

**Application No:** 2008/0408

**Application Type:** Full Application

**Proposal:** Change of use of restaurant (Class A3) and provision of colour coated external flue on rear roof plane

**Location:** Former Groundwork Building  
New Hall Hey

**Report of:** Planning Unit Manager

**Status:** Not for  
Publication

**Report to:** Development Control  
Committee

**Date:** 01 September 2008

**Applicant:** Hurstwood Group 1 Ltd

**Determination Expiry Date:** 18 August 08

**Agent:**

**REASON FOR REPORTING**

**Tick Box**

**Outside Officer Scheme of Delegation**

**Member Call-In**

Name of Member:  
Reason for Call-In:

Cllr June Forshaw  
The restaurant would be good for the valley and a similar restaurant that was on the site was very popular. If we are serious about tourism the location is ideal.

**More than 3 objections received**

Other (please state) .....

**APPLICATION DETAILS**

**1. The Site**

1.1.1 The application relates to a vacant building previously occupied by Groundwork as offices, training centre, visitor centre and cafe. It is a detached 2 storey building with an additional upper floor lit by rooflights. It is adjacent to the Grade 2 Listed Hardmans Mill. The building is parallel to the River Irwell with public open space between the building and the river bank and communal parking on the eastern side.

1.1.2 The site is located within the Urban Boundary on a designated employment site in the Rossendale District Local Plan.

## 2. Relevant Planning History

### 2.1

1996/473	Renewal of planning permission ref no 94/396 for the retention on site of training greenhouse	Withdrawn
1996/474	Erection of 1.8 m palisade fencing in green	
1998/285	Change of use from B1 (Business) use to offices and consulting rooms (D1 Non Residential Institutions)	Approved
2005/712	Creation of new entrance on northern deviation & extension of existing compound using 3m high palisade. Erection of shelter for storing materials	Approved
2007/206	Change of use of former groundwork building to children's creche/indoor play area and café	Approved
2007/329	Change of use of former groundwork building to residential institution	Approved
2007/416	Change of use and extension to the former groundworks building to provide mixed use facility for bicycle shop, including cafe/restaurant. The application was refused for the reasons listed below:  <ol style="list-style-type: none"><li>1) The retail and café/restaurant element of the proposed scheme proposed development would conflict with Policy J3 of the adopted Rossendale District Local Plan wherein the property is allocated as being within an Employment Area.</li><li>2) The retail element of the scheme and the café/restaurant would significantly harm the vitality and viability of Rawtenstall Town Centre contrary to Policy 16 of the adopted Joint Lancashire Structure Plan and PPS6: Planning for Town Centres.</li><li>3) The application and submitted plans contain insufficient information for the proposal to be adequately assessed, in particular in relation to parking and servicing arrangements and the treatment of the area between the building and the River Irwell.</li></ol>	
2007/633	Change of use of former Groundworks building to provide mountain bike sales & tourism facility with associated B1 workshop and offices and A3 cafe/bistro	Approved

### **3. The Current Proposal**

- 3.1 The applicant seeks consent for the change of use from a sui generis use to restaurant (Class A3) and provision of colour coated external flue on rear roof plane. The flue would measure 1.1 metres in height, reaching 0.5 metre above the ridge line of the building. The total floorspace of the use would be 526 sqm, employing up to 20 full time and 20 part time employees, bin storage facilities would remain as existing, the car parking layout would remain unchanged from existing, totalling 21 spaces, and 24 hour opening is proposed.

### **4. Policy Context**

#### **4.1 National Planning Guidance**

PPS1 - Delivering Sustainable Development  
PPS6 - Town Centres  
PPG13 - Transport  
PPG15 – Planning and the Historic Environment  
PPS 23 – Planning and Pollution Control  
PPG 24 – Noise  
PPG25 - Flood Risk

#### **4.2 Development Plan Policies**

Regional Spatial Strategy for the North West

##### Joint Lancashire Structure Plan (Adopted 2005) – Saved Policies

Policy 1 - General Policy  
Policy 2 - Main Development Locations  
Policy 7 - Parking  
Policy 16 - Retail, Entertainment & Leisure Development  
Policy 21 - Lancashire's Natural & Man-Made Heritage  
Policy 24 - Flood Risk

##### Rossendale District Local Plan (Adopted 1995) – Saved Policies

DS1 - Urban Boundary  
HP2 - Listed Buildings  
DC1 - Development Control  
DC4 - Materials

#### **4.3 Other Material Planning Considerations**

Lancashire CC - Parking Standards

King Sturge – Rossendale Employment Land Study May 2007

### **5. CONSULTATIONS**

## 5.1 INTERNAL CONSULTATIONS

Conservation Officer – No comments received.

Environmental Health – Food Section – Would require that the operator registers as food business with this section 28 days prior to opening.

Forward Planning – PPS6 states a restaurant is classed as a main town centre use. The Rawtenstall AAP (which is more up to date than the current adopted Local Plan) identifies the site as an employment site. The applicant therefore must demonstrate that there is a need for the use in this out of centre location in accordance with PPS6 para 3.9. The report undertaken by King Sturge indicates that the New Hall Hey site should be brought forward for employment use and aggressively marketed. The Sustainable Urban Land Strategy for East Lancashire identified New Hall as a site is worthy of protection for employment use.

Forward Planning conclude, therefore, that the restaurant use is not a use appropriate to this location, unless the need for the development in that specific location is demonstrated. It is not considered acceptable to simply show that there is an overall need for restaurants within Rawtenstall.

## 5.2 EXTERNAL CONSULTATIONS

Environment Agency – Initially recommended condition relating to boundary treatment adjacent to River Irwell, however, this has since been retracted.

Lancashire County Council:

Highways –. No Highways Comments

## 6. REPRESENTATIONS

6.1 A press advertisement was placed in the edition of the Rossendale Free Press on 11<sup>th</sup> July 2007; 2 site notices were posted on 06/08/2008 as shown on the site plan and photograph and letters were sent to 36 neighbours on 08/07/2008 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.

Two letters have been received objecting to the proposal on the following grounds:

- The current parking situation is dire and getting worse. Any development will inevitably result in an increase of traffic. It must be absolutely assured that not only is the current parking problem rectified

but that there is also sufficient parking for additional visitors to the proposed restaurant.

