

Application Number:	2023/0391	Application Type:	Full
Proposal:	Change of Use from Financial Services to Drinking Establishment	Location:	564 Burnley Road Crawshawbooth Rossendale Lancashire BB4 8AJ
Report of:	Head of Planning and Building Control	Status:	For Publication
Report to:	Development Control Committee	Date:	October 2023
Applicant:	Gabi Wehbe	Determination Expiry Date:	11/10//2023
Agent:	Mr David Poole		

Contact Officer:	Caroline Callow	Telephone:	01706 252432
Email:	planning@rossendalebc.gov.uk		

REASON FOR REPORTING	
Outside Officer Scheme of Delegation	No
Member Call-In Name of Member: Reason for Call-In:	Cllr Alyson Barnes Inappropriate change of use, poor parking, resident amenity.
3 or more objections received	No
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 approved subject to the conditions set out in Section 10 of this report.

2. THE SITE

The application site is in a prominent position at the junction of Burnley Road and Co-operation Street. It is a three storey building including the basement and is a stone built property with a blue slate roof. It was formerly a bank and more recently the ground floor was used for the sale of care goods. The first floor is a residential flat with a separate access from Co-operation Street.

The surrounding area is predominantly commercial. The nearby uses comprise retail shops, hairdressers, convenience stores, cafes and hot food takeaways and two public houses. There are a small number of residential properties to the rear along Co-Operation St.

The site is located within the Urban Boundary, the Crawshawbooth local centre and the proposed Crawshawbooth Conservation Area.

3. RELEVANT PLANNING HISTORY

1976/0141 Flat accommodation to offices- Approved

2008/0640 Outline application for conversion of office with residential flat above to office with 4 flats above – Approved

4. PROPOSAL

The proposal is to change the use of the ground floor from financial services to a drinking establishment. The proposed opening hours are 12:00-23:00 hrs Sunday to Friday and 12:00 to 00:00hrs on Saturdays. No external changes are proposed.

5. POLICY CONTEXT

National

National Planning Policy Framework

- Section 2 Achieving sustainable development
- Section 4 Decision-making
- Section 6 Building a strong, competitive economy
- Section 12 Achieving well-designed places

Development Plan

Local Plan 2019-2036

- SS Spatial Strategy
- ENV1 High quality Development in the Borough
- R3 Development and Changes of use in Town, District and Local Centres and Neighbourhood Parades

Other Material Planning Considerations

National Planning Practice Guidance

6. CONSULTATION RESPONSES

LCC Highways –No objections.

Environmental Health- Recommend conditions restricting public access to the small rear yard and no emptying of glass bins after 9pm at night are put on any permission granted to minimise noise nuisance.

7. REPRESENTATIONS

To accord with the General Development Procedure Order 31 neighbouring properties were notified on 18.08.2023, a site notice was posted on 29.08.23.

Three representations have been received raising the following issues:

- Applicant does not own all the land stated. The passageway belongs to 4 Mansion House Buildings.
- Bin storage or deliveries in the passageway will not be allowed,
- Food waste will attract vermin and smells.
- Insufficient area to store bins
- Unsightly view from 7 windows in neighbouring properties and will not be able to open windows due to the noise and smells.
- Loss of privacy, noise, vandalism and drunken behaviour.
- Smoking butts will be dropped and there is no smoking shelter.
- There are already 4 drinking establishments in the village. Proposal will create more noise. Mansion House buildings street is a quiet street.
- Parking is not adequate and this puts strain on homeowners trying to park.

8. ASSESSMENT

Principle

Policy R3 of the Local Plan advises that planning permission will be granted for E(a), E(b) and E(c) uses and pub and drinking establishments (Sui Generis) which support the role and function of Rossendale's Town, district and local centres. The policy seeks to protect such uses as drinking establishments in Rossendale's district and local centres. The aim is to enable the centres to continue to meet local needs and remain competitive and resilient to future economic changes. The principle of the proposed change from a Class E Commercial, business and service to a Drinking Establishment (Sui Generis) within the Crawshawbooth local shopping area is therefore considered acceptable in principle having regard to the adopted Local Plan.

Visual Amenity/Heritage

No significant external changes are proposed and the development will not therefore have a detrimental impact on the visual amenity or heritage of the area.

