

**Application No:** 2008/0434

**Application Type:** Full Application

**Proposal:** Change of use from social Club to restaurant, with associated external alterations (resubmission of application 2008/0216) 24 hour opening proposed

**Location:** Former Servicemens Club  
12 Bury Road,  
Rawtenstall

**Report of:** Planning Unit Manager

**Status:** For Publication

**Report to:** Development Control Committee

**Date:** September 2008

**Applicant:** Mr P Massafra

**Determination Expiry Date:**  
13 August 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 2005/617 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
- 2.4 2008/0216 Change of use from social club to restaurant, with associated external alterations.  
Approved with conditions which included condition no.5 to restrict the hours of opening to 11.30am to 24.00pm daily.

### **3. The 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. There are no differences between this application and the previously approved application 2008/0216, apart from the proposed change in opening hours from between 11.30am and 24.00 pm daily, to 24 hour opening.

### **4. Policy Context**

- 4.1 **National Planning Guidance**  
PPS1 - Delivering Sustainable Development  
PPS6 – Planning for 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) – Saved Policies

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) – Saved Policies

DS1 - Urban Boundary

HP2 – Conservation Areas

DC1 - Development Control

DC4 - Materials

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 Environmental Health

Would not support the proposed 24 hour opening . Would want to restrict the hours of opening in order to prevent night time noise nuisance. Providing the flue is constructed to the proposed specification, and all activated carbon filters, pre-filter, and grease filters are adequately maintained, no odour nuisance will be caused to adjacent properties/neighbouring properties.

#### 5.2 **EXTERNAL CONSULTATIONS**

##### LCC(Highways)

No Highway's Comments

### 6. **REPRESENTATIONS**

6.1 A press advertisement was placed in the 11<sup>th</sup> July edition of the Rossendale Free Press; a site notice was posted on and 39 neighbours were notified of the

application by way of a letter 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.

A 6-signature petition has been received objecting to the opening hours beyond 11pm and 3 separate letters of objection have been received objecting to the proposal on the following grounds:

- Lack of parking
- Opening hours unacceptable
- Odours.
- Noise

## **7. REPORT**

7.1 As this application only differs from the previously approved application (2008/0216) in one respect, this report will be largely unchanged from the report brought before Members previously. As such the main consideration of the application is the impact of the proposed 24 hour opening on residential amenity.

### **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 considered 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 was consulted on the previous application and 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, 2007/174 and 2008/0216 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 Residential Amenity

The application has been assessed by the RBC Environmental Health Department. They considered the ventilation and extraction system acceptable, providing they are adequately maintained. RBC Environmental Health – Food Section had 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 as per application 2008/0216.

The application site is located close to a residential area, it is considered important to assess the impact of the scheme on the neighbouring properties. No concerns were raised from objectors with regards to the previously stated opening hours, however, a petition has been received against the proposed 24 hour opening. The impact of noise resulting from people leaving the premises in the early hours of the morning, at a time when there would be little background noise, would be considered to cause an undue detriment to local residents and detract to an unacceptable extent from the residential amenity.

Consequently it is considered appropriate to impose a condition restricting the hours of use. It was considered previously that the hours of 11.30am until 24.00pm was acceptable for the area. Discussion have been held with Environmental Health; it has been considered that any greater increase in opening hours over the hours previously conditioned would be unduly detrimental to the amenities of local residents. Accordingly a condition is recommended to be imposed on the current application to restrict the hours of opening from 11.30am until 12.00pm daily.

### 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 previously approved scheme. The proposed scheme would not have a materially greater impact on highway safety than the 2008/0216. Taking the above factors into consideration the scheme is considered acceptable in terms of highway safety.

### Update

The application does not include level access to the front entrance to Bury Road, however, there is scope to allow entry to people in need of a level entry to the side of the building.

## **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 and would therefore be acceptable pursuant to PPS1 - Delivering Sustainable Development, PPS6 – Planning for Town Centres, Saved Policy 1 - General Policy, Policy 7 – Parking, Policy 16 - Retail, Entertainment & Leisure Development of the Joint Lancashire Structure Plan and Saved Policies DC1 – Development Criteria and DC.4 Materials of the adopted Rossendale District Local Plan.

## **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 numbered 7336:13 and 7336:14: Revision A  
*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. Prior to the commencement of use of the development hereby approved full details of the fume extraction and filtration system to be installed at the premises (notwithstanding any such details previously submitted) shall be 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 Saved Policy DC1 of the adopted Rossendale District Local Plan.*

5. The premises shall not be open for business outside the hours of 11.30am to 24.00 pm daily.

Reason : To safeguard the amenities of occupiers of nearby residential accommodation, in accordance with Saved Policies DC1 – Development Criteria of the adopted Rossendale District Local Plan.

