

**Application No:** 2008/0216

**Application Type:** Full Application

**Proposal:** Change of use from social Club to restaurant, with associated external alterations

**Location:** Former Servicemen's Club  
12 Bury Road,  
Rawtenstall

**Report of:** Planning Unit Manager

**Status:** For Publication

**Report to:** Development Control Committee

**Date:** 2 June 2008

**Applicant:** Mr P Massafra

**Determination Expiry Date:**  
11 June 2008

**Agent:** Hurstwood Group

**REASON FOR REPORTING**

**Tick Box**

**Outside Officer Scheme of Delegation**

**Member Call-In**

Name of Member:

Reason for Call-In:

**More than 3 objections received**

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 application site is a 3 storey stone and slate former social club, currently vacant, located at the junction of Bury Road and Queen Street in a prominent

position as one travels along Bury Road. The area benefits from a range of uses, including retail and residential.

- 1.2 The site is located in the Town Centre within a Conservation Area, in the Urban Boundary as designated in the Rossendale District Local Plan.

## **2. RELEVANT PLANNING HISTORY**

- 2.1 2007/517      Erection of 1 Non Food Retail, 8no B1 & B8 Business, 4no B1 Offices, 3no Leisure & 5no A3 units at New Hall Hey.  
Conversion of Heritage Arcade from Retail Market to Class A3/A4 Restaurant/Pub. Conversion of DDSS Club from Private club to Health Care Use.  
Approved
- 2.2 2007/120      Ground floor alteration to shop front  
Approved
- 2.3 2007/174      Change of use from social club, to retail on ground floor, with offices on first and second floor  
Approved

## **3. CURRENT PROPOSAL**

- 3.1 The applicant seeks consent for the change of use of the building to from a social club to a restaurant. A flue would be sited to the rear of the property on top of the two-storey flat roofed extension to the rear. A new window opening would be created at first floor level to the rear.

## **4. POLICY CONTEXT**

- 4.1 **National Planning Guidance**  
PPS1 - Sustainable Development  
PPS6 - Town Centres  
PPG13 - Transport  
PPG15 - Historic Environment  
PPG 24 – Noise

- 4.2 **Development Plan Policies**

Regional Spatial Strategy for the North West

Joint Lancashire Structure Plan (Adopted 2005)

Policy 1 - General Policy

Policy 7 - Parking

Policy 16 - Retail, Entertainment & Leisure Development

Policy 21 - Lancashire's Natural & Man-Made Heritage

Rossendale District Local Plan (Adopted 1995)

DS1 - Urban Boundary

HP2 – Conservation Areas

DC1 - Development Control

DC2 - Landscaping

DC3 - Public Open Space

DC4 - Materials

J3 - Existing Employment Sites

T6 - Pedestrians

Rawtenstall Town Centre Area Action Plan - Revised Preferred Options Report  
(March 2006)

4.3 **Other Material Planning Considerations**

Lancashire CC - Parking Standards

5. **CONSULTATIONS**

5.1 **INTERNAL CONSULTATIONS**

RBC Conservation Officer

Proposed use is appropriate within a Conservation Area. The alterations to the rear are acceptable. Requested further details regarding the external roller shutters.

RBC Environmental Health

Require odourless ventilation system and emissions. Noise would be covered by the licensing act.

Food Section has no adverse comments to make on the proposal

RBC Forward Planning

PPG6: Planning for Town Centres considers restaurants a use appropriate to a town centre (paragraph 1.8).

Page 13 of the Rawtenstall Town Centre Area Action Plan identifies 'Outer Core Areas' for a mix of uses.

Rossendale Borough Council Retail and Town Centre Study 2005 states one of the weaknesses of Rawtenstall Town Centre (which this application falls within) as follows: "The evening economy is limited, with only a narrow range of pubs to choose from. There are few restaurants or other 'leisure' uses, resulting in a quiet centre at night". This clearly identifies a lack of restaurants within Rawtenstall town centre and the approval of this application would help address this issue.

Accordingly, a restaurant is a use appropriate to a town centre.

5.2 **EXTERNAL CONSULTATIONS**

## **6. REPRESENTATIONS**

- 6.1 A press advertisement was placed in the 2<sup>nd</sup> May edition of the Rossendale Free Press; a site notice was posted on 07/05/2008 and ? neighbours were notified of the application by way of a letter to accord with the General Development Procedure Order. The site notice has been posted to go above and beyond the regulatory requirement to ensure a high level of Community engagement to accord with PPS1.

A 17-signature petition have been received objecting to the proposal on the following grounds:

- There are no parking spaces associated with the building.
- Odours.
- Loss of view from parked cars.

## **7. ASSESSMENT**

- 7.1 The main considerations of the application are the impact of the proposed use on the conservation area, the principle of the use within the Town Centre, and the impact of the proposal on visual amenity, neighbour amenity and highway safety.

### 7.2 Principal of the use within a Town Centre

PPG6: Planning for Town Centres considers restaurants a use appropriate to a town centre. Paragraph 2.23 states: "These policies should encourage a range of age and social groups, ensuring that provision is made where appropriate for a range of leisure, cultural and tourism activities such as cinemas, theatres, restaurants, public houses, bars, nightclubs and cafes".

The Rossendale Borough Council Retail and Town Centre Study 2005 states one of the weaknesses of Rawtenstall Town Centre (which this application falls within) as follows: "The evening economy is limited, with only a narrow range of pubs to choose from. There are few restaurants or other 'leisure' uses, resulting in a quiet centre at night". It is considers that this identifies a lack of restaurants within Rawtenstall town centre and the approval of this application would help address this issue.