- The development may be acceptable if it only operated in the evenings when most of the businesses have closed.

## **7. REPORT**

7.1.1 The main considerations of the application are the principle of an A3 use on a site designated for employment purposes; whether the application would satisfy the Sequential Test as detailed in PPS6, the impact of the development on the listed building; the impact of the proposal on visual and residential amenity, and highway safety.

### **7.2 Principle**

7.2.1 Joint Lancashire Structure Plan Policy 16 states that 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 and viability 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.

7.2.2 “A key objective is to sustain and enhance the vitality and viability of town centres to make them the focus for investment, providing easy access to a wide range of facilities by a choice of means of transport. Hence a proposal, in any location would be unacceptable if it were judged likely to cause, because of its location and/or size of facilities, a degree of diversion of trade that would adversely affect the standard of provision in an existing centre, or the overall shopping and leisure provision in areas within or adjoining Lancashire.”

7.2.3 Application 2007/416 sought to provide a mixed use facility on the site, however, was refused as it was contrary to Policy 16 of the JLSP, with particular regard to the café/restaurant element of the scheme. The agent and the Local Planning Authority were involved in pre application discussions with a view to submitting a revised scheme. Here is an excerpt from the minutes of the pre application discussion, “The Council’s position in relation to the designation of the site as an employment area was made and accepted by Hurstwood Group Ltd. The requirement by the council for the essential creation of office space within the proposal, to accord with planning policy was stated and accepted. It was identified that the Council would require the additional retail element of the scheme (restaurant) to be ancillary to the main use of the building of an appropriate size and scale to that dominant use.” Accordingly a revised scheme was submitted (application 2007/633) for the change of use of the premises to provide a workshop, sales and tourism facility, and café/bistro on the ground floor; a mix of retail and office space, and common area on the first floor; and office facilities over a section of the second floor. The scheme demonstrated an increase in office space from the previously refused application, and a reduction in size of the eating area. The application was approved as it was considered that due to the ancillary nature of the proposed retail elements of the scheme the development would not cause an undue loss to the vitality and viability of the town centre and would

maintain an acceptable level of employment use within New Hall Hey, and was thus in accordance with Policy 16 of the JLSP. A condition was imposed limiting retail floorspace to 30% of the premises imposed, and not to be subdivided into smaller units. The current scheme proposes all of the development to be A3, a retail use, and thus would be contrary to the objectives of Policy 16 of the Joint Lancashire Structure Plan.

7.2.4 The principle of the site being used solely for the purpose of a restaurant has not been established.

## 7.5 **King Sturge**

7.5.1 The May 2007 Rossendale Employment Land Study undertaken by King Sturge outlines a strategy and Action Plan which they believe Rossendale should pursue to assist it to move towards a successful and sustainable economy. Their research concludes that it is important to ensure that the lack of available employment land does not impede the local economy and suitable employment land be made available.

7.5.2 For the purposes of the Study. The term 'employment land' is used to refer to land intended for industrial and or office use that is land identified under use classes B1, B2, and B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended 2006). An A3 (restaurant use) is not considered to be employment land.

7.5.3 It is stated that employment within the borough has been falling over the last few years and based on trends, it is suggested that this will continue unless action is being taken. There is a healthy demand for office accommodation in the Borough, of which there is the greatest demand in Rawtenstall by reason of its accessible location. King Sturge highlights that there is an active market for office accommodation; however, take up is likely to have been restricted through a lack of available sites. The report concluded that it should be a key objective to secure inward investment activities on New Hall Hey, to protect existing employment allocation, and importantly, to presume against the loss of any existing or allocated employment land in the borough. It was for such reasons that application 2007/416 was refused. To go against the King Sturge Report, and Policy 16 of the JLSP would be to promote the loss of important employment land within the borough, and by establishing a further retail site outside of the town centre would damage the vitality and viability of Rawtenstall. Accordingly the application is recommended for refusal on this basis.

## 7.6 **PPS6: Planning for Town Centres**

7.6.1 The Government published PPS6 in March 2005. It replaces PPG6 and subsequent ministerial statements of clarification. The key objective of retail policy is to promote vital and viable town centres and to "*put town centres first*". Para 3.4 of PPS6 states that local planning authorities should require applicants to demonstrate:

**a) “the need for development”**

In relation to need full account should be taken of qualitative and quantitative considerations. Greater weight should be placed on quantitative considerations, based on data and other objective evidence except where socially excluded communities are currently denied access to a range of services and facilities.

**b) “that the development is of an appropriate scale”**

That the scale of the development is appropriate relative to the role and function of the centre and the catchment area that it seeks to serve.

**c) “that there are no more central sites for the development”**

That there are no more central sites for the development. In this respect the PPS identifies the first choice as being town centre sites followed by edge of centre sites and lastly out of centre sites.

**d) “that there are no unacceptable impacts on existing centres”**

That there are no unacceptable impacts on existing centres. In this respect Local Authorities should make an explicit assessment of the likely impact of a proposed development upon existing centres.

**e) “that locations are accessible”**

That the proposed location is accessible by a choice of means of transport including public transport, walking, cycling and by car, together with the impact on car use, traffic and congestion levels.

7.6.2 Paragraph 3.4 states that, as a general rule developments should satisfy all these considerations.

7.6.3 In applying the sequential approach, and considering alternative sites, developers and operators should be able to demonstrate that in seeking to find a site in or on the edge of existing centres they have been flexible about their proposed business model in terms of the following planning considerations:

- \_ the scale of their development;
- \_ the format of their development;
- \_ car parking provision; and
- \_ the scope for disaggregation (see paragraphs 3.17–3.18).

7.6.4 The purpose of this exercise is to explore the possibility of enabling the development to fit onto more central sites by reducing the footprint of the proposal. In seeking to demonstrate flexibility under Paragraph 3.15 above, developers and operators should consider, in terms of scale: reducing the floorspace of the development; in terms of format: more innovative site layouts and store configurations such as multi-storey developments with smaller footprints; and, in terms of car parking: reduced or reconfigured car parking areas.

7.6.5 The applicant has not demonstrated any flexibility in seeking alternative sites, rather provides details of why they think alternative sites do not fit with what they propose.