Residential Amenity

It is considered that overall existing background noise levels are relatively high from traffic on Burnley Road and there are already other licenced premises in the immediate and the proposed use. The premises has already been granted a license and the permitted licensing hours for the sale of alcohol are:

Between 1200 hours and 2300 hours Monday to Wednesday

Between 1200 hours and 0000 hours Friday and Saturday

Between 1200 and 2200 hours Sunday

It is a requirement of the licence that all external windows must be closed and remain closed from 20:00hrs on any day except for emergency use. This will minimise noise from the premises at the

times when background noise levels are lower. There is also a requirement for all external doors to be fitted with a double door lobby and automatic door-closers to minimise the break-out of noise from the premises.

It is considered that with overall existing background noise levels from traffic on Burnley Road and the other licenced premises in the immediate vicinity of the site, the proposed use will not cause significant additional harm to the living conditions of surrounding residents with regard to noise and disturbance, and would not conflict with Policy ENV1 of the Local Plan which seeks high quality development which, amongst other things is sympathetic to surrounding occupiers and does not have an unacceptable impact on amenity.

Highways and Parking

The Local Highway Authority has advised that the proposal raises no highway concerns and the Highway Development Control Section would raise no objection to the proposal on highway safety grounds.

On street parking is available in the vicinity of the site which is in a sustainable location. The proposal is therefore considered acceptable regarding Highway safety.

Land Ownership

Land ownership is not in general a planning matter. However the applicants have to complete a Certificate of ownership to confirm that either they own all the site outlined in red, or that they have notified anyone else who was an owner 21 days before the application was submitted. It came to the Council's attention that the applicant did not own all of the site as submitted and they had not served the appropriate notice on the owner. Following discussions with the case officer, they subsequently amended the location and site plan to reflect their ownership correctly.

9. CONCLUSION

The proposed use is acceptable in principle. The development would not have an impact on visual amenity or in relation to any heritage assets as no significant external changes are proposed. It is considered that the proposed development would not unduly impact on the amenity of nearby residential properties through additional noise and disturbance.

10. RECOMMENDATION

That planning permission be approved subject to the following 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:

- Planning application forms signed and dated.2023.
- The submitted plans:
 - Existing and proposed layout plans drawing no. 04A received 08.09.2023;
 - Existing and proposed layout plans drawing no.01A received 08.09.23;

Reason: To define the permission and in the interests of the proper development of the site.

3. The premises shall not be open for customers except between:

1200 hours and 2300 hours Monday to Thursday
1200 hours and 0000 hours Friday and Saturday and
1200 and 2200 hours Sunday

Reason: To ensure the development avoids undue harm to neighbour amenity

4. There shall be no public or customer access to the yard area at any time.

Reason: To ensure the development avoids undue harm to neighbour amenity.

5. There shall be no emptying of glass into external bins after 9pm on any night.

Reason: To ensure the development avoids undue harm to neighbour amenity

Informative:

