

Application Number:	2021/0665	Application Type:	Full
Proposal:	Full: Proposed change of use from post office and retail into wine bar	Location:	Rising Bridge Post Office 602 Blackburn Road Rising Bridge Accrington Lancashire BB5 2SB
Report of:	Planning Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	24/05/2022
Applicant:	Mrs Barbara Poole	Determination Expiry Date:	27/05/2022
Agent:	Mr Younus Kahn (recorded on application form as planning agent). Mr Trevor Hobday has also been working on behalf of the applicant.		

Contact Officer:	Storm Grimshaw	Telephone:	01706 252411
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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	N/A
Member Call-In Name of Member: Reason for Call-In:	Yes Cllr Ann Kenyon Potential parking issues associated to development
3 or more objections received	N/A
Other (please state):	N/A

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

Refusal.

APPLICATION DETAILS

2. SITE

The application relates to Rising Bridge Post Office located on the on the junction of Blackburn Road and Worsley Street, in Rising Bridge. The post office is currently in use and also provides a small retail offering. The surrounding area includes a mix of uses and residential areas. Opposite the site to the north of Blackburn Road (although accessed via Northfield Road) are two corn mills and to the east along Blackburn Road is a restaurant, the Rising Bridge Business and Enterprise Village and several services close to the A56.

The building is a two storey stone-built terraced property (with living accommodation at first floor level) which has been painted white. The other properties which form part of the terrace row fronting both highways are in residential use.

The site is within the defined urban boundary as set out in the Council's adopted Local Plan.

3. RELEVANT PLANNING HISTORY

None

4. PROPOSAL

The applicant seeks planning permission for the change of use of the building from its current use as a post office / shop to a wine bar (sui generis use), with the living accommodation above retained.

The proposal would involve limited external alterations to the building. The entrance to the building would be re-located from the elevation fronting Blackburn Road to the gable elevation fronting Worsley Street. The existing entrance would be filled with a new window opening and re-walled with blockwork and render.

5. POLICY CONTEXT

National Planning Policy Framework

- Section 2 Achieving Sustainable Development
- Section 4 Decision Making
- Section 6 Building a Strong, Competitive Economy
- Section 8 Promoting Healthy and Safe Communities
- Section 9 Promoting Sustainable Transport
- Section 11 Making Effective Use of Land
- Section 12 Achieving Well Designed Places

Development Plan

Local Plan Policies

SS: Spatial Strategy

SD1: Presumption in Favour of Sustainable Development

SD2: Urban Boundary and Green Belt

Policy R4: Existing Local Shops
ENV1: High Quality Development in the Borough
Policy LT2: Community Facilities
Policy LT3: Tourism
TR4: Parking

Other material considerations

National Planning Practice Guidance
National Design Guide

6. CONSULTATION RESPONSES

LCC Highways	No objection, subject to condition
RBC Environmental Health	No objection, subject to conditions
RBC Licensing Department	No comments received

7. REPRESENTATIONS

To accord with the General Development Procedure Order a site notice was posted and neighbour letters were sent out.

No responses were received from those consulted.

8. ASSESSMENT

The main considerations in this case are as follows:

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

Principle

The site is located within the defined urban boundary, where Policy SD2 of the Rossendale Local Plan seeks to locate all new development.

In terms of the proposed change of use of the building, it would result in the loss of a post office – which is a type of community facility that Policy LT2 of the Rossendale Local Plan seeks to protect in most cases. The policy states that the loss of any premises used as a community facility will be permitted where it can be demonstrated that:

- a) *The facility no longer serves the local needs of the community in which it is located; or*
- b) *Adequate alternative provision has been made, or is already available, in the settlement or local area; or*
- c) *The use is no longer financially viable and a marketing exercise has taken place to demonstrate this.*

The submitted planning statement (revised version received 24/02/2022) states that the existing retail use/post office facility is to be transferred from its current location to Eureka Animal Feeds, located to the north of the site, and as a result there will be no loss of a retail facility or post office in the local area. The statement concludes the proposal is in accordance with the requirements of criterion b) of Policy LT2. In support of the application, one of the planning agents acting on behalf of the applicant has submitted correspondence from The Post Office confirming that the transfer of the post office/retail use to Eureka Animal Feeds is currently in progress, alongside further comments in support of the proposal. For clarity, the correspondence is dated 20/12/2021 and 05/05/2022 and should be read in conjunction with this report.

