



<b>TITLE:</b>	<b>2005/155 – CHANGE OF USE FROM RESIDENTIAL TO RETAIL SHOP (Use Class A1) AND THE INSTALLATION OF A NEW SHOP FRONT TOGETHER WITH THE INSTALLATION OF A ROLLER SHUTTER AT 22 NEWCHURCH ROAD, RAWTENSTALL ROSSENDALE</b>
<b>TO/ON:</b>	<b>DEVELOPMENT CONTROL COMMITTEE - TUESDAY 2 AUGUST 2005</b>
<b>BY:</b>	<b>TEAM MANAGER - DEVELOPMENT CONTROL</b>

**APPLICANT: MR A SHAHID**

**DETERMINATION EXPIRY DATE: 9 MAY 2005**

**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.

This application was deferred from a previous Committee to enable business waste storage and amenity issues to be further investigated.

**Site and Proposal**

This proposal seeks consent to change the use of a mid terraced property from residential to a retail shop that also includes the installation of a new shop front and a roller shutter. The property lies within the Town Centre boundary and within the Rawtenstall Town Centre Conservation Area.

## **Consultation Responses**

Environment Directorate (Highways) – No objection  
Environmental Health Officer – No objection

## **Notification Responses**

Site notices were posted. Three letters of representation and a petition bearing 29 names have been received which make the following summarised points:

- Loss of privacy and potential noise nuisance
- Existing vacant properties in the vicinity
- Loss of trade to existing retail facilities
- Lack of parking facilities
- Notification procedure

## **Development Plan Policies**

The following policies are considered relevant:

### **Rossendale District Local Plan**

Policy DS1 – *“The Council will seek to locate most new development within a defined urban boundary - the urban boundary - and will resist development beyond it unless it complies with policies DS.3 and DS.5. The urban boundary is indicated on the proposals map”.*

Policy DC 4 (Materials) of the Rossendale District Local Plan states that *“local natural stone (or an alternative acceptable natural substitute which matches as closely as possible the colour, texture, general appearance and weathering characteristics of local natural stone) will normally be required for all new development in selected areas. Within those areas roofs shall normally be clad in natural stone slab or welsh blue slate, or in appropriate cases, with good quality substitute slates”.*

Policy T.4 (Car parking) states that *“Development proposals will be required to provide, normally within the curtilage of the development, sufficient space to meet both operational and non operational parking requirements”.*

Policy S.5 (Convenience Shops) *Planning permission for small scale convenience local shopping facilities will normally be granted providing there are no adverse highway implications the nature and scale of such facilities would not have an adverse effect upon residential amenity.*

Policy S6 (Shop Fronts) of the Rossendale District Local Plan states that “*The Council will encourage and promote the improvement, restoration and refurbishment or enhancement of shops and shop fronts within principal shopping frontages throughout the Borough, the prime aim being to restore and enhance traditional shop frontages*”

### **Adopted Joint Lancashire Structure Plan 2001-2016**

Policy 1 of the Adopted Joint Lancashire Structure Plan requires that development will be located primarily in the principal urban areas, main towns, key service centres (market towns) and strategic locations for development and will contribute to achieving:

- (a) the efficient use of buildings, land and other resources;
- (b) high accessibility for all by walking, cycling and public transport, with trip intensive uses focussed on town centres;
- (c) a balance of land uses that helps achieve sustainable patterns of development;
- (d) accelerated rates of business development in the regeneration priority areas;
- (e) appropriate development at blackpool airport, ports and regional investment sites;
- (f) urban regeneration, including priority re-use or conversion of existing buildings, and then use of brownfield sites;
- (g) enhanced roles for town centres as development locations and public transport hubs;
- (h) rural regeneration;
- (i) a high quality built environment other development to meet an identified local need or support rural regeneration outside principal urban areas, main towns, key service centres (market towns) and strategic locations for development will be acceptable in principle.

The principal issue for consideration is whether the proposal is acceptable in policy terms.

The property is located within the urban boundary and is therefore acceptable in terms of Policies DS1 and Policy 1 of the Adopted Joint Lancashire Structure Plan 2001-2016.

The County Highways Officer has responded raising no objections to the proposal on highway safety grounds and a site visit revealed that the site is opposite a public car park. Policies 1a and 1b of the Adopted Joint Lancashire Structure Plan 2001-2016 are met in terms of the provision of acceptable uses within the application property and an alternative sustainable means is available together with localised car parking.

The proposal involves the erection of roller shutters to the front elevation which would be hidden in part behind new signage which would be the subject of a separate application for advertisement consent. The shutters would be finished in brown to match the frontage and be of a horizontal slatted design.

In relation to the points raised:

- Loss of privacy and potential noise nuisance
- Existing vacant properties in the vicinity
- Loss of trade to existing retail facilities
- Lack of parking facilities
- Notification procedure

A site visit revealed that the application site is a mid terraced property and a mixture of uses exist. It is considered that the existing conditions would not be exacerbated by this proposal if approved. Potential noise nuisance can be monitored by the Council's Environmental Health officers. Comments from the Council's Environmental Health Officer referred to previously in the earlier report have been clarified and the use has been confirmed by the applicant as "Our intention for the shop is to open an asian womens clothes/fashion store". This would fall into Use Class A1 (Retail) of the Town and Country Planning (Use Classes) Order 1987. It is considered therefore that the conditions which related to the extraction of fumes and sound insulation are inappropriate. Additionally, issues relating to commercial waste have been investigated and at the rear of the property a paved courtyard exists which has a number of wheeled bins but no commercial facilities. At the time of inspection, the Council's refuse service was servicing the area and it is clear that no issues exist in this regard relating to access. Additionally, the applicant has undertaken to provide evidence to the Council from other retailers he is aware of that operate similar businesses in a bid to confirm the amount of commercial waste that the business is likely to generate.

The fact that there may be existing vacant property does not suggest that the Local Planning Authority can direct applicants to these premises, rather it has a duty to determine applications made to it. Further, competition is not a material planning consideration and cannot be taken into account.

In relation to the concerns over lack of parking facilities, a traffic regulation order exists on Newchurch Road preventing parking on the highway and an existing public car park is in the immediate vicinity. It is considered that these facilities are more than adequate.

The Council's procedures for notifying residents of developments of this type is to undertake the posting of site notices alerting local residents to this proposal.

## **Summary of Reasons for Conditional Approval to Appear on Decision Notice**

The proposed development would not have a significantly adverse effect upon the amenity of neighbouring residents and subject to conditional control would not look out of place within the locality, thereby according with Policy 1 of the Adopted Joint Lancashire Structure Plan 2001-2016 and policies contained within the Rossendale District Local Plan. The proposed development is in a sustainable location and is within walking distance of a town centre car park.

## **Recommendation**

That planning permission is granted subject to the following conditions:

### **Conditions**

1. The development permitted shall be begun before the expiration of five years from the date of this permission.  
Reason: The condition is required by virtue of Section 91 of the Town and Country Planning Act 1990.
2. All the external materials and finishes to be used on the shop front and shutters of the proposed development shall be submitted to and approved in writing prior to the commencement of development. Reason: To ensure that the materials are in keeping with those existing and to accord with Policy DC4 of the Rossendale District Local Plan.

### **Background Documents**

Rossendale District Local Plan (Adopted April 1995)