

Application Number:	2024/0351	Application Type:	Full
Proposal:	Change of use from bus company rest facility to funeral preparation facility and community room, single storey extension to rear and access door added to side elevation.	Location:	2 Peter Street, Rawtenstall, BB4 7NR.
Report of:	Head of Planning and Building Control	Status:	For Publication
Report to:	Development Control Committee	Date:	12.11.2024
Applicant:	The Pakistan Islamic Centre	Determination Expiry Date:	04.11.2024 EoT agreed to 15.11.2024
Agent:	Mr D Hancock		

Contact Officer:	Claire Bradley	Telephone:	01706 238636
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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	Yes		
Other (please state):	Cllr Hancock is the agent		

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 site is a two storey end of terrace property located in Rawtenstall Town Centre.

The site is accessed from Bacup Road by Markcross Street. Markcross Street has double yellow lines to both sides between Bacup Road and Peter Street to prohibit parking at all times.

Peter Street is predominantly residential with limited parking. The property backs on to a florist and a takeaway fronting Bacup Road

Markcross Street also provides access to Lidl for deliveries and servicing. The site lies within the urban boundary and is also located within Rawtenstall Conservation Area.

3. RELEVANT PLANNING APPLICATION HISTORY

2008/0485 - Change of use from a dwelling to a drivers rest area in association with Rossendale Transport Bus Service, with an ancillary office at first floor level.
(Approved)

4. PROPOSAL

The applicant seeks planning permission for the change of use from bus company rest facility to funeral preparation facility and community room, single storey extension to rear and the insertion of a double access door to side elevation.

5. POLICY CONTEXT

National Planning Policy Framework

Section 2 Achieving Sustainable Development
Section 4 Decision Making
Section 9 Promoting Sustainable Transport
Section 11 Making Effective Use of Land
Section 12 Achieving Well Designed Places
Section 16 Conserving and Enhancing the Historic Environment

Development Plan

Local Plan Policies

Policy SS: Spatial Strategy
Policy SD1: Presumption in Favour of Sustainable Development
Policy SD2: Urban Boundary and Green Belt
Policy ENV1: High Quality Development in the Borough
Policy ENV2: Historic Environment

Other material considerations

National Planning Practice Guidance

6. CONSULTATION RESPONSES

Consultee	Response
LCC Highways	Object to the development.
RBC Environmental Health	No objection subject to condition.
Growth Lancashire	See Heritage section below.

7. REPRESENTATIONS

To accord with the General Development Procedure Order a site notice was posted on 21.08.2024 and neighbour letters were posted out on 25.09.2024, and an advert was posed in the Rossendale Free Press on 04.10.2024.

There have been 5 representations made objecting to the development on the following grounds:

*Difficult to park in area due to limited parking
Movements of bodies will be detrimental to area and to mental health of residents.
Will affect deliveries to Lidl.
Not enough notification to residents has been carried out.*

The front pavement is very small and narrow and is already blocked up with cars. So pushing large equipment and bodies on regular basis is going to cause a big inconvenience and issue.

8. ASSESSMENT

The main considerations in this case are as follows:

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

Principle

The principles of sustainability are a central thread running through planning policy. The Framework advises that the purpose of the planning system is to contribute to the achievement of sustainable development. The Framework refers to the need for new developments to be sited in sustainable locations readily accessible by public transport, cycle and on foot. The Framework states an environmental objective as an overarching objective and this includes moving to a low carbon economy. The Framework has a presumption in favour of sustainable development at its heart:

“So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development” (Para 11)

The NPPF advises that in assessing applications for development it should be ensured that

- (a) *“appropriate opportunities to promote sustainable transport modes can be-or have been- taken up, given the type of development and its location*
- (b) *safe and suitable access to the site can be achieved for all users.”*

The Framework places an emphasis on sustainable travel and advises that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

The Framework states that Planning policies and decisions should:

- (f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

In this case, the application site is located within the defined urban boundary, where Policy SD2 of the Local Plan seeks to locate the majority of new development.

The application site was previously granted planning permission to use as a rest facilities for drivers associated with the bus depot.

Policy ENV1 requires proposals to demonstrate how the new development will connect to the wider area via public transport, walking and cycling.

The site is located in a sustainable location, with the bus station close by and within Rawtenstall Town Centre,

Overall, it is considered that the proposed scheme accords with the Framework and the Local Plan. Having regard to all of the above, the proposed development is acceptable in principle.

Visual Amenity/Heritage Impact

The site is located within Rawtenstall Conservation Area

Section 12 of the Framework refers to the importance which Government attaches to the design of the built environment:

- *“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.” (Para 131)*

- *“Planning policies and decisions should ensure that developments...will function well and add to the overall quality of the area...are sympathetic to local character and history, including the surrounding built environment and landscape setting.” (Para 135).*

Section 16 of the Framework states local planning authorities should take account the desirability of new development making a positive contribution to local character and distinctiveness and the desirability of sustaining and enhancing the significance of heritage assets.

The Framework requires that when *determining applications affecting heritage assets local planning authorities should take account of:-*

- a) *the desirability of sustaining and enhancing the significance of those assets and putting them to viable uses consistent with their conservation;*
- b) *the positive contribution that the conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) *the desirability of new development making a positive contribution to local character and distinctiveness.*

Policies ENV1 and ENV2 of the Local Plan seek to ensure that the built and historic environment is safeguarded and enhanced and proposals take into account design, lighting and materials.

Rawtenstall Conservation Area was designated in December 1990 by Rossendale Borough Council. Rawtenstall began as a small agricultural settlement which then developed into a centre for the textile industry in the 19th and 20th centuries. The town was almost exclusively built from local sandstone and developed in a linear way along the two river valleys, initially next to Limy Water, then later along the Irwell, particularly after the railway arrived in the 1840s. Today the layout is dominated by multiple busy roads, however, away from these routes the streetscape remains as built in the 19th century, with commercial buildings close to the pavement along Bank Street and Bacup Road, and rows of terraced mid to late-C19 century terraced houses behind these principal streets.