- 7.6.7 The applicant's Design and Access Statement doesn't refer to the former Soldiers and Sailors which is located within the Town Centre and is available having recently been granted approval for a restaurant use (a further application for revised opening hours is brought before committee on the same agenda as this application).
- 7.6.8 The applicant disregards Wesley House on the basis that it does not have permission for a restaurant use and is being marketed for office use. It is considered that this is not sufficient justification for stating the site is unavailable.
- 7.6.9 The applicant disregards the Heritage Arcade which is located within the Town Centre in a sequentially preferable site than proposed, again on the basis that the site currently does not have planning permission for a restaurant use. It must be considered that the former groundwork building also does not have sole permitted use as a restaurant, hence the planning application before us. Again it must be highlighted that just because a site does not meet specific operator requirements it does not make the site unavailable.
- 7.6.10 The applicant has provided a strong element of focus on the potential benefits to tourism and leisure resulting from the scheme. Whether or not a restaurant would be popular in an area is not on its own sufficient justification for granting planning permission. The Local Planning Authority granted permission for application 2007/633, justifying the mixed use development, in particular the retail element by reason of the promotion of tourism in the area, and the main employment element of the development. It is considered that there is not sufficient justification for a restaurant as the main use on the site, as this would be contrary to the sequential test, King Sturge and JLSP Policy 16 for the mixed use scheme with the proposed retail elements.
- 7.6.11 Paragraph 5.6 of the applicant's Design and Access statement indicates that Policy J.3 (not saved) did allow restaurants on employment land. For clarity it is considered important to highlight that the policy states that, "in areas allocated for employment purposes, the requirements of the employment activity will normally predominate, for example, in the determination of planning applications. To assist this policy, specially designated employment areas have been identified on the Proposals Map." The Proposals Map identifies the site as an Employment Area. Therefore, even if Policy J3 were saved, it does not allow for restaurants on Employment Land.

## 8 Impact on Listed Building/Visual Amenity

- 8.1.1 The only external alteration to the building would be the proposed flue to the rear elevation of the building. The size of the flue is considered acceptable and would not be a prominent and dominating feature to the roof. The proposed parking area would remain unchanged. Bin storage would be to the side of the building in an existing location. It is considered, however, that a landscaping scheme including boundary treatment would be appropriate to secure an enhanced area of landscaping to the site, particularly to the parking area to the front which is in need of most restoration. The scheme is considered not to be



detrimental to the adjacent listed building or the visual amenity of the area due to the limited external works proposed.

## 9.0 **Residential Amenity**

9.1 The applicants have proposed 24 hour opening for the use. Taking into consideration its location away from residential properties and the mixed use area that it forms a part of, 24 hour opening in this location would not be inappropriate. There have been no objections to the opening hours from Environmental Health, however, Environmental Health – Food Section have recommended ventilation and extraction conditions which would secure an appropriate level of control over noise and odours from the proposed flue. The scheme is considered acceptable in terms of residential amenity.

## 10 **Highway Safety**

10.1 The applicants have provided details of the existing parking area which is not proposed to be altered under the current application. The facilities have not generated an objection from LCC Highways. Cycle parking has been demonstrated and is considered acceptable. The scheme does not demonstrate an area for servicing and deliveries, however, due to the nature of the use and the private parking facility to the front of the property it is considered that there would be sufficient space for servicing and deliveries within the site that would not be detrimental to highway safety. The scheme is considered acceptable in terms of highway safety.

## 10. **RECOMMENDATION(S)**

That the Committee refuse the application.

