

<b>Application No:</b> 2006/409	<b>Application Type:</b> Full
<b>Proposal:</b> Change of use of House to Gift/ Craft Shop (with ancillary café) and Flat above	<b>Location:</b> 545 Market Street, Whitworth
<b>Report of:</b> Development Control Team Manager	<b>Ward:</b> Facit/Shawforth <b>Status:</b> For Publication
<b>Report to:</b> Development Control Committee	<b>Date:</b> 12 September 2006
<b>Applicant:</b> Miss C J McGregor	<b>Determination Expiry Date:</b> 19 September 2006

**REASON FOR REPORTING**                      **Tick Box**

**Outside Officer Scheme of Delegation**

**Member Call-In**

Name of Member:  
Reason for Call-In:

**3 or more objections received**                      **X**

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.

**APPLICATION DETAILS**

**1. The Proposal and the Site**

The applicant seeks permission for change of use of the ground floor of a house to a craft and gift shop with an ancillary café. This mid-terraced property is located within the Urban Boundary, fronting a main road.

**2. Relevant Planning History**

2004/882 - Change of use from private residential dwelling to hot-food outlet at 545 Market Street, Whitworth. REFUSED

### 3. **Policy Context**

Rossendale District Local Plan

Policy DS1

Policy DC1

Joint Lancashire Structure Plan

Policy 1

Policy 5

Policy 7

Other Material Planning Considerations

LCC Parking standards.

### 4. **CONSULTATIONS**

LCC(Highways)

No observations.

Whitworth Town Council

No objections.

### 5. **REPRESENTATIONS**

Six letters have been received, objecting to the proposal for the following reasons :

- A concern that the shop and café may end up as a hot food outlet.
- There are a more than enough hot-food outlets in the area (6 in an 100 yard stretch) and all cause litter problems.
- The takeaways open late every night and attract gangs of youths, which are a nuisance.
- Parking is already a problem, it being difficult to find a parking space near to home.

### 6. **ASSESSMENT**

Principle

The location for the proposed development is within the Urban Boundary and, therefore, the proposal is in accordance with Policy DS1 of the Rossendale District Local Plan.

Neighbour Amenity

The proposed development will not have a significant adverse impact upon the neighbouring residents. The primary use of the ground floor of 545 Market Street will be as a gift and craft shop, with an ancillary use of a café. The applicants have agreed to a condition limiting the opening hours of the premises and it is considered that as the primary use of the building will be a gift/craft shop, it will have no more adverse an impact upon the amenity of the neighbouring residents than the existing shops within the row of terraced properties. Therefore, it is considered that the proposed development is in accordance with Policy DC1 of the Rossendale District Local Plan.

### Traffic/Parking

The issue of parking is one that has been raised by local residents in association with this application. The number of cars estimated to be visiting the site on a daily basis is 10. There is parking available in the parking bay at the front of the property and parking at the rear, including Shed Street. Parking is also available on a nearby car park which is accessed from North Street. It should be noted that the Highways Authority has no objection to the proposal.

The proposed development is located within the urban boundary and will not have an adverse impact upon the amenity of the neighbouring residents. The proposed development will not look out of place within the locality, subject to conditional control and will not have an adverse impact upon highway safety. Therefore, it is considered that the proposed development is in accordance with Policies DS1 and DC1 of the Rossendale District Local Plan.

## **7. CONCLUSION**

The proposed development is located within the Urban Boundary and is not considered likely to unacceptably impact upon the amenities of neighbours, highway safety or any other material planning consideration. Therefore, the proposed development is considered to be in accordance with Policy DS1 and the criteria of PolicyDC1 of the Rossendale District Local Plan.

## **8. RECOMMENDATION**

That permission be granted, 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 premises shall only be open for business between the hours of 9:00am and 9:00pm Monday to Saturday and 11:00am and 6:00pm on Sundays and recognised Bank Holidays.

*REASON: To protect the amenities of the local area and to accord with the criteria of Policy DC1 of the Rossendale District Local Plan.*

### NOTES FOR APPLICANT:

For the avoidance of doubt, this permission is for change of use only, and the café shall not function as the primary ground-floor function or at hours the shop is not open for business. This permission does not confer any permission for external alteration of the building or erection of advertisements, nor give permission for the premises to be used as a hot food takeaway.