No.2 Peter Street is a mid-C19 end of terraced former dwelling constructed from coursed stone with a slate roof. It has a door with a stone surround and a window at ground floor level and two windows at first floor level, all windows are sliding sash with stone cills. It is associated with the adjacent Ilex Mill. The dwelling is noted as being a ‘positive’ unlisted building of medium quality.

The application is for a change of use from a bus company rest facility to a funeral preparation facility and community room. The scheme includes a single storey extension to rear, and an access door added to side elevation. The extension will be enclosed within the rear yard area of the dwelling. It will have a lean-to style roof with a slate covering to match the existing dwelling. The existing rear elevation outrigger and the extension will each have a 1500x 450cm window introduced. The windows are to be double glazed timber windows. The extension will be constructed out of stone to match the existing dwelling on the elevation facing alleyway. The internal wall is to be rendered. On the side elevation of the dwelling, which fronts Markcross Street, a set of double doors will be introduced.

Growth Lancashire have commented as follows:

Overall, I have no issue with the change of use or the proposed extension; the rear elevation of Peter Street faces onto a very small alleyway and as such only glimpsed views of the rear elevations can be seen from within the conservation area. No information has been provided in regard to the double doors which will be introduced on the side elevation of the building. The side elevations of the terraces along Peter Street, Cape Street, and Bacup Road (which all front onto Markcross Street) are largely uniform in appearance, excluding a singular window on the first floor of one elevation and a singular door at ground floor level on another. I am slightly concerned that large double doors will disrupt this uniformity. The proposed doors will need to be of timber construction and of an appropriate appearance in order to appear sympathetic to the surrounding conservation area. The material/design of the doors should be submitted in order to be assessed.

Historic England's advice on setting is contained in its Planning Note 3 (second edition) entitled The Setting of Heritage Assets (2017), which describes the setting as being the surroundings in which a heritage asset is experienced and explains that this may be more extensive than its immediate curtilage and need not be confined to areas which have public access. Whilst setting is often expressed by reference to visual considerations, it is also influenced by the historic relationships between buildings and places and how views allow the significance of the asset to be appreciated.

The proposed extension will not be visible in the setting of Ilex Mill from any key viewpoints. The double doors and Ilex Mill will both be visible from Bacup Road and Markcross Street, though as this alteration is minor it will have no notable impact on the setting of the mill.

Given that currently with the exception of an upper floor narrow window on the side elevation of No 1 Peter Street, the side elevations of the terraces along Peter Street, Cape Street, and Bacup Road (which all front onto Markcross Street) are largely uniform in appearance, it is considered that the large double door disrupt this uniformity in a highly visible location, and would be harmful.

No 2 Peter Street provides a positive contribution to the Conservation Area, and the doors are considered to impact on that contribution. Therefore the development proposal is considered to lead to less than substantial harm to the character and appearance of the Conservation Area.

In terms of Paragraph 208 of the Framework, the harm caused needs to be assessed against the public benefits of the development. The Framework advises that any harm in this respect should be given great weight in the planning balance.

In this case, it is not considered that the public benefits of the scheme (which are limited, in relation to the continued use of the building and the provision of a funeral preparation facility), would outweigh the harm caused to the character and appearance of the Conservation Area.

Residential Amenity

The NPPF advises that Planning policies and decisions should ensure that developments:

“Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”

Policy ENV1 of the Local Plan states that all proposals should take account of the following:

“c) Being sympathetic to surrounding land uses and occupiers and avoiding demonstrable harm to the amenities of the area

“d) The scheme will not have an unacceptable adverse impact on neighbouring development by virtue of it being overbearing or oppressive, overlooking or resulting in an unacceptable loss of light:- nor should it be adversely affected by neighbouring uses and vice versa.”

There are no hours of operation stated in the application, however, should the proposed development be approved, hours of operation could be controlled by condition to ensure there is no undue noise disturbance impact on surrounding residents.

Comments received from members of the public are noted, however it is not considered that the impact of the nature of the proposed use of the building on nearby residential properties in this case would be such that refusal of the application would be warranted. The Council’s Environmental Health team has been consulted and has raised no objection.

Subject to an appropriate condition as detailed above, the proposed development will not impact unduly on the residential amenity of nearby occupiers and will be in accordance with Policy ENV1 and the NPPF.

Access, Parking and Highway Safety

Objectors’ concerns over parking provision are noted. The Local Highway Authority has been consulted and has provided advice on the proposed scheme as follows:

Access

Markcross Street and Peter Street are both highways maintainable at public expense. Markcross Street has double yellow lines to both sides between Bacup Road and Peter Street to prohibit parking at all times to maintain access to Lidl for large delivery vehicles.

Funeral cars

The proposed use includes a funeral preparation facility where bodies will be brought in vehicles, to and from the premises. The Highway Authority would raise an objection to this element of the scheme due to the lack of off-street car parking at the site which will result in bodies being moved across the public highway footway of Markcross Street through the new side door.

The vehicle will be parked on double yellow lines whilst this movement occurs which we do not support this as this is likely to be obstructive to other highway users and result in a highway safety concern.

Parking

There is no off-street car parking associated with the premises. The site is located close to the Town Centre and within close walking distance of the bus station and public car parks. There is no objection to the proposed use as a community room as visitors can park on nearby public car parks. The site will require a secure cycle store to support sustainable travel.

Rear extension

The rear extension will be built over the external yard. This will result in a lack of storage for refuse receptacles. We do not support these being stored on the highway and we would request that an area is created internally for refuse storage.

Conclusion

Lancashire County Council acting as the Highway Authority would raise an objection regarding the proposed development and are of the opinion that the proposed development will have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

It is considered that the proposed development, due to the intensification of use of the site and the lack of off-street parking, would have a significant impact on highway safety in the vicinity of the site and is therefore unacceptable and contrary to Section 9 of the Framework.

9. CONCLUSION

The proposed development is unacceptable in terms of heritage impact/visual amenity and access, parking and highway safety.