It is clear that the transfer of the post office from 602 Blackburn Road to Eureka Animal Feeds has not been completed and therefore no alternative provision for the post office facility is currently in place within the local area. As such, the local planning authority does not consider that adequate alternative provision has been made, or is already available, in the local area.

One of the planning agents has recommended the use of a condition preventing the development from taking place until the alternative provision proposed is in operation, however, the local planning authority does not consider this to be appropriate. The alternative provision put forward by the planning agent is not currently in operation and is outside of the application site and the applicant's ownership.

Guidance on the use of planning conditions (Circular 11/95: Use of conditions in planning permission) states "*particular care needs to be taken over conditions which require works to be carried out on land in which the applicant has no interest at the time when planning permission is granted.*" The guidance goes on to state:

"If the land is outside that site, a condition requiring the carrying out of works on the land cannot be imposed unless the authority are satisfied that the applicant has sufficient control over the land to enable those works to be carried out."

While the use of a condition worded in a negative form (i.e. prohibiting development until a specified action has been taken) may be possible in some cases, in this instance no timeframe on the transfer of the post office has been provided and there is a clear lack of clarity as to whether the alternative provision proposed would be lawful or require planning permission. As such, it is not considered the use of such a condition proposed by the agent would be enforceable or reasonable owing to the circumstances outlined above.

As it stands, the proposal fails to accord with Policy LT2, and compliance with this policy in this case is dependent upon the incorporation of the post office within Eureka Animal Feeds (a building which appears to be in use as a corn mill / animal feed store) being in place prior to the loss of the existing post office.

The post office has advised in their email dated 05/05/2022 that planning permission is not required for the incorporation of the post office facility within Eureka Animal Feeds as the use would be incorporated into an existing retail premises. No evidence confirming that the incorporation of the post office into Eureka Animal Feeds does not require planning permission has been submitted, and based on the evidence available, the local planning authority is not satisfied that the transfer of the proposal would be lawful. In any case, even if it can be demonstrated that planning permission is not required to incorporate a post office facility within Eureka Animal Feeds, the alternative provision proposed to replace the existing post office facility is not currently in operation, and it is therefore considered that the proposal fails to accord with Policy LT2.

Members may read the full application submission, including supporting statements and emails from the Post Office, on the planning application file on the Council's website.

The proposed scheme is therefore considered to be inappropriate in principle.

Visual Amenity

The external alterations proposed to the building as part of the change of use would involve introducing an incompatible material (render) to the frontage of the building and this material is not present on the front of 602 Blackburn Road or the front of the terrace row the building forms part of. As such, it is considered necessary that any new material forming the walling of the building is of natural stone to match the existing elevations of the building. The case officer has requested revised plans in line with the above and the planning agent has confirmed an amended plan will be submitted removing render from the proposal. This will be reported to Members within an Update Report.

Neighbour Amenity

602 Blackburn Road is adjoined by residential properties on either side and is part of a terrace of residential properties. In order to determine the impact the proposed use would have on the neighbouring properties, the applicant submitted an acoustic assessment which identified a potential adverse impact to the first floor accommodation within the building. No potential adverse impact on the adjacent neighbouring properties was identified in the assessment. The assessment has been reviewed by the Council's Environmental Health team who are satisfied with the findings. The latest comments from Environmental Health have advised that the scheme could be recommended for approval, subject to the following conditions:

- Reduced closing hours of 21:00hrs;
- Implementation of the noise insulation works recommended in the acoustic assessment;
- No emptying of bins outdoors after 19:00 hrs;
- Doors and windows to be kept closed if music is playing within the building;
- Music within the premises restricted to background music only (as noted in the acoustic assessment);
- The addition of an internal lobby arrangement to prevent noise break out from the front of the property.