<b>Contact Officer</b>	
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H.M. LAND REGISTRY

TITLE NUMBER

LA 435949

ORDNANCE SURVEY  
PLAN REFERENCE

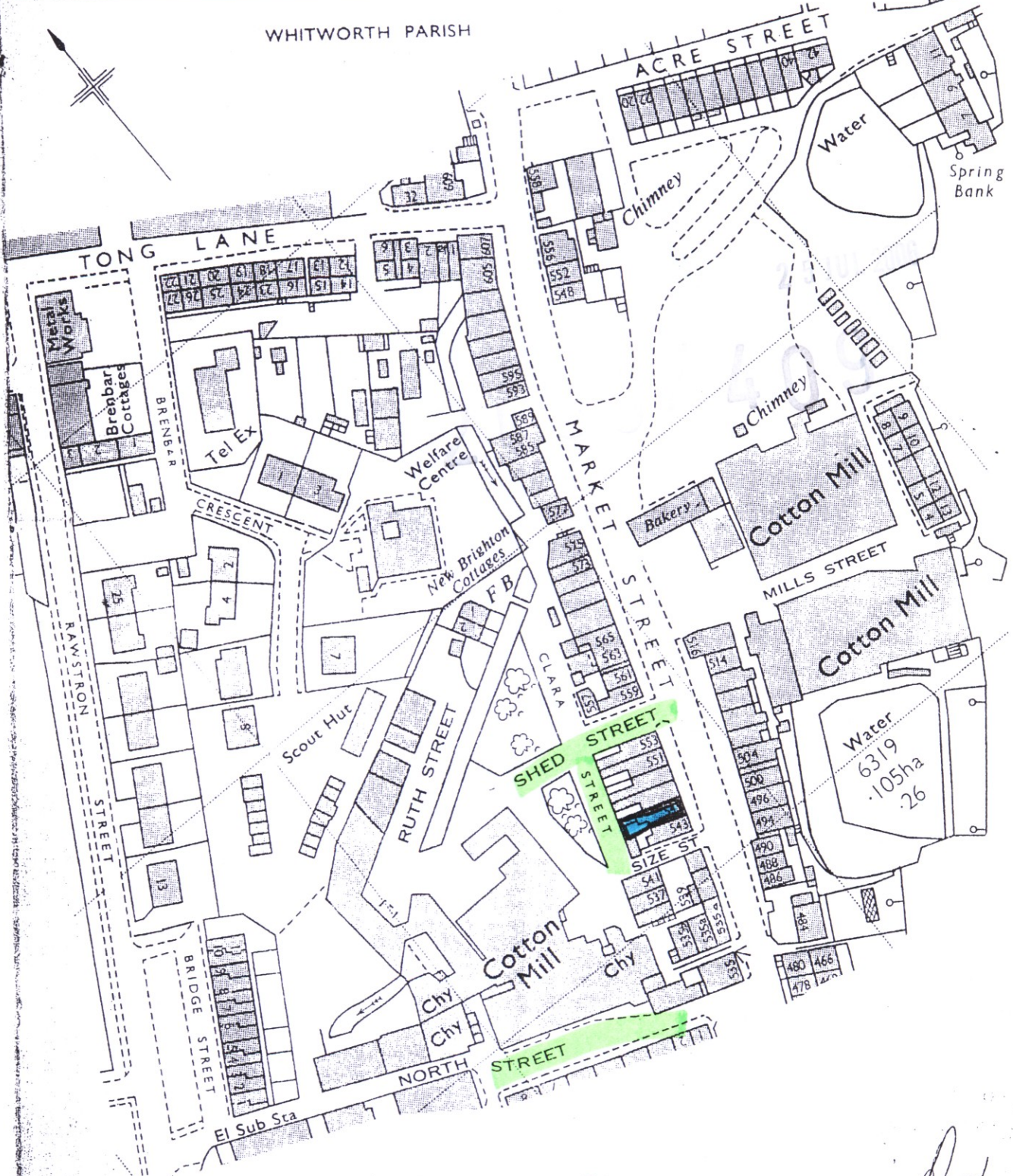
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NATIONAL GRID  
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SECTION  
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Scale: 1/1250 Enlarged from 1/2500 ROSSENDALE DISTRICT

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