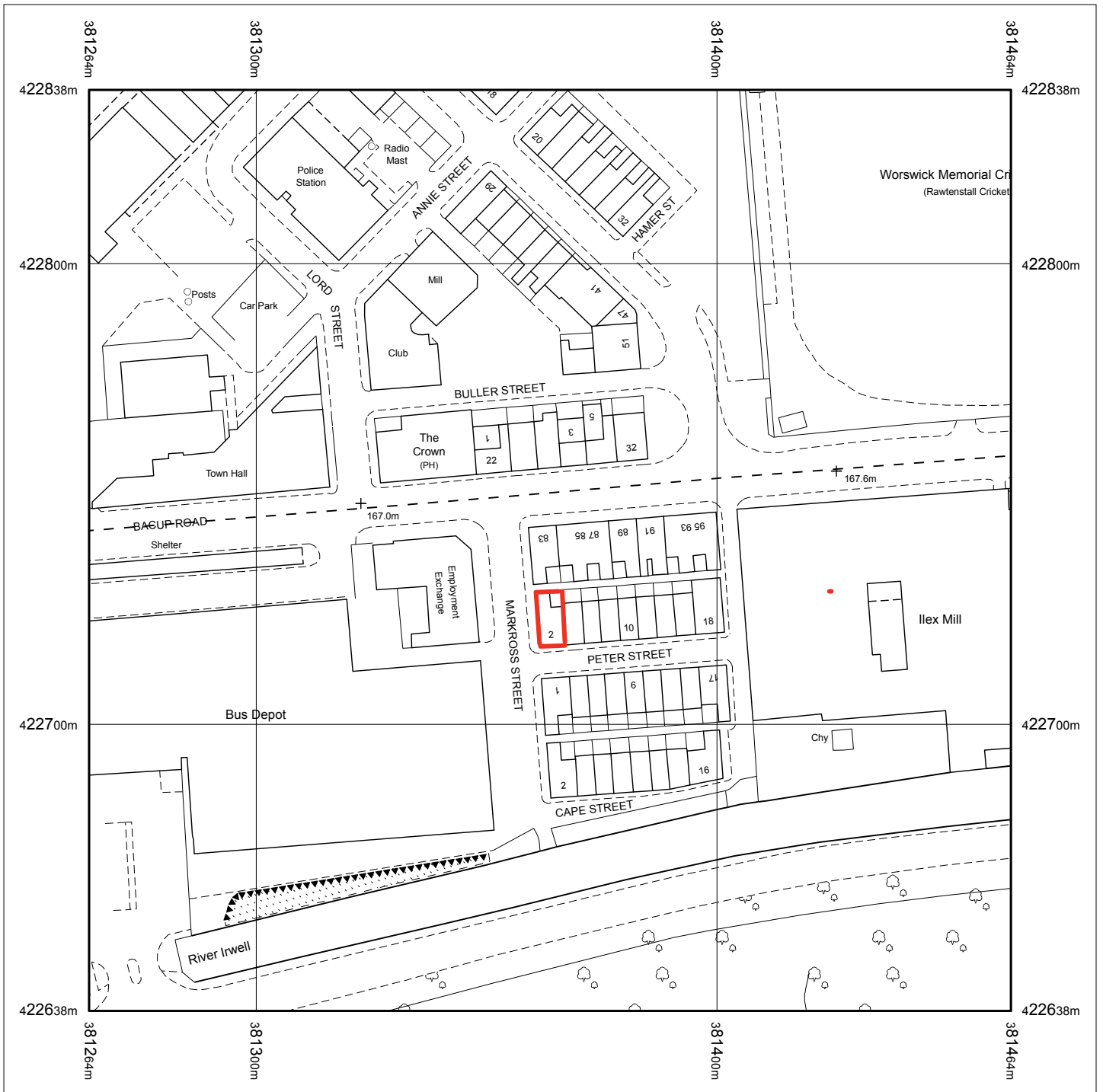
10. REASONS FOR REFUSAL

- 1) Due to an intensification of the use of the site, and the lack of sufficient off street parking at the site, the proposed development will have an unacceptable adverse impact on the access to the site and adjoining dwellings, and on highway safety in the vicinity of the site contrary to Paragraph 115 of the National Planning Policy Framework.
- 2) It is considered that the proposed external changes to the side elevation, located in this very prominent position in the Conservation Area, would appear out of keeping with the building and its surrounding context. As such it is considered that the development would fail to preserve and enhance the character and appearance of the Rawtenstall Conservation Area within which it would be located without, in the view of the Local Planning Authority, any significant public benefits having been demonstrated to outweigh that harm. The proposal is therefore considered to be contrary to the provisions of Policies ENV1, and ENV2 of the adopted Rossendale Local Plan 2019 to 2036, and Sections 12, and 16 of the National Planning Policy Framework.

11. 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.