It is clear from the above that a restaurant is a use appropriate to a town centre. Policy 16 of the Joint Lancashire Structure Plan states that retail, entertainment and leisure development will be of a suitable scale to the town centre in which it is located. It also states: "retail, entertainment and leisure development must be located in accordance with the sequential approach, and must not significantly harm, alone or in combination with other proposed developments, the vitality of any town centres, district centres, local centres or

the overall shopping and leisure provision in small towns and rural areas within or adjoining Lancashire”.

Taking the above factors into consideration it is considered that the proposed use is acceptable in principle, would be located in a sequentially preferable site, in that it is located within the Town Centre, and would be considered not to be detrimental to the vitality and viability of Rawtenstall Town Centre.

### 7.3 Conservation Area and Visual Amenity

The conservation officer has been consulted on the application and has stated that the proposed use is appropriate within the town centre and the conservation area. The case officer concurs with this view. The external alterations would not be materially different than the previous consents under applications 2007/120 and 2007/174 respectively. The proposed flue is considered to be sited on a secondary frontage and therefore would not be prominent in the Town Centre. Bin storage would be to the rear of the property and is considered acceptable. Materials are considered appropriate.

The scheme is considered acceptable in terms of its impact on the Conservation Area and visual amenity.

### 7.4 Neighbour Amenity

The application has been assessed by the RBC Environmental Health Department. They considered the ventilation and extraction system acceptable, however, queried the 3<sup>rd</sup> floor use of the building. Taking into consideration that this would be an office in association with the restaurant it is considered that this use would be acceptable, and would not require further soundproofing or odour control to the 3<sup>rd</sup> floor of the building. RBC Environmental Health – Food Section have no adverse comments to make on the proposal. It is considered appropriate, however, to condition that full details of the extraction system be submitted prior to first occupation.

Environmental Health have commented that the noise aspect of the scheme will be covered by premises licence under licensing act. – however, may request additional measures in respect of noise, health and safety etc, dependant upon licensable activities when applied for. Notwithstanding this it is considered important to assess the impact of the scheme on the neighbouring properties. There are residential properties in the area. It is considered however, that the proposed use would not have a materially greater impact on neighbour amenity in terms of noise than the permitted use as a social club. The scheme is therefore considered acceptable in neighbour amenity terms.

### 7.5 Highway Safety

The application site is located within the Town Centre, easily accessible by public transport and close to other public houses, bars and restaurants. There are public car parking facilities within the Town Centre that can be used to accommodate vehicles at all times of the day. On street parking in the immediate area is limited to occupiers of neighbouring residential properties.

LCC Highway's have had no adverse comments to make regarding the scheme. Taking the above factors into consideration the scheme is considered acceptable in terms of highway safety.

## **8. SUMMARY REASONS FOR APPROVAL**

The proposed scheme is considered acceptable in principle within the Town Centre of Rawtenstall, would not be detrimental to the vitality and viability of the area; would not have an adverse impact on the Conservation Area and would not result in undue loss to the amenities of neighbours, or highway safety.

## **10. 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 development shall be carried out in accordance with the approved plans dated.  
*Reason: To ensure the development complies with the approved plans and for the avoidance of doubt.*
3. All materials to be used in the elevations and roof of the proposed development shall be as stated on the application form and approved drawings and shall not be varied without the prior written permission of the Local Planning Authority. *Reason: To ensure that the development will be of satisfactory appearance, in accordance with the criteria of the saved Policy DC1 of the adopted Rossendale District Local Plan.*
4. Before any works to implement this permission are commenced full details of the fume extraction and filtration system to be installed at the premises (notwithstanding any such details previously submitted) shall have been submitted to and approved in writing by the Local Planning Authority. The system shall be installed in accordance with the approved details prior to the commencement of the use of the premises hereby permitted and retained in operation at all times thereafter.  
*Reason: To safeguard the amenities of nearby residential properties, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*
5. Any construction works associated with the development hereby approved shall not take place except between the hours of 8:00 am and 7:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays. No construction works shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.  
*Reason: To safeguard the amenities of nearby residential properties, in*

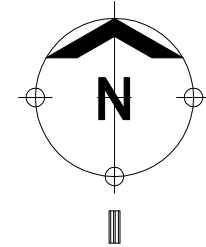
*accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*

<b>Contact Officer</b>	
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Service / Team	Development Control
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**SITE SPECIFIC HAZARDS**

IN ACCORDANCE WITH THE REQUIREMENTS OF THE CDM REGULATIONS 1994 THE FOLLOWING SIGNIFICANT RESIDUAL HAZARDS HAVE NOT BEEN DESIGNED OUT OF THIS PROJECT AND MUST BE TAKEN INTO CONSIDERATION BY CONTRACTORS PLANNING TO UNDERTAKE THE WORKS SHOWN ON THIS DRAWING:



REV. DATE NOTES INIT.

PROJECT  
**SAILORS & SOLDIERS CLUB**  
**12 BURY NEW ROAD**  
**RAWTENSTALL**

DRAWING TITLE  
**SITE LOCATION PLAN**

STATUS **PLANNING**

DATE <b>12/02/07</b>	DRAWN <b>ICW</b>	CHECK <b>MG</b>	SCALE @ A4 <b>1:1250</b>
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PROJECT NUMBER	UNIT / BLOCK	CI / SFB CODE	TYPE & NUMBER	REVISION LETTER
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DRAWING NO.  
**7336** **04** -

Site Location Plans	L	GA Plans	P	Elevations	E
Sections	S	Details	D	Prefix; Colour	C

**MANCHESTER** **LONDON** **GLASGOW** **LUTON**

**105 MANCHESTER ROAD**  
**BURY**  
**LANCASHIRE**  
**BL9 0TD**

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