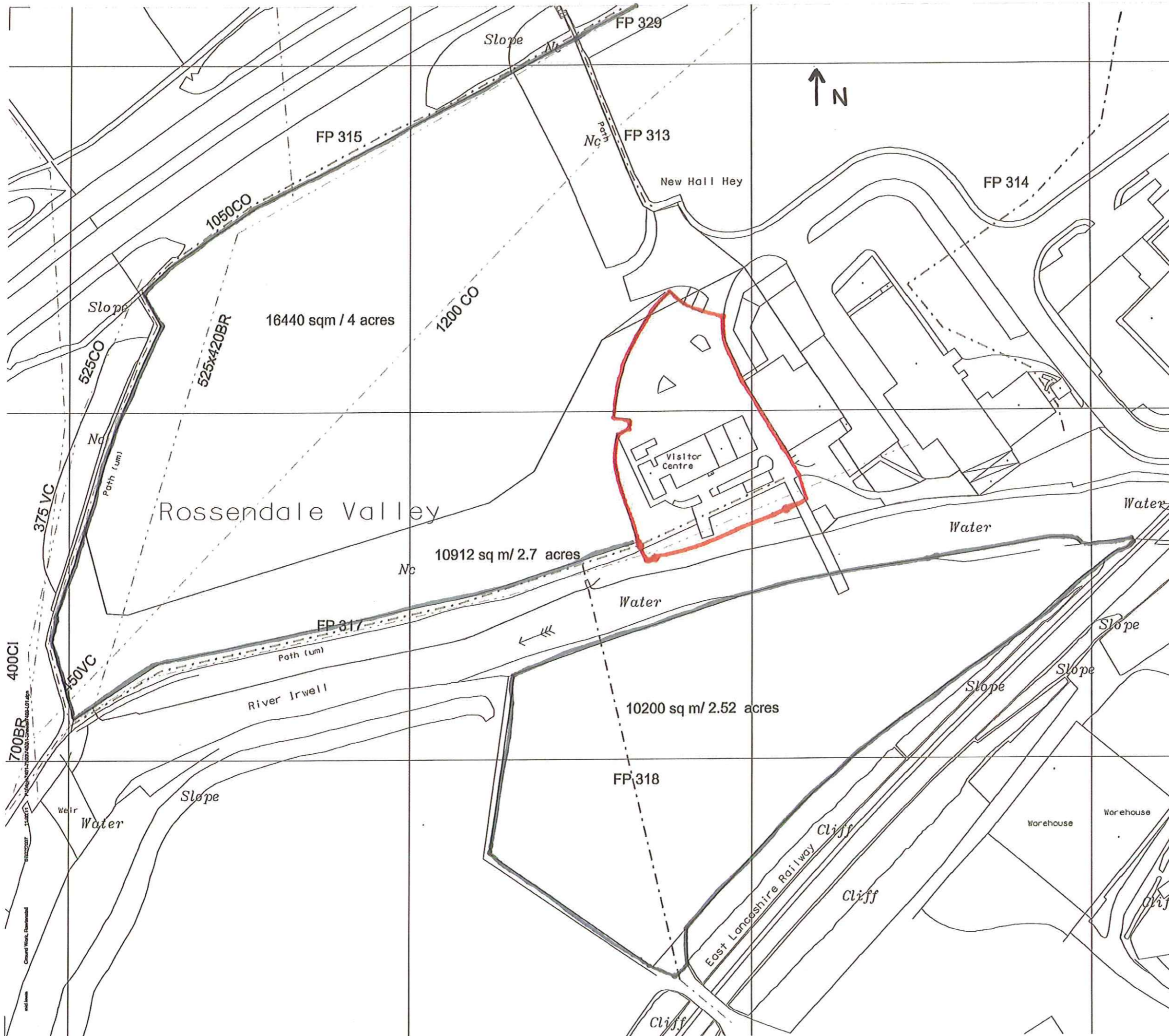
## 11. **REASONS FOR REFUSAL**

1. The applicant has not adequately demonstrated to the satisfaction of the Local Planning Authority that there are no sequentially preferable sites for the proposed use, and has not demonstrated any flexibility in reducing the size or requirements of the use to be accommodated within town centre locations. As such the proposal on this site would significantly harm the vitality and viability of Rawtenstall Town Centre, and would not satisfy the Sequential Test for site selection as stated in PPS6 – Planning For Town Centres. The application is therefore contrary to PPS6 – Planning For Town Centres and the criteria of Saved Policy 16 of the Joint Lancashire Structure Plan.
2. The scheme would reduce the ability to secure employment uses on the site and therefore limit inward investment, resulting in the loss of important employment land within the borough, and by establishing a further retail use outside of the town centre would reduce the focus of retail investment on the Town Centre, thus damaging the vitality and viability of Rawtenstall and is therefore contrary to PPS6 – Planning for

Town Centres and the criteria of Saved Policy 16 of the Joint Lancashire Structure Plan.

<b>Contact Officer</b>	
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Position	Planning Assistant
Service / Team	Development Control
Telephone	01706238639
Email address	richardelliott@rossendalebc.gov.uk

*LOCATION PLAN TO BE PROVIDED  
ATTACH ALL APPENDICES*



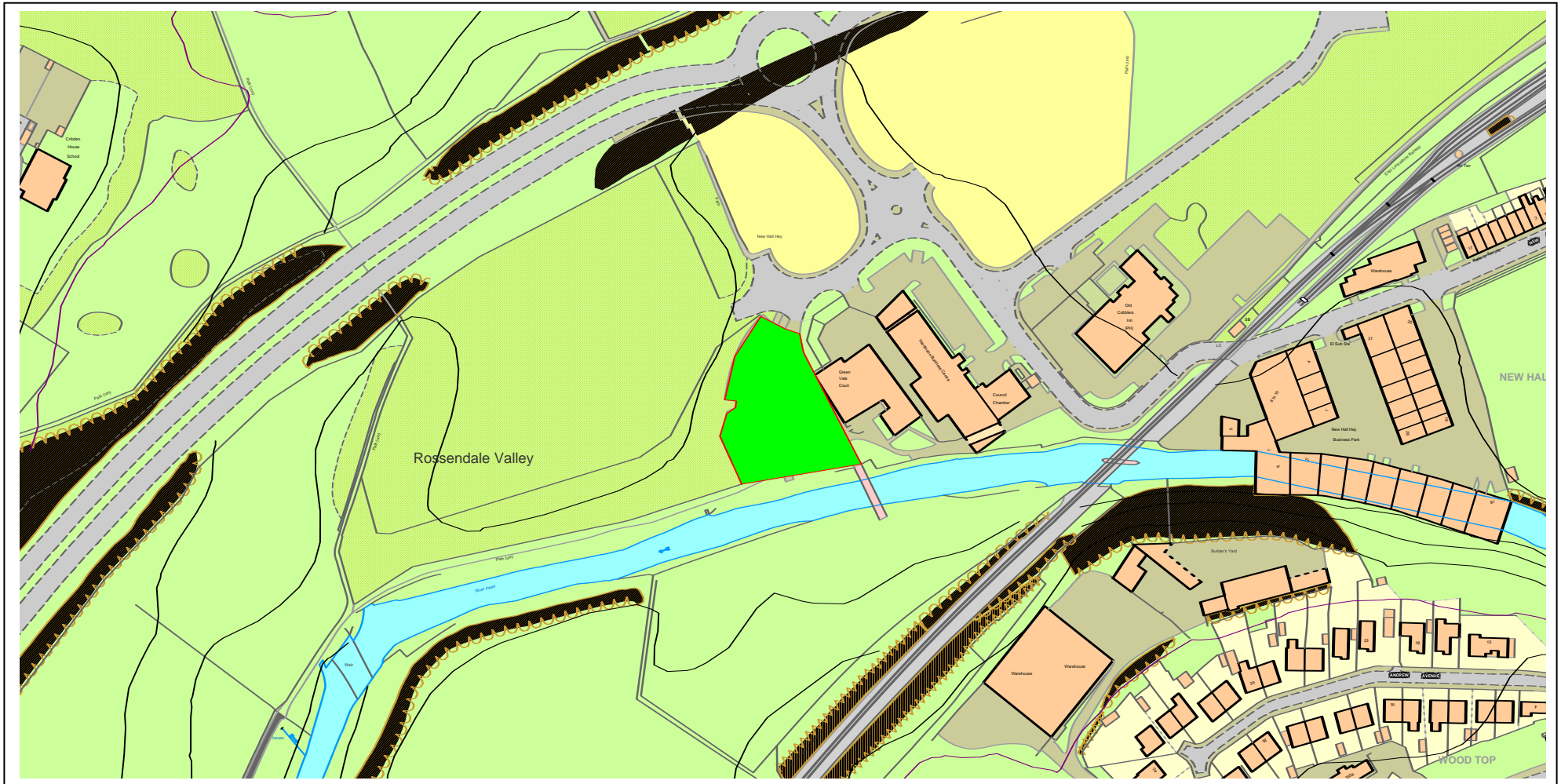
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**SITE SPECIFIC HAZARDS**  
 IN ACCORDANCE WITH THE REQUIREMENTS OF THE CDM REGULATIONS 1991 THE FOLLOWING SIGNIFICANT RESIDUAL HAZARDS HAVE NOT BEEN DESIGNATED OUT OF THIS PROJECT AND MUST BE TAKEN INTO CONSIDERATION BY CONTRACTORS PLANNING TO UNDERTAKE THE WORKS SHOWN ON THIS DRAWING:

