

Application No: 2007/392	Application Type: Full
Proposal: Change of use from offices to café/restaurant (Use Class A3) and erection of flue to rear.	Location: 1 North Street Rawtenstall
Report of: Head of Planning, Legal and Democratic Services	Status: For Publication
Report to: Development Control Committee	Date: 24 July 2007
Applicant: H Miah	Determination Expiry Date: 6 August 2007

REASON FOR REPORTING **Tick Box**

Outside Officer Scheme of Delegation

Member Call-In

3 or more 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

1.1 The property is a substantial 2 storey stone building occupying a triangular site at the rear of the Royal Mail sorting office. It was previously used by the Probation Service, but is now vacant. Access is via North Street, with a chapel and Sunday school on the opposite side of the street.

- 1.2 There is a yard at the rear of the building, with a very high retaining wall to its rear, gardens of houses above. There is a leylandii hedge on top of the wall. The floor level of the houses to the rear is at the roof height of the application building.

2. RELEVANT PLANNING HISTORY

- 2.1 No applications recorded.

3. THE PROPOSAL

- 3.1 It is intended to use the building as a “café type restaurant” specializing in Malaysian and Indo-Chinese food. The use would be restricted to the ground floor; the first-floor would be used for ancillary purposes. Details of the flue and ventilation scheme have been provided. The flue would be painted black and sited inconspicuously at the rear of the building.
- 3.2 The application is accompanied by a detailed support statement explaining the proposal. It is pointed out that the building is at the heart of the town centre and that the proposal should be seen as part the initiative to modernize the town centre by introducing a café culture. No external changes or additional lighting are proposed. The building is close to public car parks and it is not anticipated that there will be any additional traffic on North Street. Refuse bins will be kept in the rear yard and collected by the Council. All facilities will be available to wheelchair users. It is stated that there will be no live music and that doors and windows will be kept closed. Expert advice has been taken for the design and position of the flue.
- 3.3 The applicant has submitted an additional statement justifying the proposal and commenting in detail on the letters of objection. He states that the proposal is in accordance with the Development Plan and that the scheme has been drawn up following consultation and encouragement from as many bodies as possible. He points out that he has taken action to deal with issues such as noise and smell. He discounts the objections from residents who do not live close to the property.

4. POLICY CONTEXT

Rossendale District Local Plan (Adopted 1995)

DC1 - Development Criteria

DS1 – Urban Boundary

S4 – Hot Food Shops

HP1 – Conservation Areas

The building is within the designated Rawtenstall Town Centre and the Town Centre Conservation Area.

Other Material Planning Considerations

PPS1

5. CONSULTATIONS

5.1 Lancs CC (Highways)

No objection in principle; suggests modification of the existing Traffic Regulation Order to “no waiting at any time”.

5.2 Rossendale BC (Environmental Health)

No objection provided that the ventilation system is installed as described in the application.

5.3 Rossendale BC (Conservation Officer)

No objection on the basis that it would bring a building back into use with minimal external alteration. Any concerns about the location of the flue and extractor fans have been addressed.

6. REPRESENTATIONS

6.1 Site notices have been posted on 3 July 2007 at either end of the street and next to the footpath leading to Grange Crescent at the rear. 8 neighbours including the houses to the rear were notified on 13 June 2007.

6.2 Objections have been received from 6 residents of Grange Crescent and Worswick Crescent plus one anonymous message by email. Points raised include the following:-

- It is claimed that an existing residential area will be affected.
- There is concern about smells from spicy food.
- There are fears of noise from ventilation systems, customers and staff in the kitchen and back yard.
- The noise and smells will be more of a problem because of the restricted distance between the rear of the building and the houses and the difference in height.
- There is already early morning noise from the sorting office.
- It is claimed that there will be overlooking and loss of privacy between windows.
- It is feared that there will be increased problems late at night with alcohol playing a part and vandalism of vehicles.
- It is thought that there are enough restaurants in the area and there fears of a glut of such establishments as in Haslingden.

6.3 Rossendale Civic Trust has commented on the proposal referring to an appeal at 103 Bank Street. There is some concern about vehicular access and the siting of the extractor and flue. They have reservations about the scheme but “do not wish to discourage further applications which would bring life to and enhance the town’s shopping centre”.

6.4 Kay Street Baptist Church have no objection provided that the premises are not used for takeaway/fast food and that there are no traffic problems affecting the safety of young people using their premises on 3 nights each week.

5. ASSESSMENT

- 5.1 The use proposed is appropriate for a building located in the town centre. The building itself has its main doorway directly onto the street and there is a secondary access at the rear from the back yard for servicing. It is not necessary to make any changes to the exterior of the building and the use will therefore not have any impact on the character of the town centre Conservation Area.
- 5.2 North Street is not a shopping street. The other frontagers are the side elevation of the post office and Baptist church and a Sunday school. The building would be unlikely to attract a retail user although an office use may be possible. The proposal would ensure that the building is brought back into use and will contribute to the vibrancy and vitality of the town centre.
- 5.3 The applicant has sought expert advice and consulted with Environmental Health about the design and position of the ventilation system to minimise any nuisance to neighbours and full details have been provided. The flue will be painted black and situated at the rear of the building, terminating one metre above eaves level. It will not adversely affect the appearance of the building or harm the character of the Conservation Area.
- 5.4 The main issue to be considered is the potential impact on occupiers of neighbouring property including residents of Grange Crescent and Worswick Crescent. Numbers 7 and 9 Grange Crescent are very close to the rear of the property although at a much higher level, which alleviates any problem of overlooking. The applicant is aware of the issues of noise and cooking smells and has addressed them in information accompanying the planning application. A condition is recommended to ensure that the ventilation system is installed as specified.
- 5.5 There may be an element of noise generated by customers and staff outside the hours previously worked by the probation office but it should be remembered that the location is not a rural area or a suburb but a town centre and the application is recommended for approval.

6. SUMMARY OF REASONS FOR APPROVAL

- 6.1 The property is within the Urban Boundary and a designated Town Centre. The proposed development would be in accordance with the criteria of Policy DC1 and with Policies DS1, S4 and HP1 of the adopted Rossendale District Local Plan. The use of the building and the ventilation flue would not harm the character of the Town Centre Conservation Area. There would be limited effect on the amenity of adjacent dwellings by reason of noise and smell. There are no highway safety implications.

7. RECOMMENDATION

- 7.1 That permission be granted subject to conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To accord with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the plans and written details received on 11 June 2007, including the ventilation system.
Reason: To protect the character and appearance of the building and the amenities of neighbours, in accordance with the criteria of Policy HP1 and DC1 of the adopted Rossendale District Local Plan.

Contact Officer	
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H.M. LAND REGISTRY

TITLE NUMBER

LA 426197

ORDNANCE SURVEY
PLAN REFERENCE

SD 8122

SECTION A

Scale
1:1250

COUNTY LANCASHIRE

DISTRICT ROSSENDALE

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2007/1392
14 JUN 2007

