

Application No: 2006/272

Application Type: Full

**Proposal:** Change of Use From Shop Class A1) to Financial/Professional Services (Class A2)

**Location:** 6 Kay Street, Rawtenstall

**Report of:** Head of Planning, Legal and Democratic Services

**Status:** For Publication

**Report to:** Development Control Committee

**Date:** 24<sup>th</sup> July 2007

**Applicant:** Wheale & Hitchen Estate Agents

**Determination Expiry Date:**  
6 July 2007

**Agent:** Tom Myerscough & Co

### REASON FOR REPORTING

Outside Officer Scheme of Delegation No

**Member Call-In** No

Name of Member:

Reason for Call-In:

**More than 3 objections received** Yes

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 SITE AND THE PROPOSAL

- 1.1 The application site is occupied by a two-storey stone and slate property, currently in use as a bakery, with an office use on the first-floor. Access to the bakery is

achieved via an entrance to Kay Street, the first-floor offices having a separate entrance.

1.2 A public right of way runs to the west side of the building, leading to Grange Crescent, and to the east is a post office. On the opposite side of Kay Street is a public house and an entrance to the Valley Centre.

1.3 The property is located within the Town Centre as designated in the Rossendale District Local Plan. It is also within the Rawtenstall Town Centre Conservation Area.

## **2 RELEVANT PLANNING HISTORY**

2.1 2004/136 - Replacement of UPVC frames

## **3. PROPOSAL**

3.1 The applicant seeks consent for a change of use without any building or engineering operations of the ground floor bakery from Class A1 to Class A2 use as an Estate Agents. The first floor premises would remain as existing. The Estate Agency that seeks the change of use currently operates out of an office within the Valley Centre.

## **3. POLICY CONTEXT**

Rossendale District Local Plan  
Policy HP.1 (Conservation Areas)  
Policy DC.1 (Development Criteria)  
Policy DC.4 (Materials)

PPS6  
PPG15

## **4. INTERNAL CONSULTATIONS**

4.1 Conservation Officer – On balance the proposal should not damage the areas character. However, it is important that alterations to the building are controlled it is recommended that a condition or note to the applicant stating that no alteration or addition should be carried out to the Kay Street elevation without securing the necessary permissions from the LPA.

4.2 Forward Planning – No Comments to make on the application.

## **5. EXTERNAL CONSULTATIONS**

5.1 LCC Highways – No Highway Comments

## **6. REPRESENTATIONS**

6.1 19 neighbours were notified by way of a letter on 14/05/2007. A site notice was posted as shown on 1:1250 OS based location plan dated 19/06/2007.

6.2 4 letters of objection were received raising the following points:

- Proposal would result in a further loss of A1 floor space and would harm the character, vitality, and viability of the Town Centre.
- The proposal site is more suitable to A1 uses, well located to public transport.
- There is no evidence to suggest that this property would be unoccupied should this change of use be refused.
- The proposal is likely to result in a significant increase in kerbside parking pressures at the Busy junction with Bank Street which being utilised by public transport would cause further transport issues

## **7. REPORT/ASSESSMENT**

- 7.1 The main considerations of the application are the impact of the proposal within the Town Centre, the impact of the proposal on a Conservation Area, as well as visual amenity, residential amenity, and highway safety.
- 7.2 The proposal is considered to be in an appropriate location in relation to its use with PPG6 encouraging such proposals where there is a healthy balance with other uses. The nature of such a business is that it promotes daytime use, thus encouraging members of the public to visit other businesses associated with the Town Centre. The location is easily accessible on foot and by public transport. A point raised by an objector to the proposal was that the granting of permission would incur a loss of A1 floor space and would harm the vitality and viability of the Town Centre. The current address of this business, however, is within the Valley Centre, and the company are required to vacate the existing premises as a result of the Valley Centre Redevelopment. It is considered therefore, that the granting of permission would not lead to a further loss of A1 floor space. Moving the business a modest distance whilst maintaining its position in the area would have no detrimental impact on the areas character the scheme is considered acceptable in terms of the impact of the proposal within the Town Centre.
- 7.3 Proposals for development within Conservation Areas are assessed on the following criteria:
- Townscape features and roofscape
  - Views within and out of the conservation area
  - Any trees of importance to the character of the area.
  - The effect upon the character of the Conservation Area
  - Compliance with Policy DC.4
- 7.4 It is considered that this proposal would not incur a loss to the townscape and roofscape as there are no external alterations proposed to the property. For the same reason it is considered that there would be no loss of a view within and out of the Conservation Area. There are no trees of importance to the character of the Conservation Area that would be affected by the proposal. The scheme is considered acceptable in terms of the impact of the proposal on the Conservation Area.

- 7.5 There are no proposed changes to the external elevations of the property other than the removal of the existing awning. It is considered that any form of signage or advertisement would necessitate a further application. The materials proposed are considered acceptable. The scheme is considered acceptable in terms of visual amenity.
- 7.6 There would be no loss of light, privacy or outlook to neighbouring properties as there are no proposed changes to the external elevations of the property other than the removal of the awning to the front. The scheme is therefore considered acceptable in terms of residential amenity.
- 7.7 An objection was received stating that the proposal is likely to result in a significant increase in kerbside parking pressures at the busy junction with Bank Street, which being utilised by public transport would cause further transport issues. It is considered, however, that the proposal would not generate any additional parking pressures than those currently existing in the area. There is ample provision for disc parking in the area and the location, within the Town Centre would attract many customers on foot or by public transport. The application, therefore, is considered acceptable in terms of highway safety.