REV.	DATE	NOTES	INIT.
PROJECT			
Ground Work			
New Hall Hey			
Rawtenstall			
DRAWING TITLE			
Location Plan			
Indicating Public Footpaths			
and Sewers			
STATUS			
DATE	DRAWN	CHECK	SCALE @ A3
07.02.07	RSL		1:1000
PROJECT NUMBER	UNIT / BLOCK	CI / SPB CODE	TYPE & NUMBER
DRAWING NO.			
7408		L01	
Site Location Plans	L	GA Plans	P
Sections	B	Details	D
		Elevations	E
		Prefix Colour	C
MANCHESTER	LONDON	GLASGOW	LUTON
105 MANCHESTER ROAD			
BURY			
LANCASHIRE			
BL9 0TD			
T. 0161 797 6000			
F. 0161 797 6255			
W. www.rgp.uk.com			
E. first.lastname@rgp.uk.com			

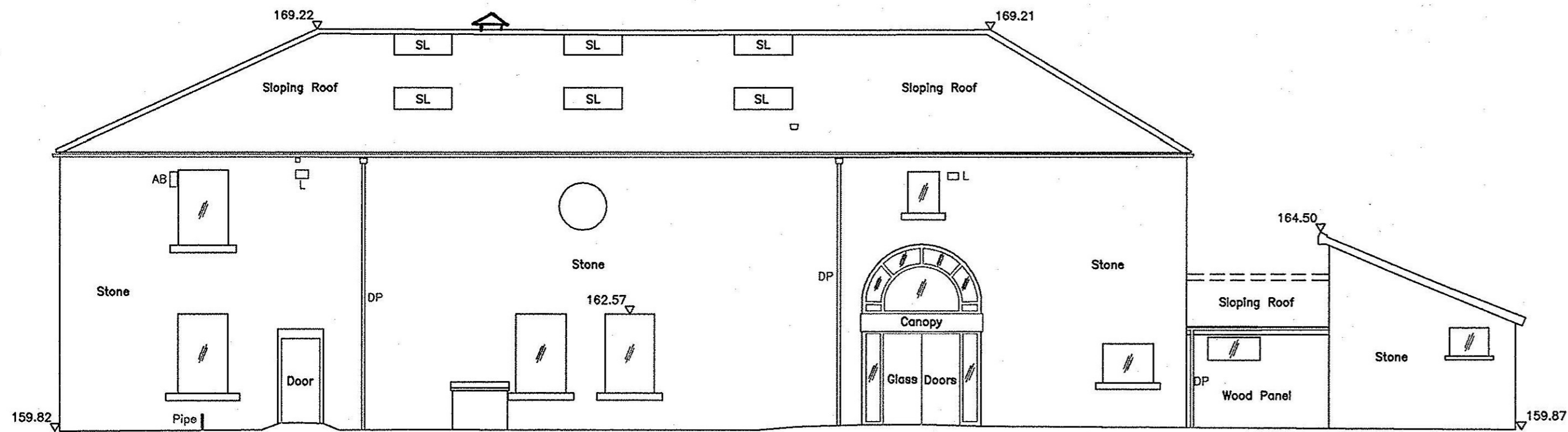


# Location 2008/408



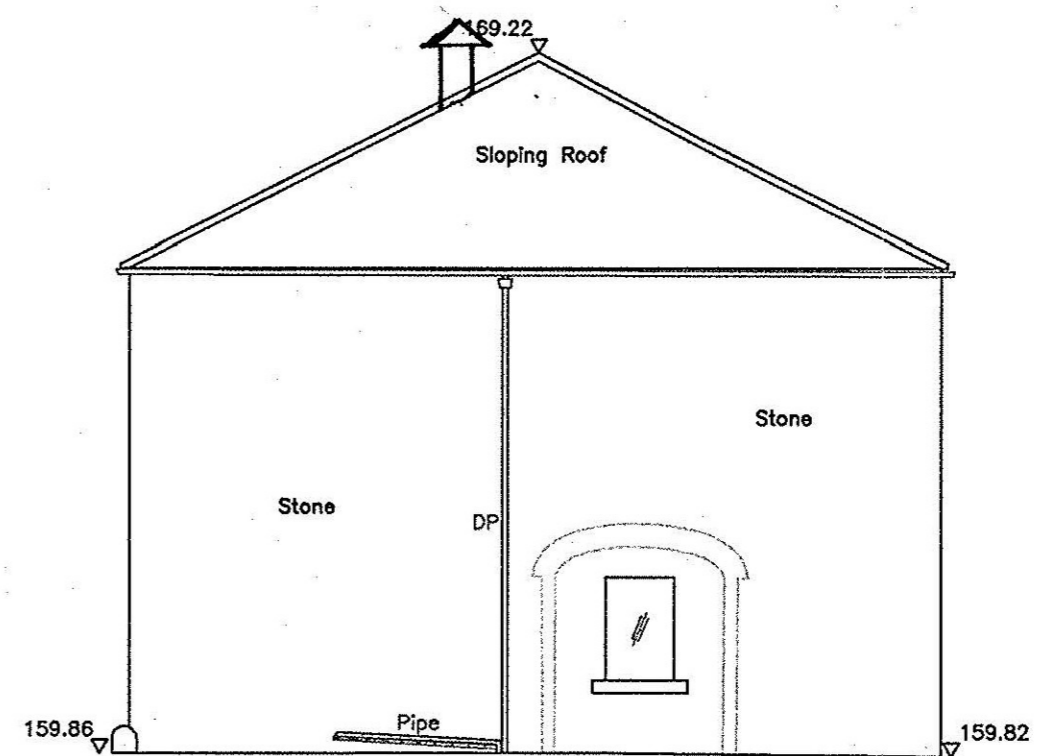
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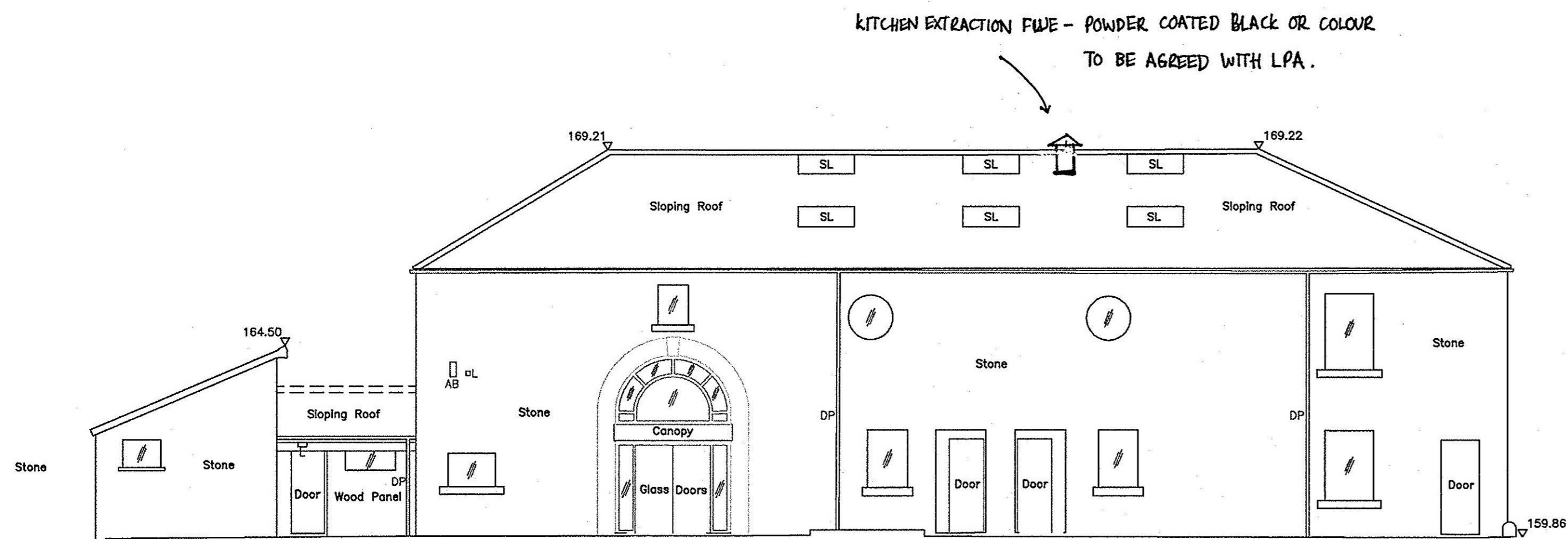
155.00m Above Site Datum 155.00m Above Site Datum

**PROPOSED** NORTH ELEVATION



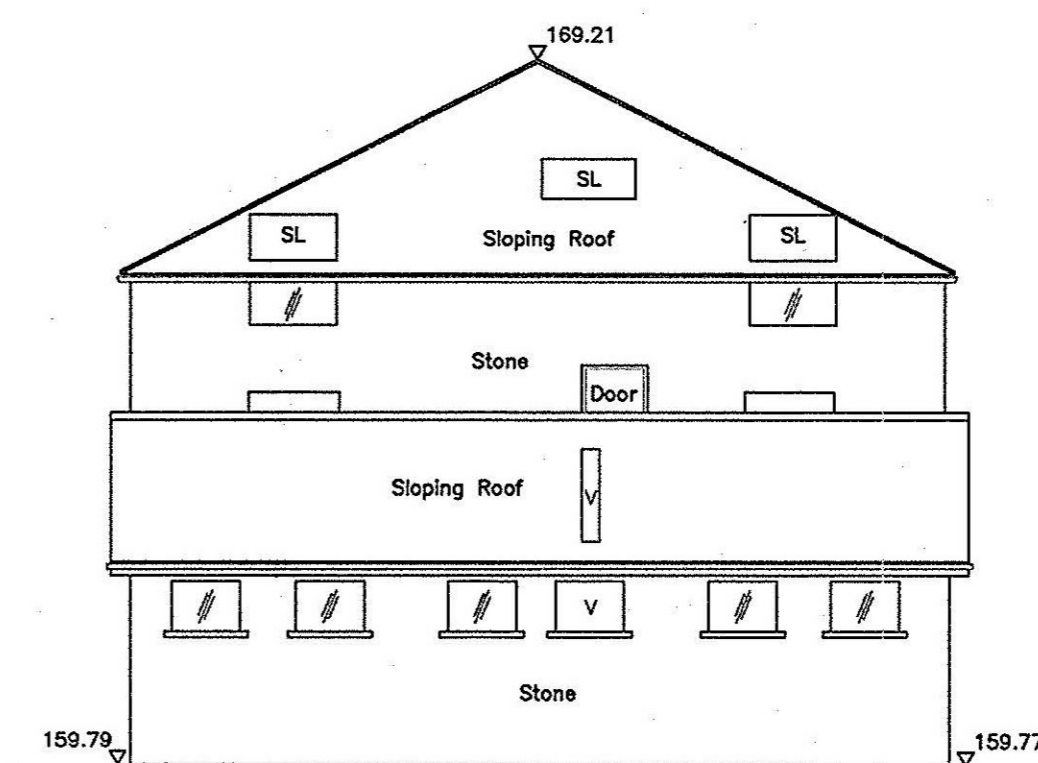
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**PROPOSED** EAST ELEVATION