The application form recorded the closing hours of the proposed wine bar to be 23:00hrs from Monday to Saturday, although the revised planning statement noted the applicant would reduce closing hours of 21:00 hrs.

Subject to the use of conditions, it is considered the scheme would be acceptable in terms of neighbour amenity.

Access, Parking and Highway Safety

The local highway authority has no objection to the scheme subject to a condition securing the submission of a Construction Management Plan for approval by the local planning authority.

Concerns have been raised by a Ward Councillor that the proposed development would have an unacceptable impact on parking in the local area, and they advised that the car park identified by the local highway authority as a public car park within 100m of the site (as noted in their original comments on the scheme) was in fact private and not open to public use.

The local highway authority has acknowledged that the car park is not open to public use, but has advised that the development would still have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site. Taking into account the site's existing use as a post office, the Highway Authority concludes that the development would have a reduced impact on highway safety and capacity within the area as well as bringing less vehicle movements than that of a post office.

In light of the above, the scheme is considered acceptable in terms of access, parking and highway safety, subject to the above condition.

9. REASON FOR REFUSAL

1. The proposed development has not demonstrated compliance with Policy LT2 of the Rossendale Local Plan in regards to the loss of a community facility and as such, the scheme conflicts with the Development Plan.

10. INFORMATIVES

1. The proposal would not comply with the development plan and would not improve the economic, social and environmental conditions of the area. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

1. FOUNDATIONS:
 STRIP BUILDING AREA OF ALL VEGETABLE MATTER AND RUBBISH. EXCAVATE TRENCH TO STRIP FOOTINGS ALONG CENTER LINE OF WALL TO A MAX DEPTH OF 900MM BELOW INTERNAL FINISHED GROUND LEVEL OR TO SUITABLE SUB-STRATA AGREED ON SITE WITH APPOINTED BUILDING INSPECTOR AND STRUCTURAL ENGINEER. WIDTH OF FOOTINGS AS SPECIFIED BUT WHERE DIFFICULT GROUND CONDITIONS EXIST FOUNDATION CONSTRUCTION TO BE IN ACCORDANCE WITH CONSULTING ENGINEERS DESIGN DETAILS AND TO APPROVED DOCUMENT 'A' OF THE BUILDING REGULATION APPROVED DOCUMENTS. MIN WIDTH OF FOOTINGS TO BE 600MM X 200MM THK TO EXTERNAL CAVITY WALLS. WHERE APPLICABLE 400MM X 200MM THK FOOTINGS TO INTERNAL LOAD BEARING WALLS.

2. WALLS BELOW DPC:
 EXTERNAL: 100MM CONC. COMMON/BLOCKWORK OR FLETTONS EXTERNAL LEAF UPTO A MIN OF 2 COURSES BELOW DPC. 110MM WIDE CAVITY FILLED WITH LEAN MIX CONC. TO WITHIN 225MM OF DPC LEVEL WITH TOP EDGE SPLAYED TO THE OUTSIDE. 150MM DENSE CONC. BLOCKWORK UPTO DPC LEVEL INNER LEAF.
 INTERNAL: 100MM CONC. COMMONS/BLOCKWORK UPTO DPC LEVEL.