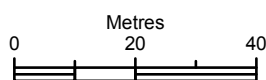
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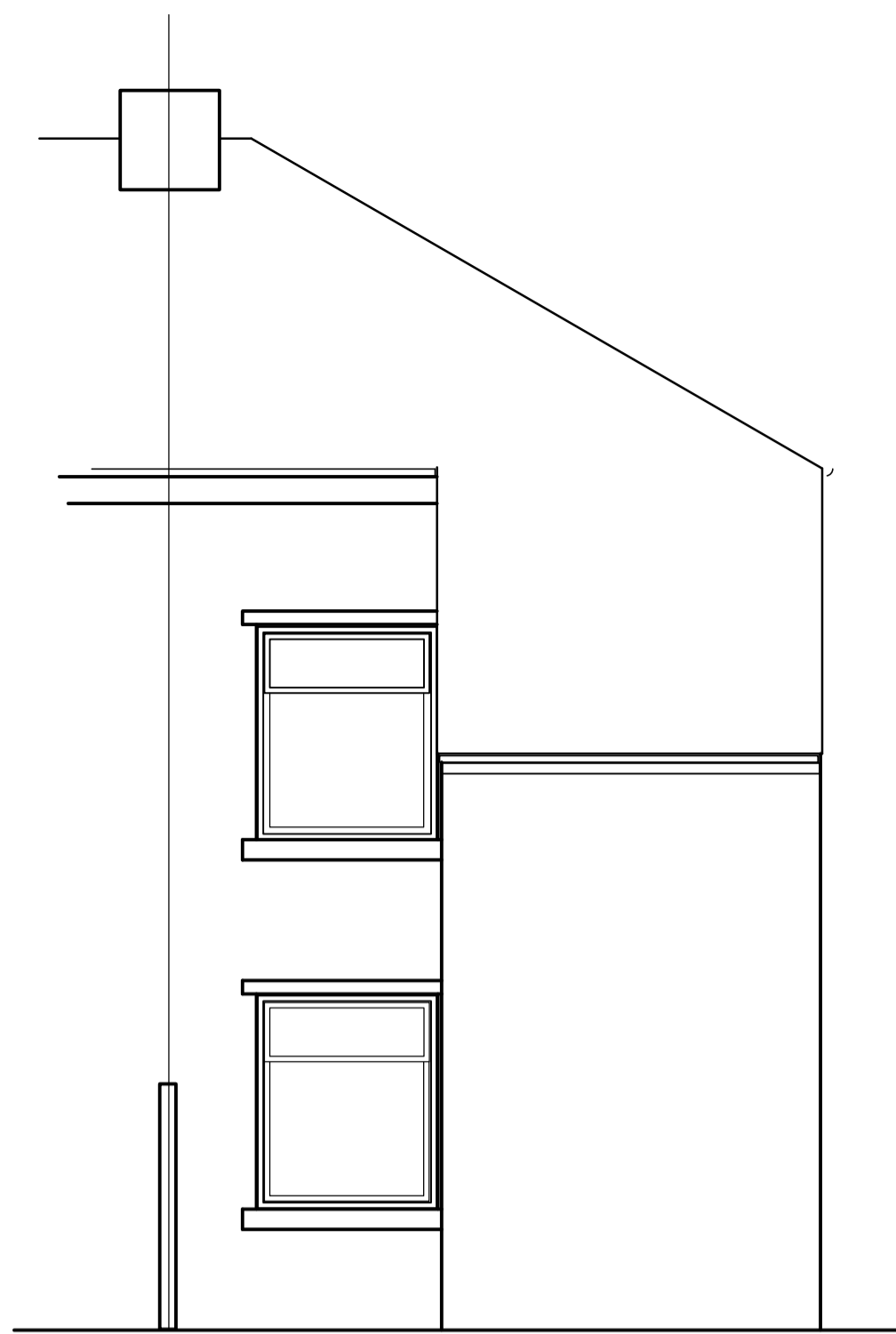
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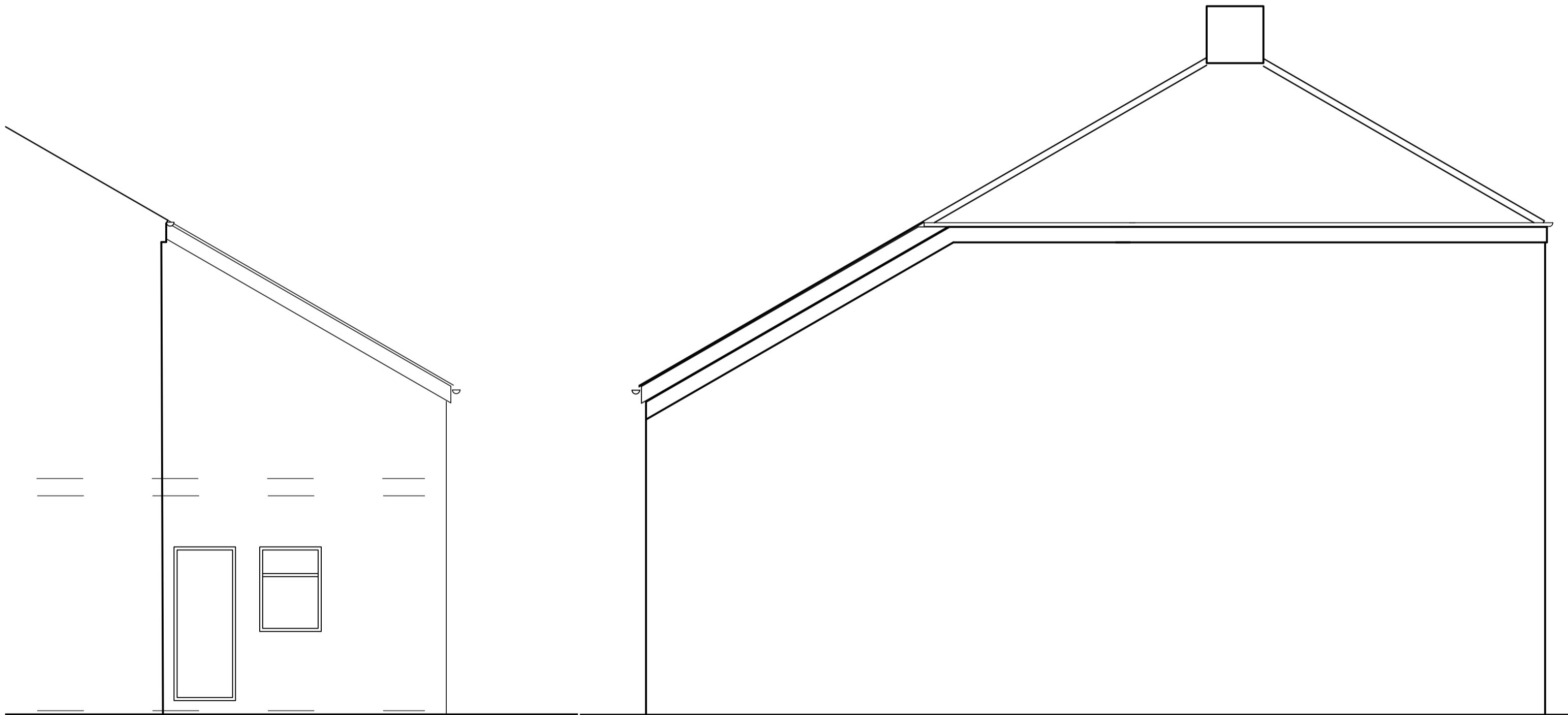
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Existing Front Elevation