155.00m Above Site Datum 155.00m Above Site Datum

**PROPOSED** SOUTH ELEVATION



155.00m Above Site Datum

**PROPOSED** WEST ELEVATION

**ABBREVIATIONS**

AB	Air Brick	DH	Duct Height	PRF	Post & Rail Fence
B	Bottom or Bottom Heights	DP	Down Pipe	PWF	Post & Wire Fence
BB	Beltline Beam	EDC	Electricity Control Box	R	Render or Step Rise
BD	Block Drop	ELED	Electricity	RAD	Radiator
BH	Beltline or Beam Height	EP	Electricity Pole	RC	Rodding Eye
BL	Bed Level	FB	Flower Bed	RG	Rough Ground
BR	Brick Borders	FI	Fire Hydrant	RS	Road Sign
BRW	Brick Retaining Wall	FL	Floor Level	RSJ	Roofed Stair Jolt
B	Bus Stop	G	Gully	RWP	Roof Water Pipe
BT	British Telecom	GV	Gully Valve	S	Flag
BTB	BT Control Box	H	Height in Metres	SC	Stop Cook
BW	Brick Wall	H	Floor to W Head Height	SL	Scott Level or Skyline
BWF	Barbed Wire Fence	HT	Height	SP	Arch Spigot Height
CC	Concrete	IC	Inspection Cover	SS	Stone Railing Stone
CB	Control Box	IL	Invert Level	SW	Stone Wall
CBF	Close Boarded Fence	IRF	Iron Rolling Fence	TSU	Traffic Sign
CBW	Concrete Block Wall	IRF	Iron Rolling Fence	T	Top Heights
CCB	Cable TV Control Box	KB	Keel Bolt	TL	Top Light
CCF	Corrugated Iron Fence	L	Light	TP	Telephone Pole
CD	Column	LP	Lamp Post	TPS	Traffic Parking Sign
CLF	Chain Link Fence	MH	Manhole	UTL	Unable To Lift
CLSF	Chain Link Security Fence	MOR	Marker	V	Vent
CP	Concrete Panel Fence	OV	Over Flow Pipe	VP	Vent Pipe
CPS	Arch Crown Stone	O/H	Overhead	W	Wall or Window
CPW	Concrete Paving Stone	P	Post	WL	Water Level
CS	Arch Crown Height	PALF	Palisade Fence	WM	Water Meter
CSW	Concrete Retaining Wall	PF	Pipe Fence	WMF	Wire Mesh Fence
CSU	Celling Slope Up	PL	Pavement Light	WP	Wooden Panel Fence
CTV	Cable Television	PL	Pavement Light	WV	Water Valve
CW	Concrete Wall	PM	Parking Meter	Ø	Diameter
D	Diameter of Doors				

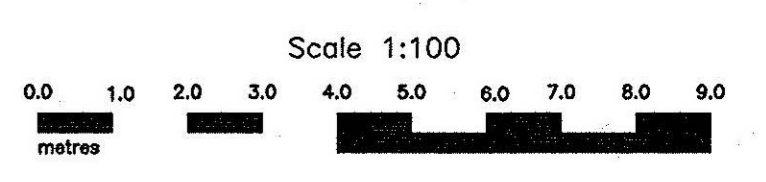
**LEGEND**

All Arrows Point Up, Unless Stated

Issue	Details	By	Chk'd	Date

**SHEET LAYOUT**

**NOTES**  
 ALL LEVELS ARE IN METRES BASED UPON ORDNANCE DATUM  
 ALL MEASUREMENTS ARE TO TAKEN TO THE WALL FINISH  
 AT THE TIME OF SURVEY



**CLIENT**  
 HURSTWOOD DEVELOPMENTS  
 LINK 665 BUSINESS CENTRE  
 A56, ROSSENDALE  
 LANCASHIRE BB4 5HU

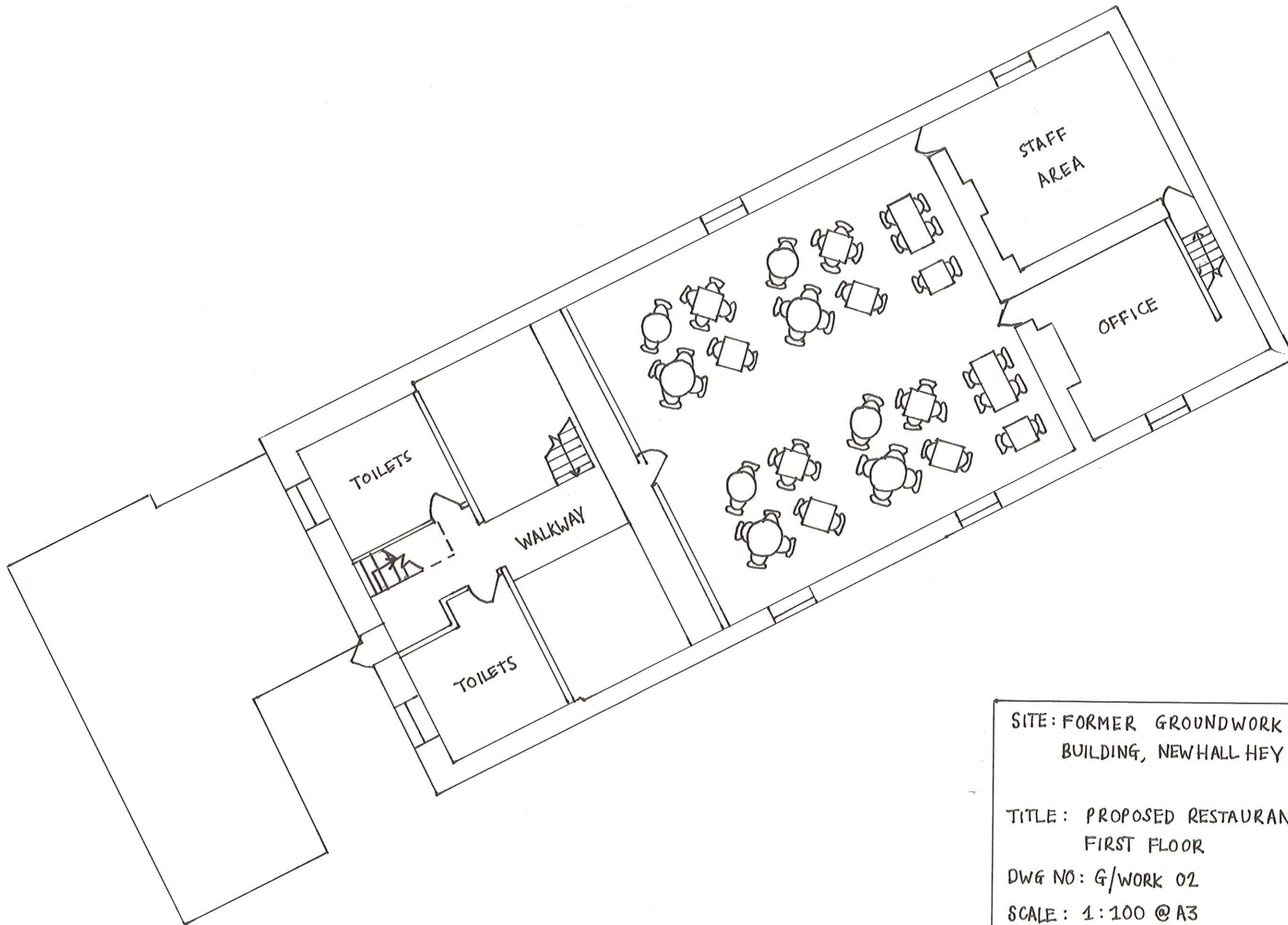
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<b>DATE OF ISSUE</b> APRIL 2007	<b>© A1</b>	