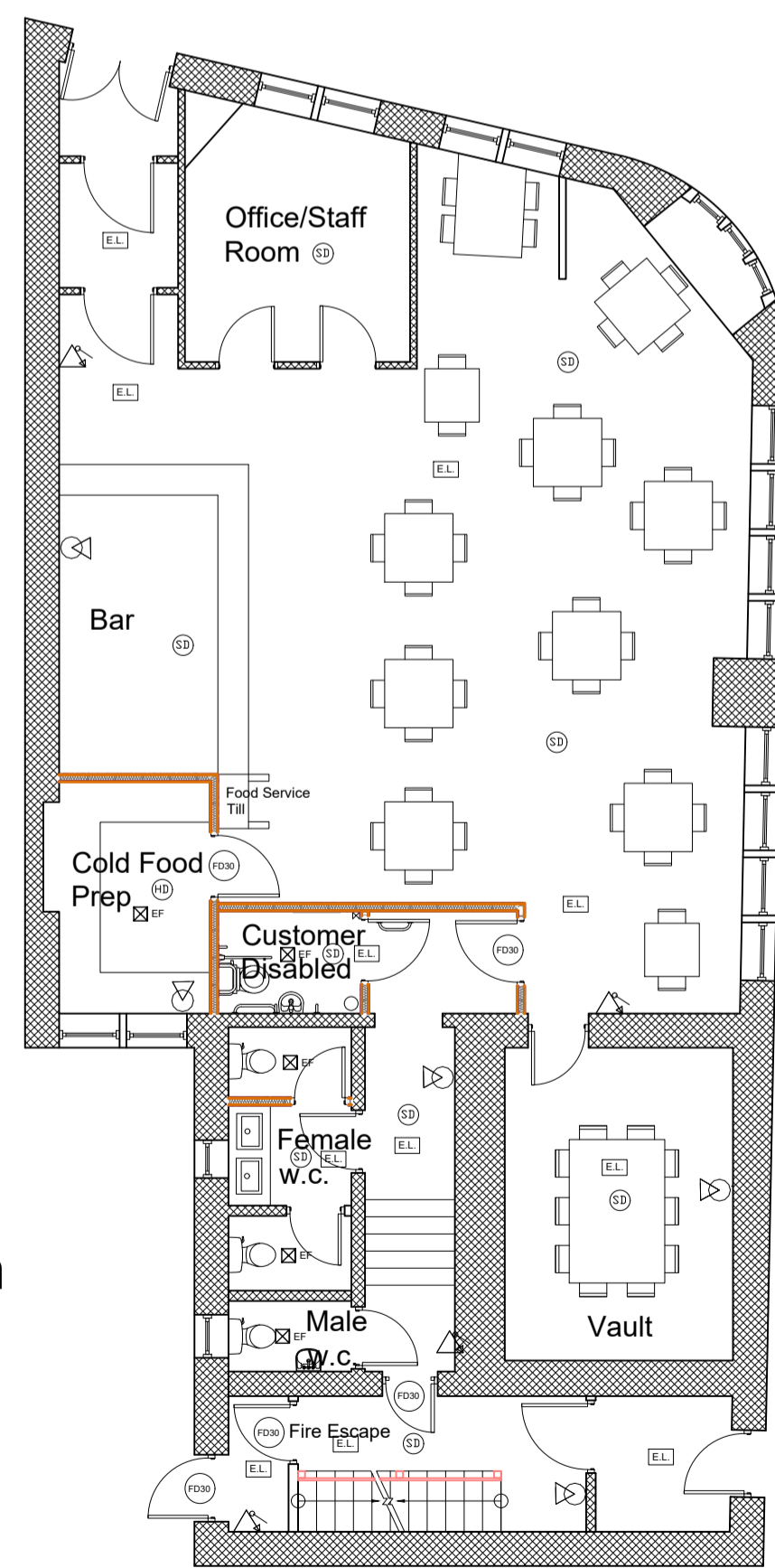
The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.