Existing Rear Elevation



Existing Elevation

Existing End Elevation

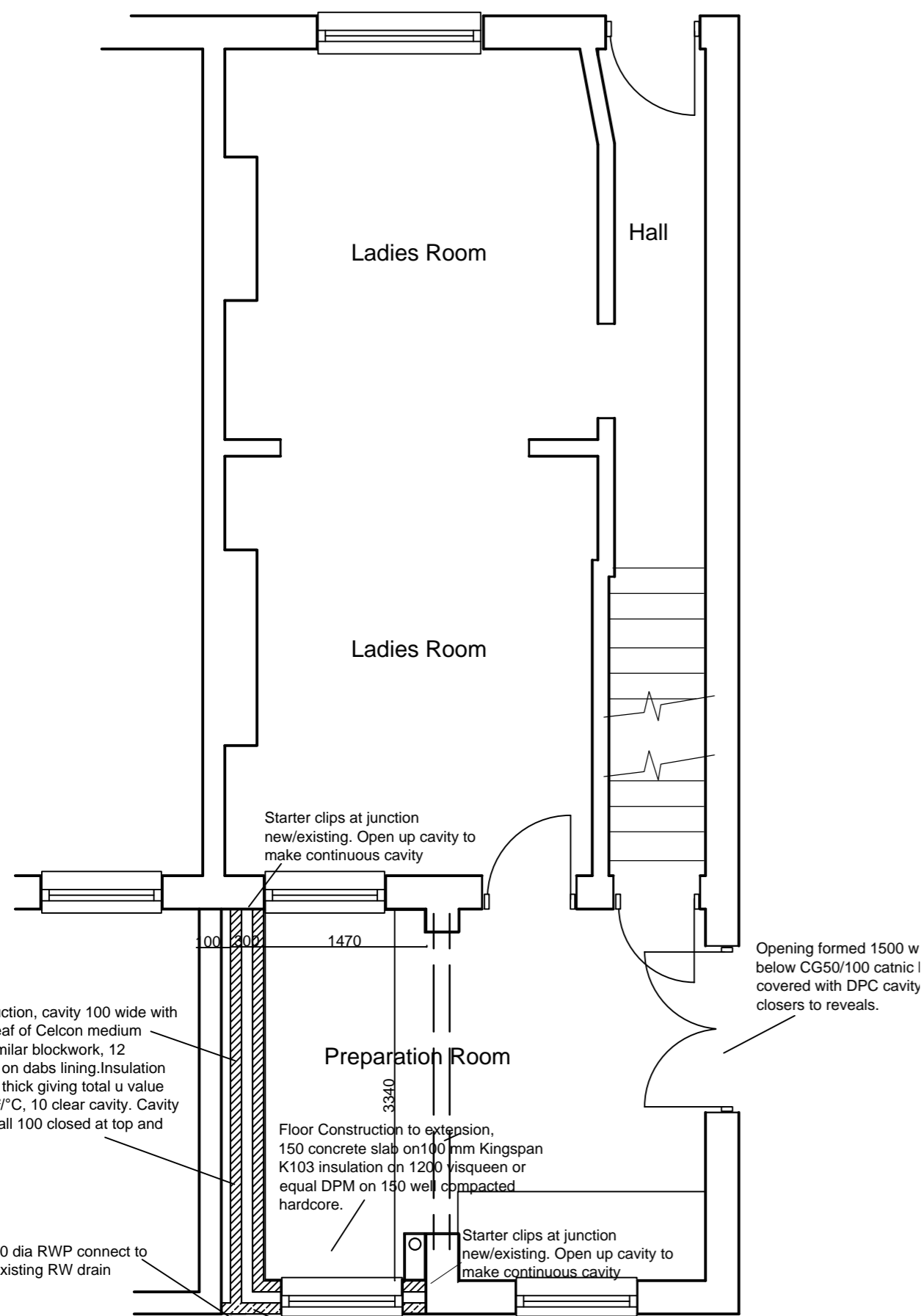
Drawing
Funeral Preparation and Community
Room Building.
Existing Plans
Address
2 Peter Street Rawtenstall