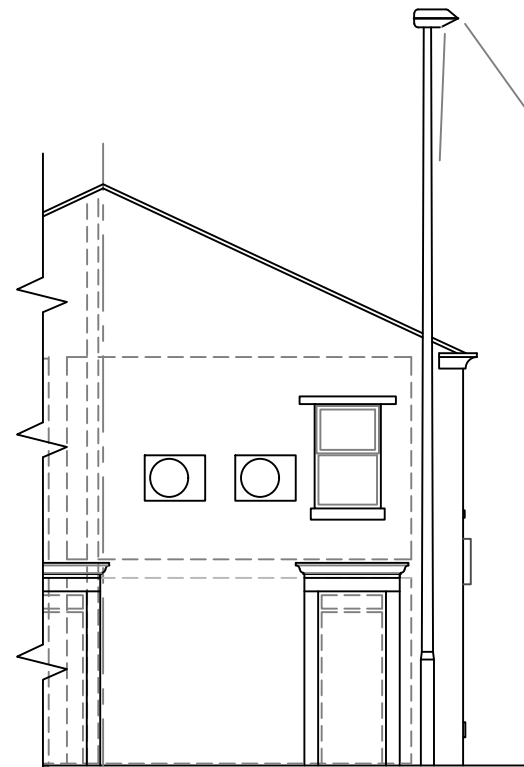
3. DAMP PROOFING:
 DAMP PROOF COURSES TO BE 1000G 'HYLOAD' OR SIMILAR APPROVED TO B.S. 743 AND AT A MIN 150MM ABOVE EXTERNAL GROUND FLOOR LEVEL AND LAPPED AND SEALED WITH DAMP PROOF MEMBRANE UNDER SLAB.
 HORIZONTAL DPC'S UNDER CILLS OF OPENINGS AND LAPPED WITH VERTICAL DPC'S WHERE BLOCKWORK CLOSES CAVITY AROUND DOOR AND WINDOW OPENINGS. CAVITY TRAYS AND WEEPHOLES EVERY 4TH HEADER JOINT TO BE PROVIDED OVER OPENINGS AND AT JUNCTIONS. DPC'S AND CAVITY TRAYS TO BE PROVIDED TO ALL EXTERNAL METER BOXES. FLASHINGS TO BE CODE 4 LEAD, VALLEY'S TO BE CODE 5.

4. GROUND FLOOR:
 GROUND FLOOR TO BE CONSTRUCTED OF 50MM THICK SAND/CEMENT SCREED ON 150MM THK IN-SITU CONC. SLAB INCORPORATING STEEL MESH REINFORCEMENT WITH MIN 50MM COVER TOP AND BOTTOM LAID DIRECTLY ONTO 100MM THICK 'KINGSPAN' INSULATION BOARDS OR SIMILAR APPROVED SANDWICHED 2 LAYERS OF VISQUEEN DPM I.E. 1ST LAYERS LAID ON TOP OF INSULATION BOARDS WITH 2ND LAYER LAID DIRECTLY BELOW AND ABOVE 50MM THK SAND BLINDING INTURN LAID ON TOP OF 300MM THICK HARDWARE WELL COMPACTED IN MAX 150MM THK LAYERS.

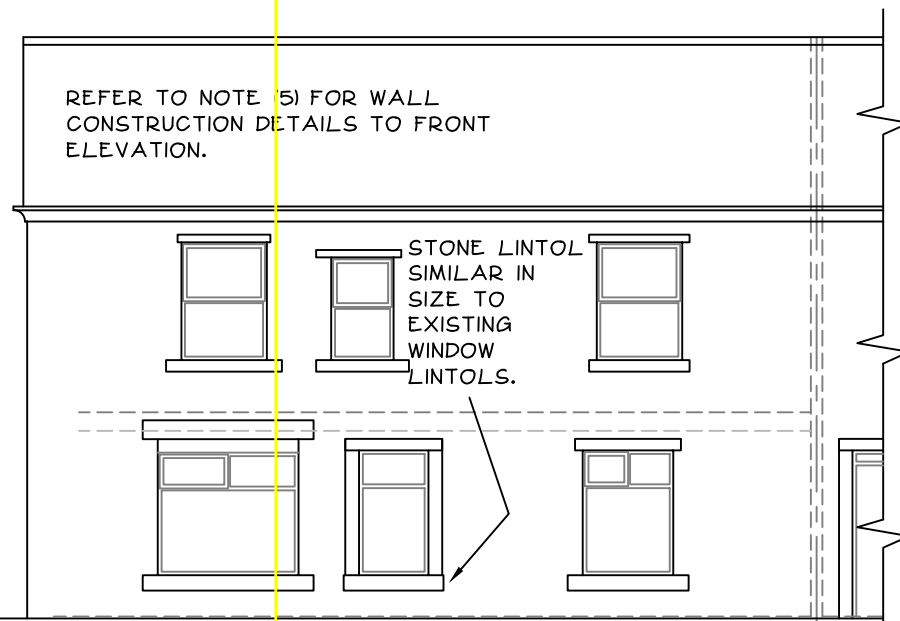
5. WALLS ABOVE DPC:
 EXTERNAL WALLS: MIN 340.0MM CAVITY CONSTRUCTION, 100MM THICK MEDIUM DENSITY BLOCKWORK WITH MIN 25MM THK RENDER FINISH SIMILAR IN TEXTURE & COLOUR TO MAIN BUILDING WALLS, 110MM WIDE CAVITY INCORPORATING 60MM THK 'KINGSPAN' INSULATION BOARDS. 215MM THK MEDIUM DENSITY BLOCKWORK INNER LEAF OR SIMILAR APPROVED PROPRIETARY BLOCKWORK TO ACHIEVE THE REQUIRED 'U' VALUE OF 0.28W/M2K. STAINLESS STEEL WALL TIES MIN 225MM LONG (TRIANGULAR TIES OR SIMILAR APPROVED) AT MAX 750MM HORIZONTAL C/C AND 450MM VERTICAL C/C EACH ROW OF TIES STAGGERED ON ABOVE THE OTHE. TIES AT OPENING POSITIONS TO BE AT MAX 225MM VERTICAL C/C.