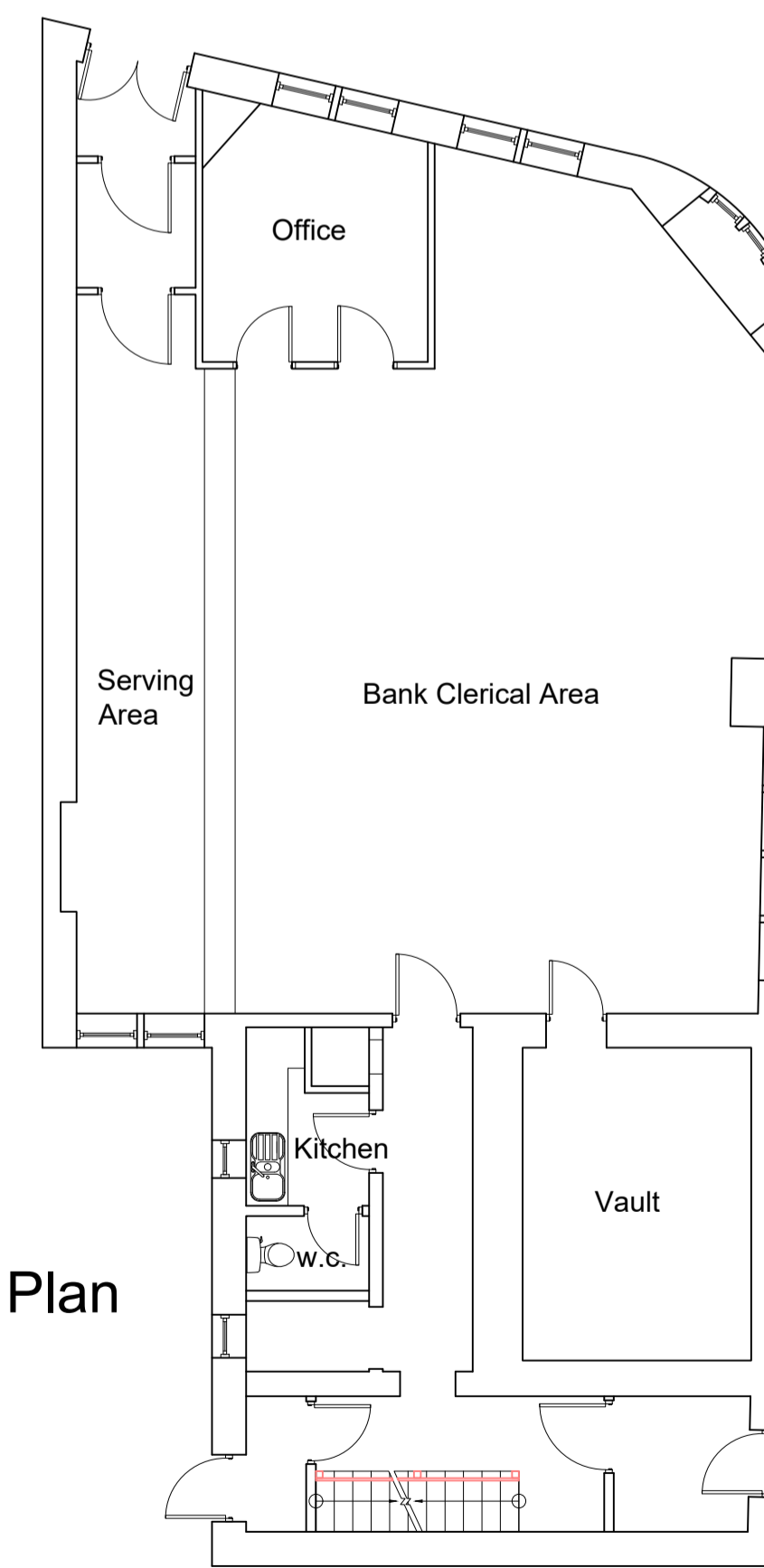
Site Plan
Scale: 1:500



Location Plan
Scale: 1:1250



Proposed Floor Plan
Scale: 1:100



Existing Floor Plan
Scale: 1:100

Notes:

All work is to be carried out to the latest current British standards Codes of Practice and recognised working practices.

All work and materials should comply with Health and Safety legislation.

All work and materials to be approved by the District Authority Planning & Building Control Officer.

All dimensions are in millimetres unless where explicitly shown otherwise.

The contractor should check and certify all dimensions as work proceeds and notify the architect of any discrepancies.

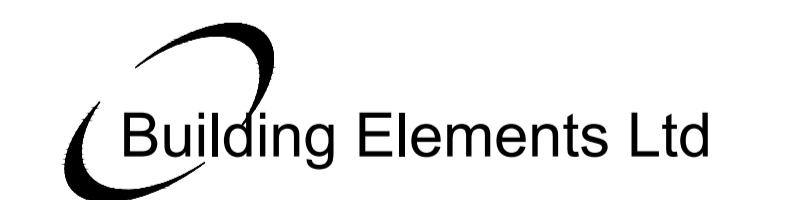
Do not scale off the drawings, if in doubt ask.

The designer is in no way liable for work undertaken prior to full Planning Consent and/or Building Regulations Approval

Title: 564 Burnley Road,
Crawshawbooth,
BB4 8AJ

Natwest Bank Re-furbishment

EXISTING AND PROPOSED LAYOUT PLANS



David Poole Bsc (Hons) BSPM
Duckpond Farm Cottage,
Moorgate Rd,
Barnoldswick,
Lancs, BB18 5SQ

M: 0797 658 7694

Project No: Weh-01 -Dwg - 01

Drawn: DP

Client: Gabi Wehbe

Date: 22.06.23

Scale: @A1



Rear yard to have gates and be used for deliveries and rubbish storage

Site Plan
Scale: 1:500



Notes:

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Location Plan
Scale: 1:1250



Co-Operation Street Elevation



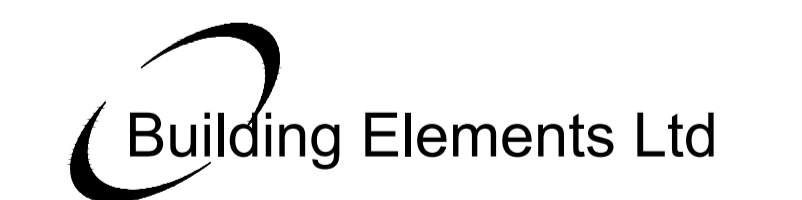
Burnley Road Elevation

Existing and Proposed Elevations
Scale: 1:100

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Project No: Weh-01 -Dwg - 04

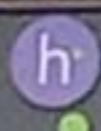
Drawn: DP

Client: Gabi Wehbe

Date: 14.08.23

Scale: @A1

Anno
domini
1913



hazelwood homecare

01706 836 423

BOCHOLT

WHISPER

WHISPER