Client

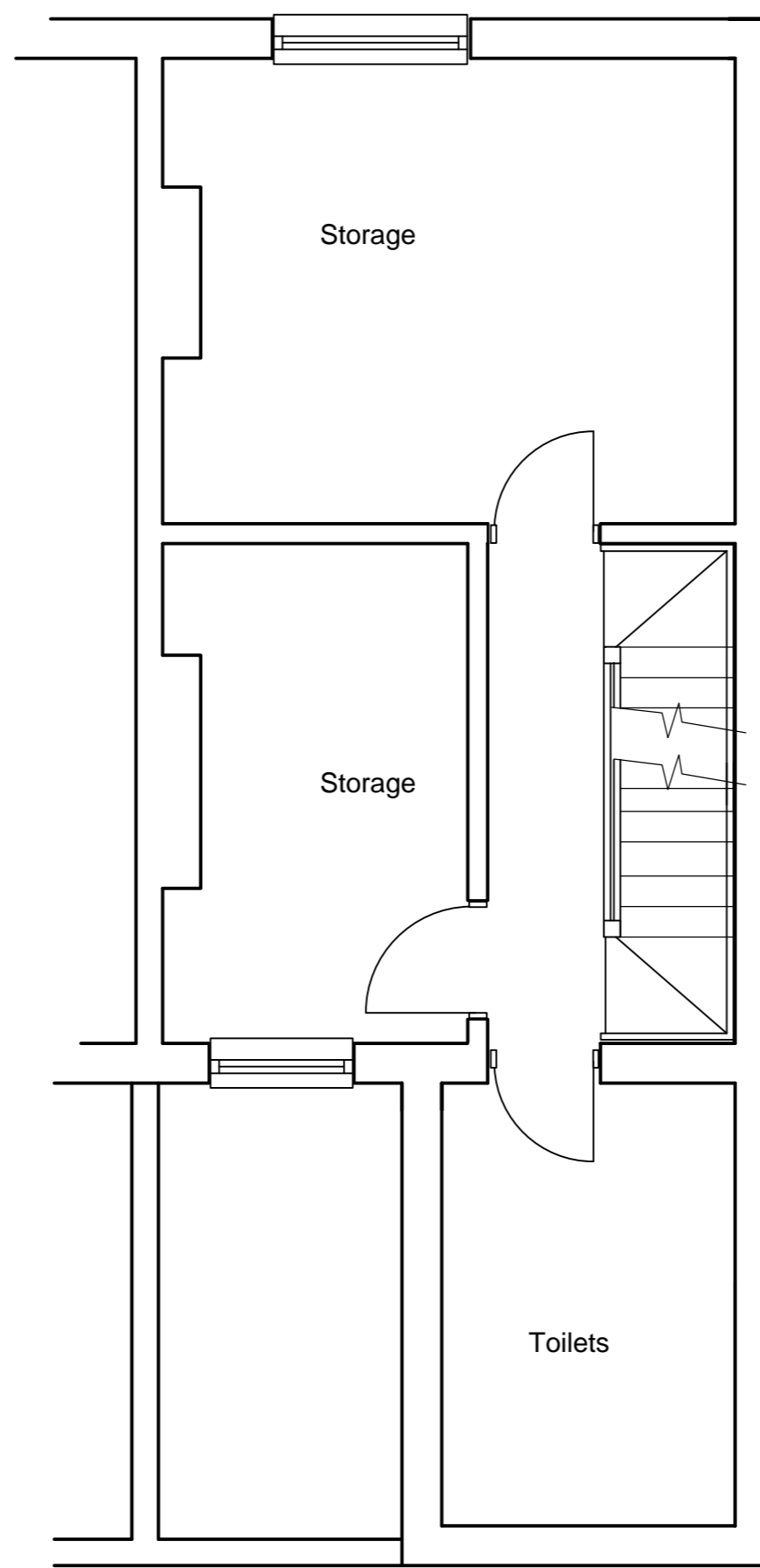
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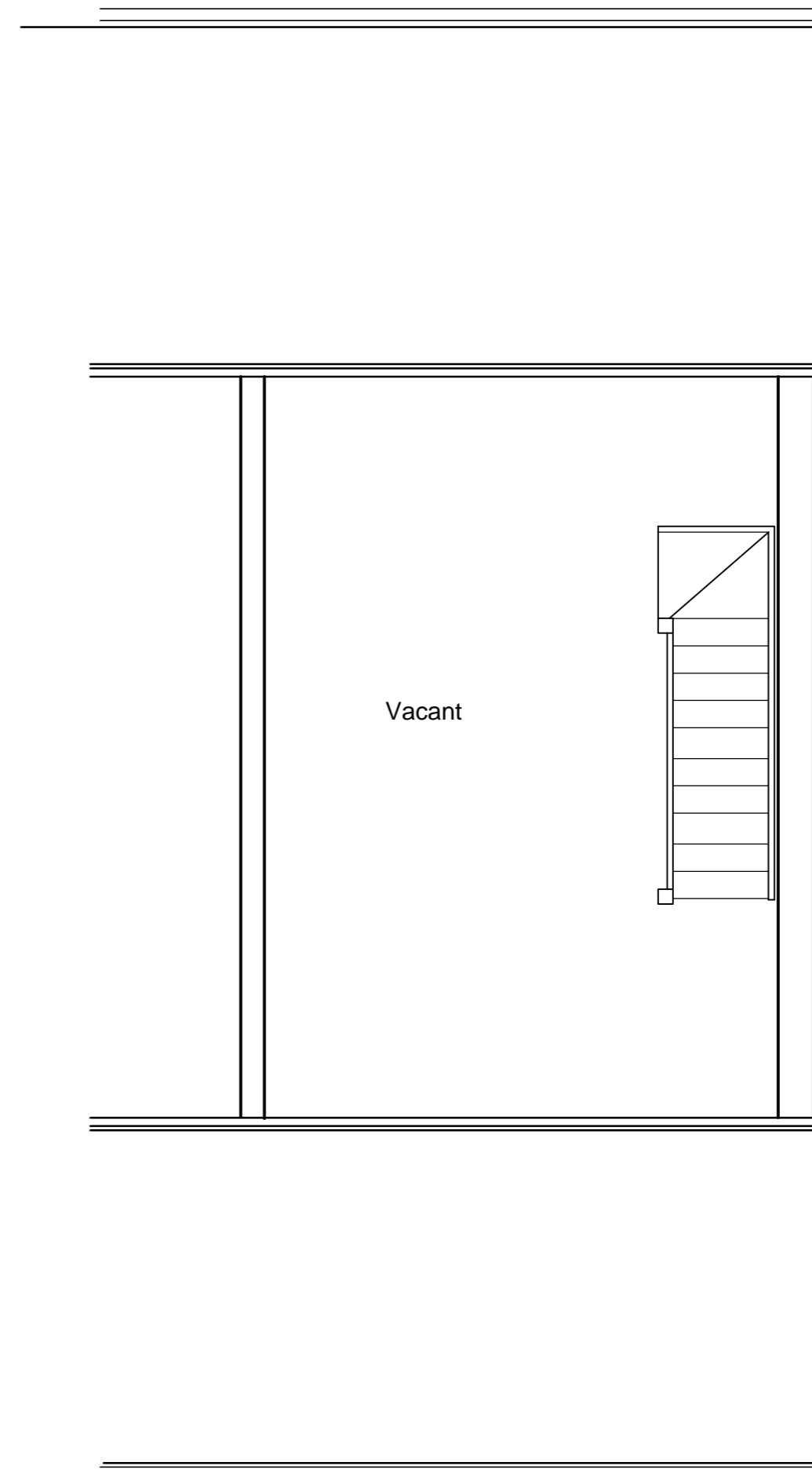
DJ Hancock Design
22 Croft Street
Bacup
Lancashire
Tel 01706 563502
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Proposed Ground Floor Plan