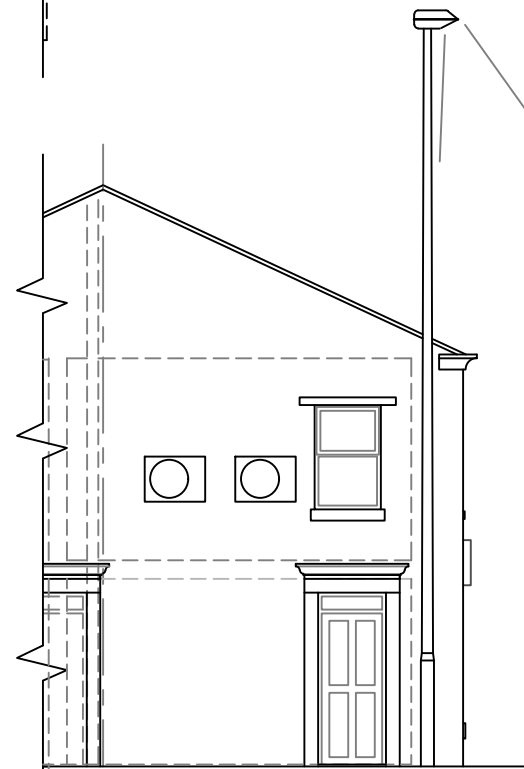
EXISTING FRONT ELEVATION
 FACING ONTO BLACKBURN RD.
 SCALE 1:100



EXISTING GABLE ELEVATION
 FACING ONTO WORSLEY ST.
 SCALE 1:100



PROPOSED FRONT ELEVATION
 FACING ONTO BLACKBURN RD.
 SCALE 1:100



PROPOSED GABLE ELEVATION
 FACING ONTO WORSLEY ST.
 SCALE 1:100

NOTE:- THESE DRAWINGS ARE FOR PLANNING APPROVAL PURPOSES ONLY.

No reliance should be placed upon dimensions which are scaled off this drawing : please see annotation.