**TITLE**  
 GROUNDWORK ROSSENDALE  
 NEW HALL HEY ROAD  
 RAWTENSTAL

<b>ELEVATIONS</b>	
<b>DRAWING No.</b> PS-0353-05	<b>ISSUE</b> 001
SHEET 1 OF 1	

**PARAGON SURVEYS**  
 Chartered Surveyors  
 GEOMATICS: Land & Engineering Surveyors

292 Wood Lane  
 Heskin, Chorley  
 Lancashire  
 PR7 5NT  
 Tel: (01257) 453200  
 Fax: (01257) 453211  
 Email: post@ParagonSurveys.co.uk



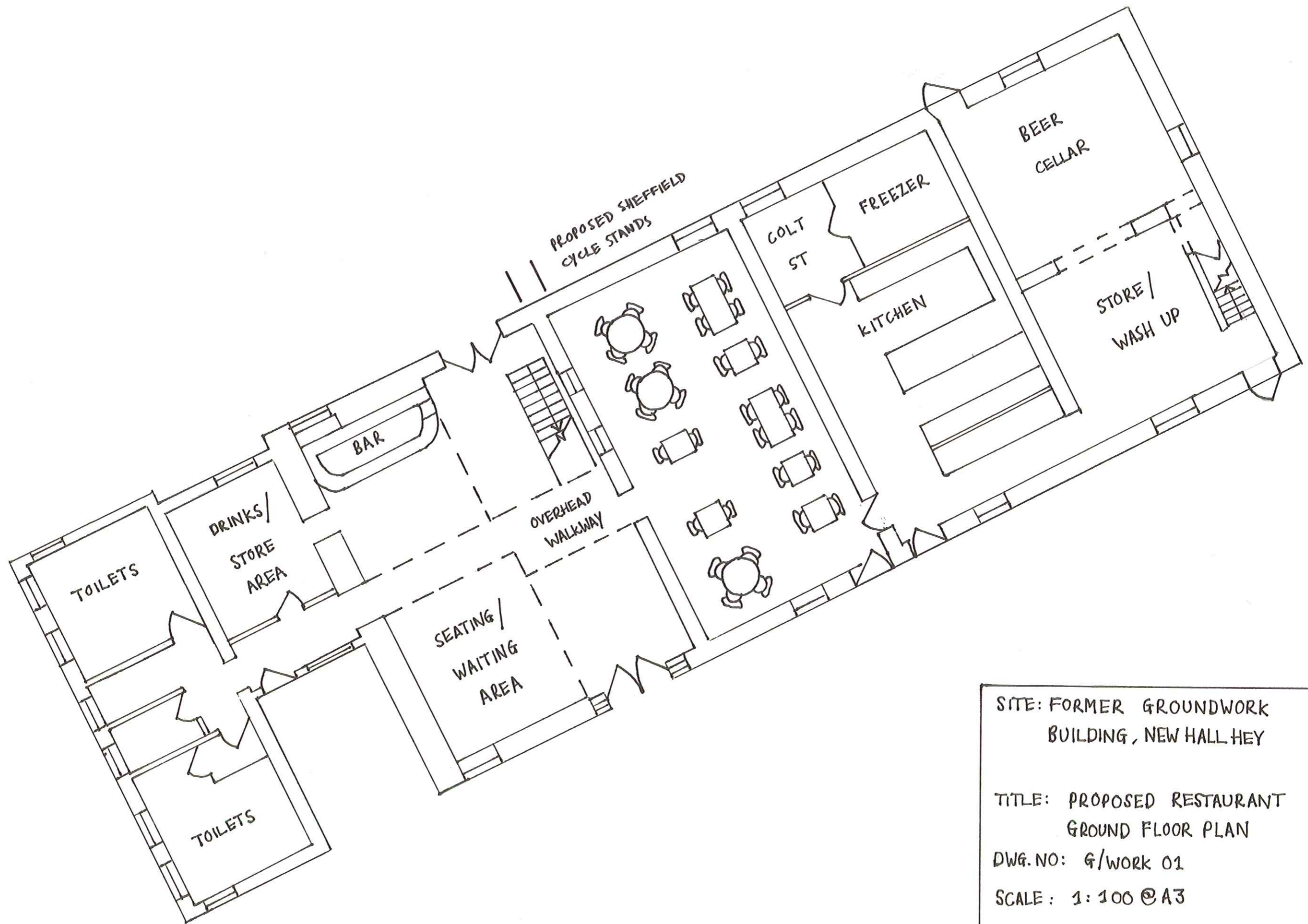
SITE: FORMER GROUNDWORK  
BUILDING, NEWHALL HEY

TITLE: PROPOSED RESTAURANT  
FIRST FLOOR

DWG NO: G/WORK 02

SCALE: 1:100 @ A3

DATE: MAY'08



SITE: FORMER GROUNDWORK BUILDING, NEW HALL HEY

TITLE: PROPOSED RESTAURANT GROUND FLOOR PLAN

DWG. NO: G/WORK 01

SCALE: 1:100 @ A3

DATE: MAY '08