Proposed First Floor Plan
No Change



Proposed Second Floor Plan
No change

Drawing
 Funeral Preparation and Community
 Room Building.
 Existing Plans
 Address
 2 Peter Street Rawtenstall

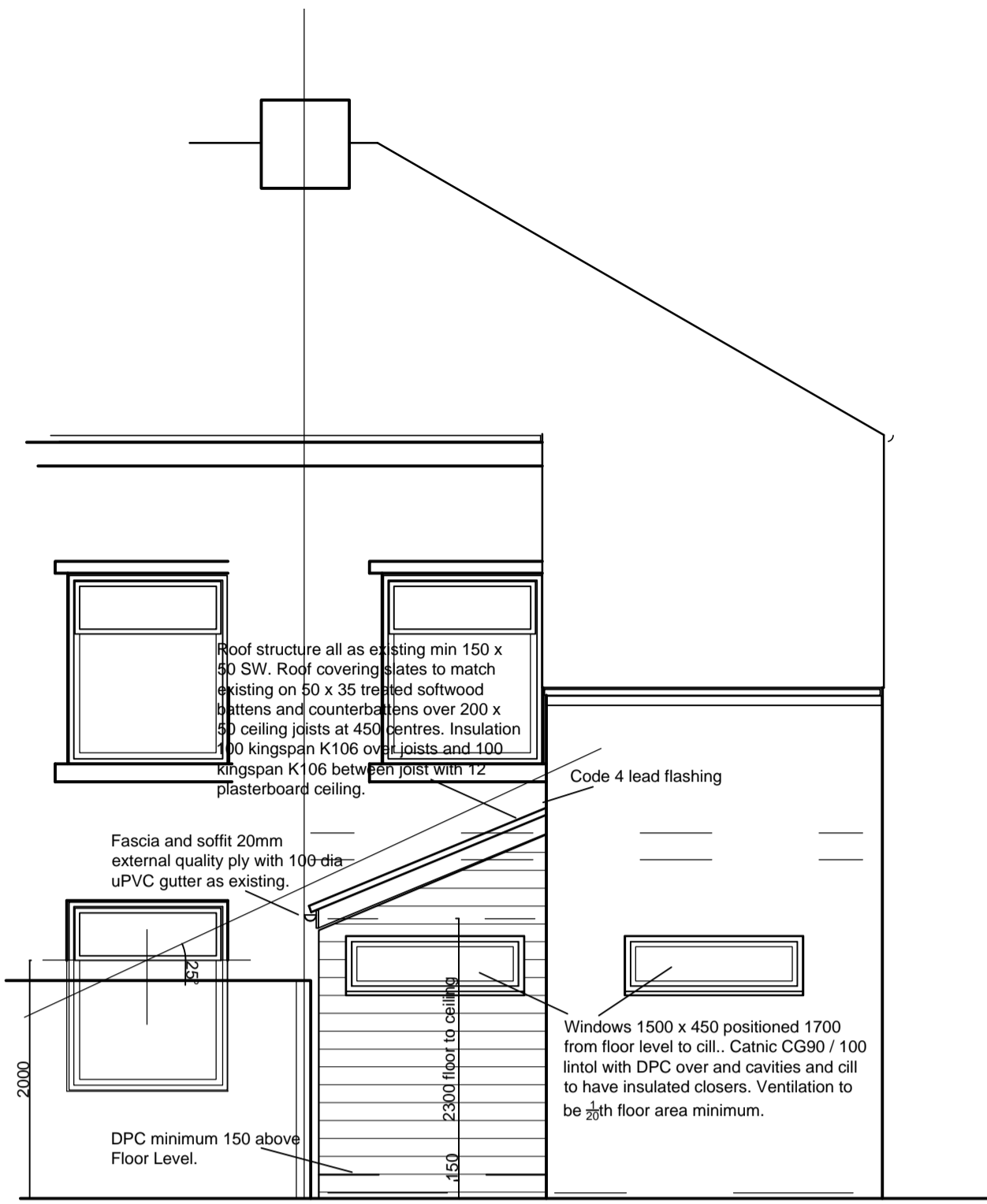
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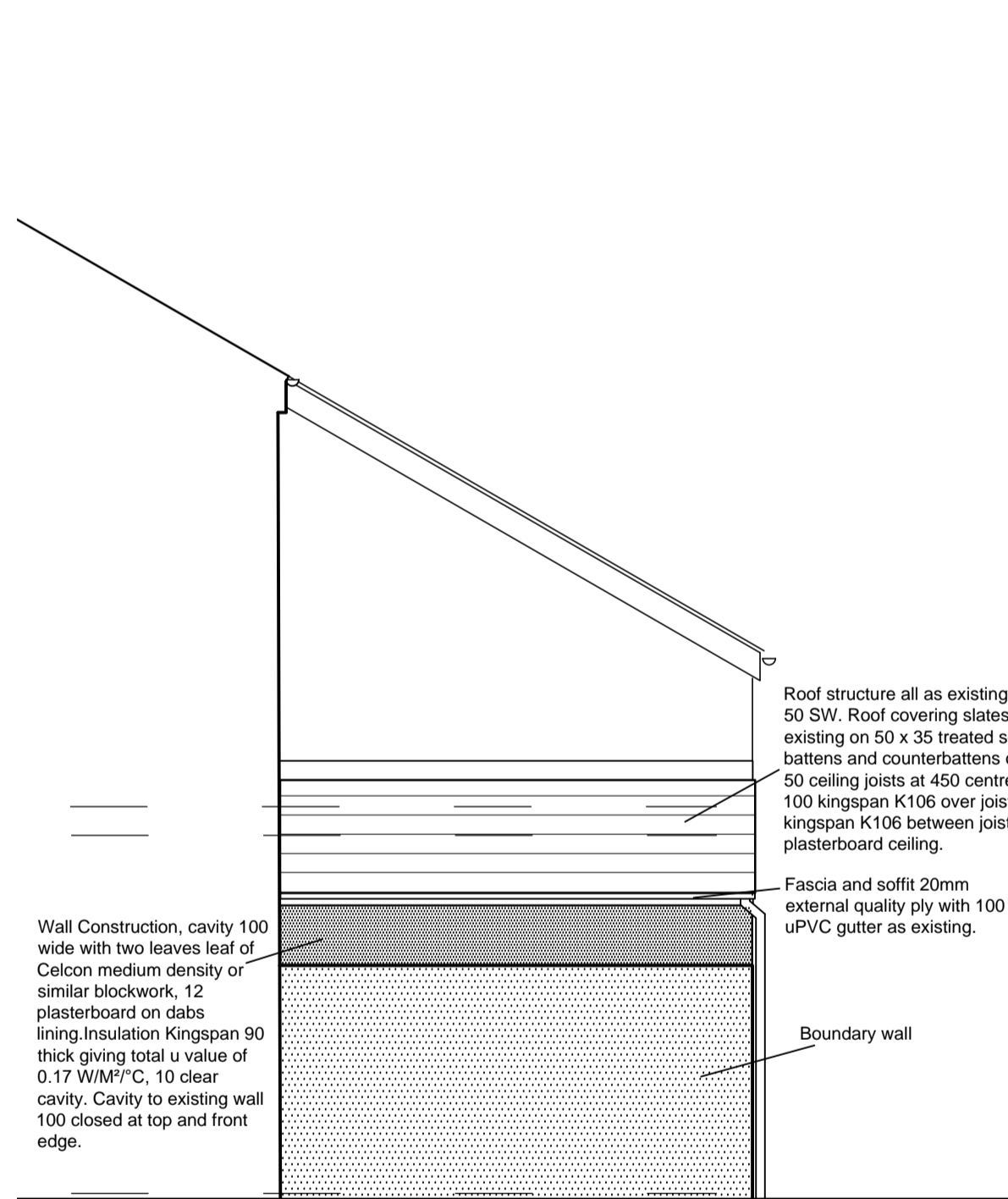