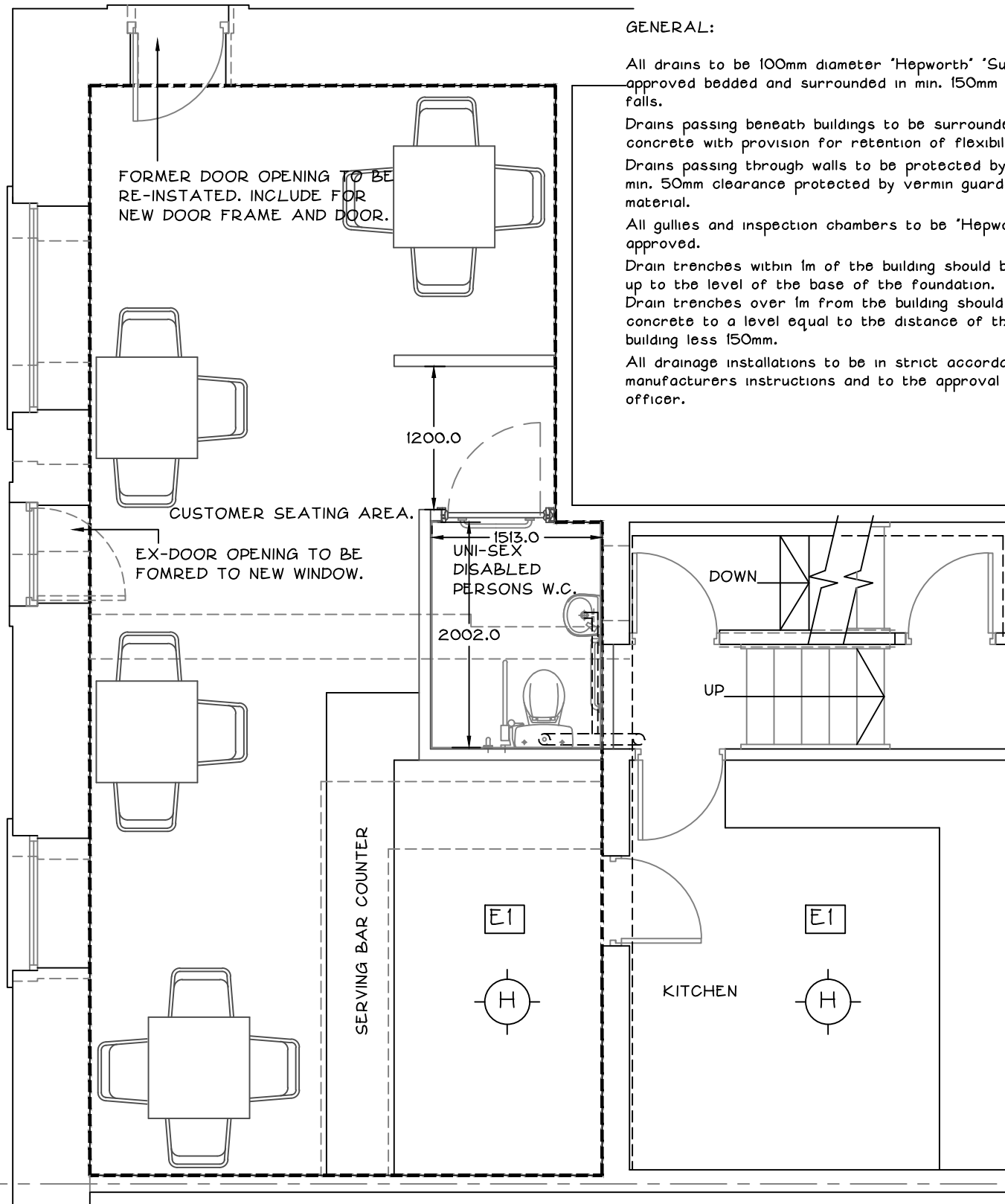
Revision																				
Issued		06.11.21	24.11.21	21.12.21																
PLANNING DEPT	1		1																	
CLIENT		1																		
BUILDING REGS																				

title
 PROPOSED CHANGE OF USE OF
 POST OFFICE & RETAIL SHOP INTO
 WINE BAR (A4 USE),
 602 BLACKBURN RD,
 RISING BRIDGE,
 HASLINGDEN. BB5 2SB.
 EXISTING & PROPOSED ELEVATIONS.

