will project 600mm above the ridge. There are no residential properties adjoining or adjacent to the site.

RBC Environmental Health has raised no objection. They have provided advice (in the form of informatives) in relation to any extraction that may be required, and the type of pizza oven to be used.

The proposal will not give rise to unacceptable impacts on the amenities of any nearby residents in terms of smoke or odour and it would reasonably satisfy the requirements of Policy 24 of the adopted Core Strategy.

## **9. RECOMMENDATION**

That planning permission be granted subject to the conditions set out below.

## **10. 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:

- Application Form
- Existing and Proposed Elevations DWG No 2001-03
- Proposed Plan DWG No 2001 02 Rev A
- Site location plan

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

3. The flue shall have a powder coated finish in a grey colour to match the existing bus station roof.

Reason: In the interests of the visual amenities of the building and the street scene

## **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](http://www.rossendale.gov.uk/downloads/download/331/core_strategy_local_plan_part_1_adopted)

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.

2. If an extraction system is required, it must be suitable and sufficient to ensure that there is no nuisance in respect of odour or noise to nearby premises. The extraction system/flue must be appropriate for the type of food offered (e.g fat content) to ensure that it is sufficient for its purpose will be no nuisance.
3. Under the Clean Air Act 1993, some areas of the UK are subject to being smoke controlled areas. Rossendale is a smoke controlled area. Therefore, authorised fuel needs to be used for appliances. However, there are some exemptions with pizza ovens, which have been approved for the use of unauthorised fuel such as wood. Therefore, the type of pizza oven appliance used in this application will need to have been tested and certified by the Department for Environment Food and Rural Affairs (DEFRA). A full list of pizza oven appliances can be found using the search facility on the following link; <https://smokecontrol.defra.gov.uk/search.php?type=appliances>.