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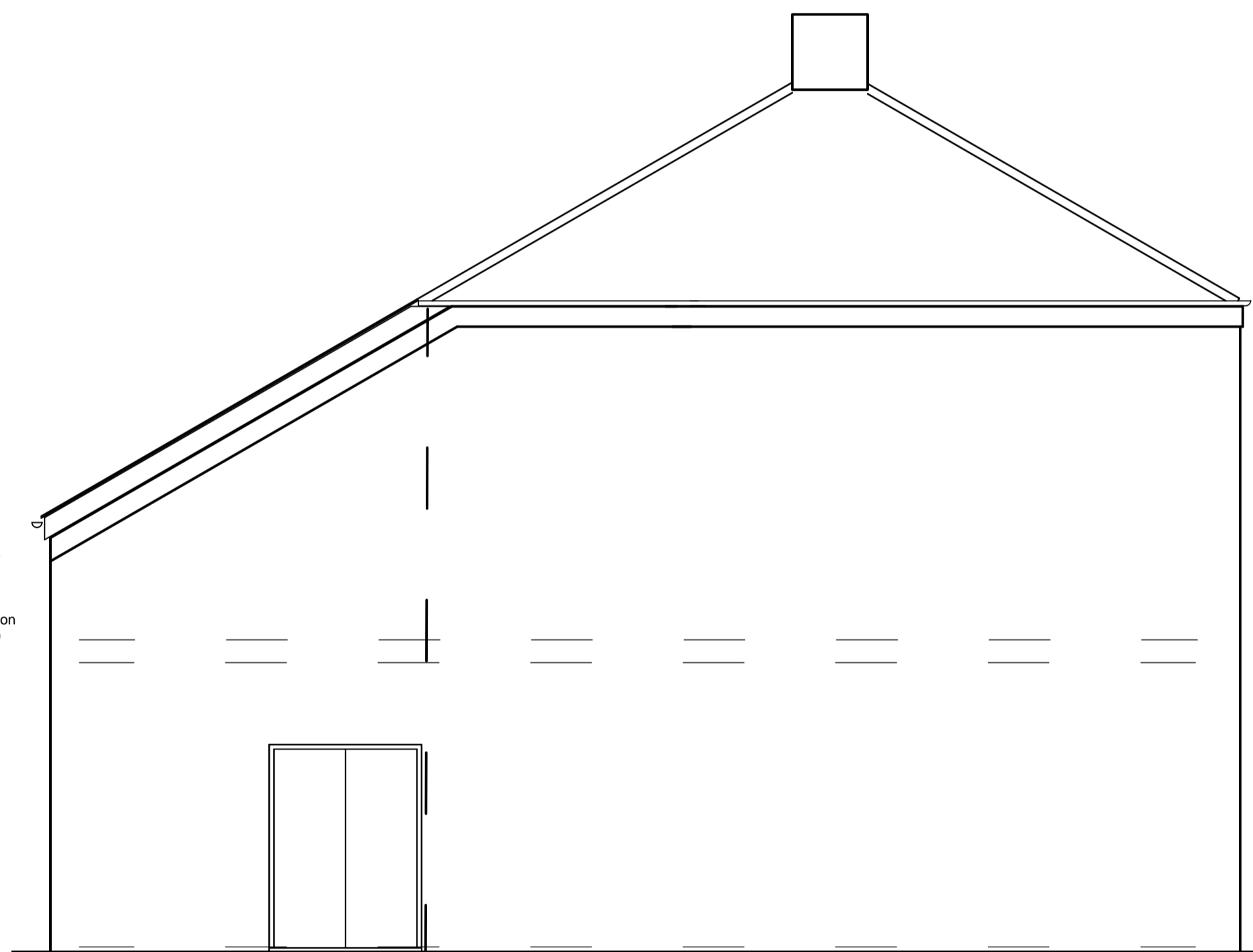
Proposed Front Elevation



Proposed Rear Elevation



Proposed Elevation



Proposed End Elevation

Drawing
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