## 8. CONCLUSION

- 8.1 The application is acceptable and recommended for approval.

## 9. REASONS FOR APPROVAL

- 9.1 The proposed development has been considered against policies, HP1, Conservation Areas, DC1 – Development Criteria and DC4 – Materials of the Rossendale Local District Plan. As such the proposal would not harm the visual amenity of the surrounding area, nor would it harm the residential amenity of the occupiers of adjoining properties and would not be detrimental to highway safety. There are no other material considerations which outweigh this finding.

## 10. CONDITIONS

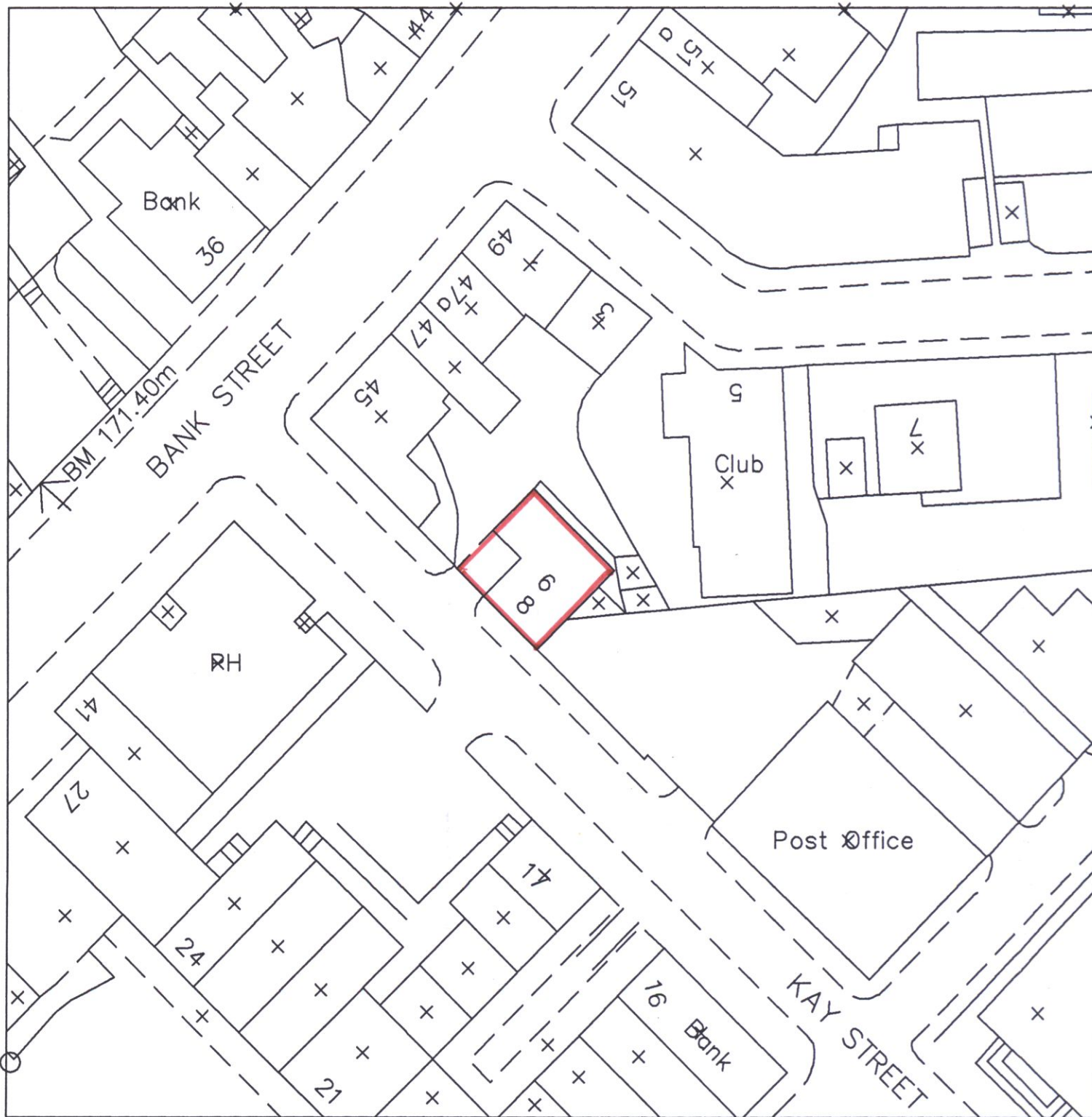
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
*Reason: Required by Section 51 of the Planning and Compulsory Purchase 2004 Act*
2. This decision relates to the drawings date stamped 11/05/2007 and the development shall not be carried out except in accordance with the drawings hereby approved or as subsequently amended and approved in writing by the Local Planning Authority.  
*Reason: For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Joint Lancashire Structure Plan and Rossendale Local Plan.*

<b>Contact Officer</b>	
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Service / Team	West Area Team – Development Control
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CHANGE OF USE OF EXISTING SHOP/BAKERY TO ESTATE AGENTS AT  
6 KAY STREET, RAWTENSTALL, ROSSENDALE. BB4 7LS



Special Document  
**041683**



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2007/272

Amendments

**TOM MYERSCOUGH & CO LLP**

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*Title* CHANGE OF USE OF EXISTING SHOP/BAKERY TO  
ESTATE AGENTS AT 6 KAY STREET, RAWTENSTALL,  
ROSENDALE. BB4 7LS

*Client* WEALE & HITCHIN

*Dwg. No.* 1279/SITE PLAN

Date	Scale	Drawn by	Checked by
20.04.07	1:500	JPE	