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date	drawn	checked	rev.
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scale	project no.	drawing no.	
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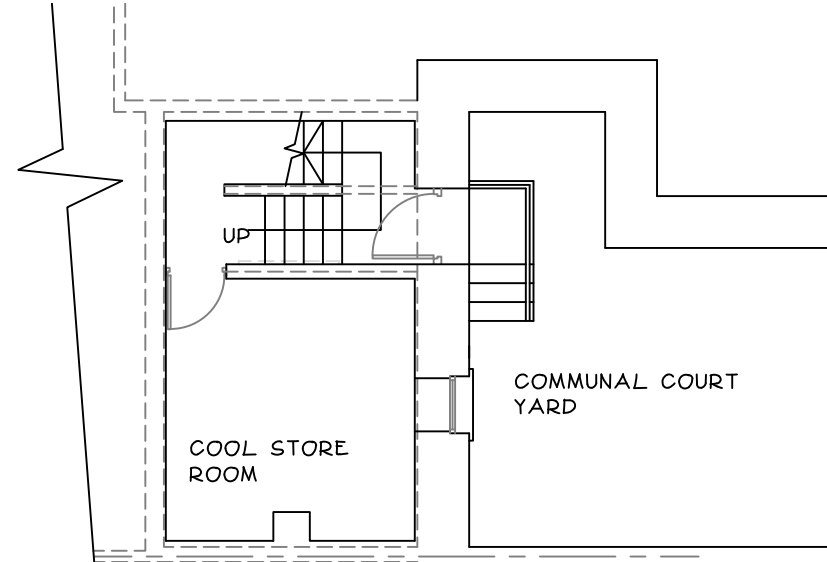


PROPOSED GROUND FLOOR PLAN.
SCALE 1:50

NOTE:- THESE DRAWINGS ARE FOR PLANNING APPROVAL PURPOSES ONLY.

GENERAL:

All drains to be 100mm diameter 'Hepworth' 'Supersleeve' or similar approved bedded and surrounded in min. 150mm pea gravel laid to falls.
 Drains passing beneath buildings to be surrounded in min. 150mm concrete with provision for retention of flexibility.
 Drains passing through walls to be protected by R.C. lintels and have min. 50mm clearance protected by vermin guard of rigid sheet material.
 All gullies and inspection chambers to be 'Hepworth' or similar approved.
 Drain trenches within 1m of the building should be filled with concrete up to the level of the base of the foundation.
 Drain trenches over 1m from the building should be filled with concrete to a level equal to the distance of the trench from the building less 150mm.
 All drainage installations to be in strict accordance with manufacturers instructions and to the approval of the inspecting officer.



PROPOSED BASEMENT FLOOR PLAN.
SCALE 1:100

NOTE:- NEW DRAIN PIPES FOR DIS. PERSONS W.C. TO BE TAKEN THRU EXISTING BASEMENT TO EXTERNAL YARD AREA.

ALL NEW DRAIN RUNS & CONNECTIONS TO BE AGREED WITH THE APPOINTED BUILDING INSPECTOR.

Internal walls:- Inner walls to be Timber stud partitions constructed of 75mm x 50mm sw timber studs at max 600mm vertical and horizontal c/c lined on both sides with 12.5mm plasterboards. Joints to be taped and scimmed prior to applying final scim finish.

INTERNAL WASTE PIPES:-

W.C. to have P-trap and connected to s&vp.
 wash hand basin to have 32mm dia waste outlet to 75mm deep seal anti vac trap to 32mm dia waste to b.i.g. to l.c.
 Kitchen sink to have a 38mm dia waste to b.i.gulley. Externally mounted 110mm UPVC soil and vent pipe to 100mm dia supersleeve drain or similar to new l.c. Where required provide rodding eyes at bends of pipes. Inspection chamber's upto 650mm deep to be vitrified clay or polypropylene, upto 950mm deep to be polypropylene, over 950mm deep to be pre-cast concrete section's.
 All new highway works to be to L.A. authority specification.

No reliance should be placed upon dimensions which are scaled off this drawing : please see annotation.

Revision																			
Issued	08.11.21																		
PLANNING DEPT	1																		
CLIENT																			
BUILDING REGS																			

title
 PROPOSED CHANGE OF USE OF POST OFFICE & RETAIL SHOP INTO WINE BAR (A4 USE), 602 BLACKBURN RD, RISING BRIDGE, HASLINGDEN. BB5 2SB.
 PROPOSED GROUND FLOOR PLAN.

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