6. 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 Saved Policy DC1 - Development Criteria of the adopted Rossendale District Local Plan.*

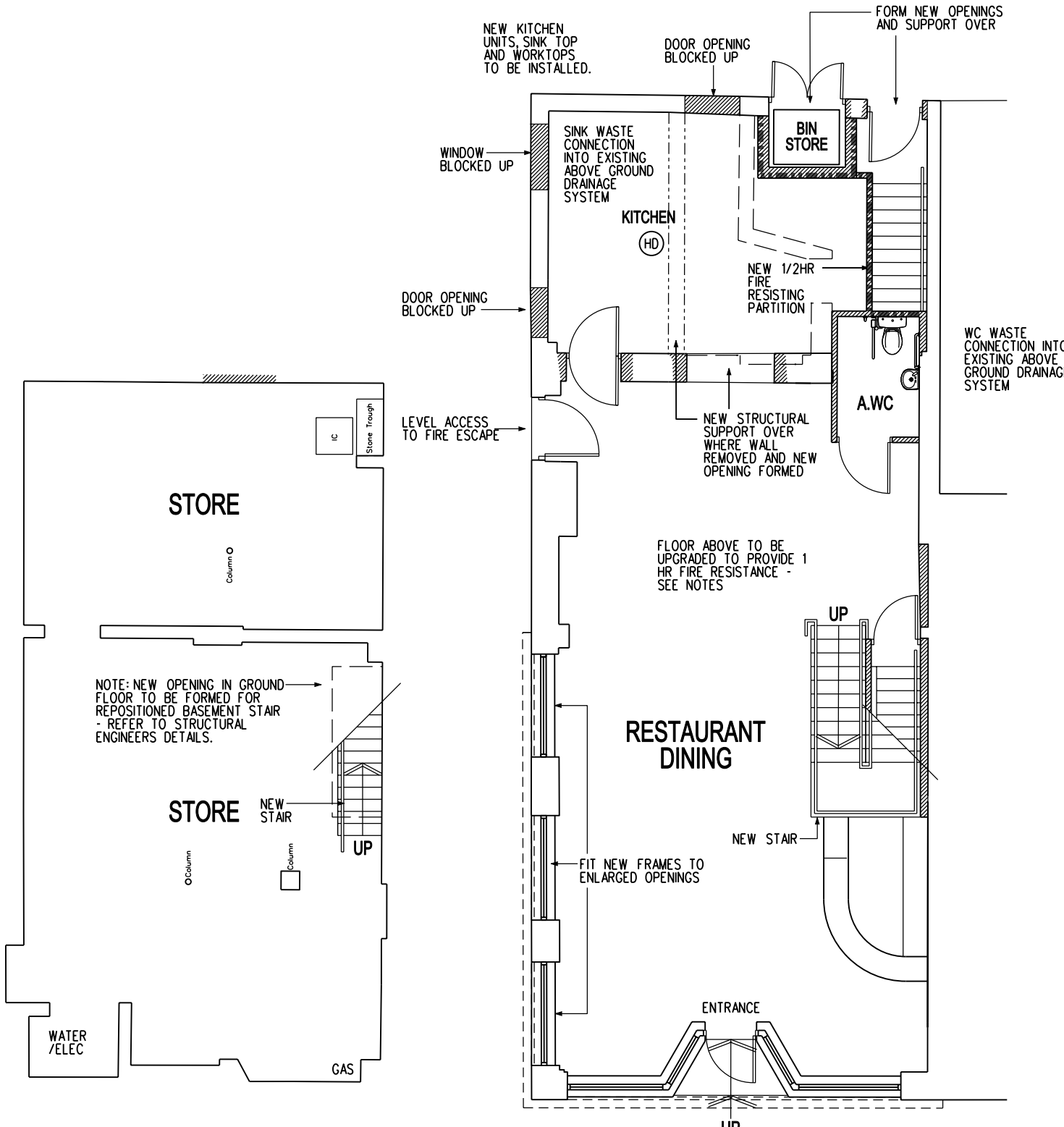
<b>Contact Officer</b>	
Name	Richard Elliott
Position	Planning Assistant
Service / Team	Development Control
Telephone	01706 238639
Email address	richardelliott@rossendalebc.gov.uk



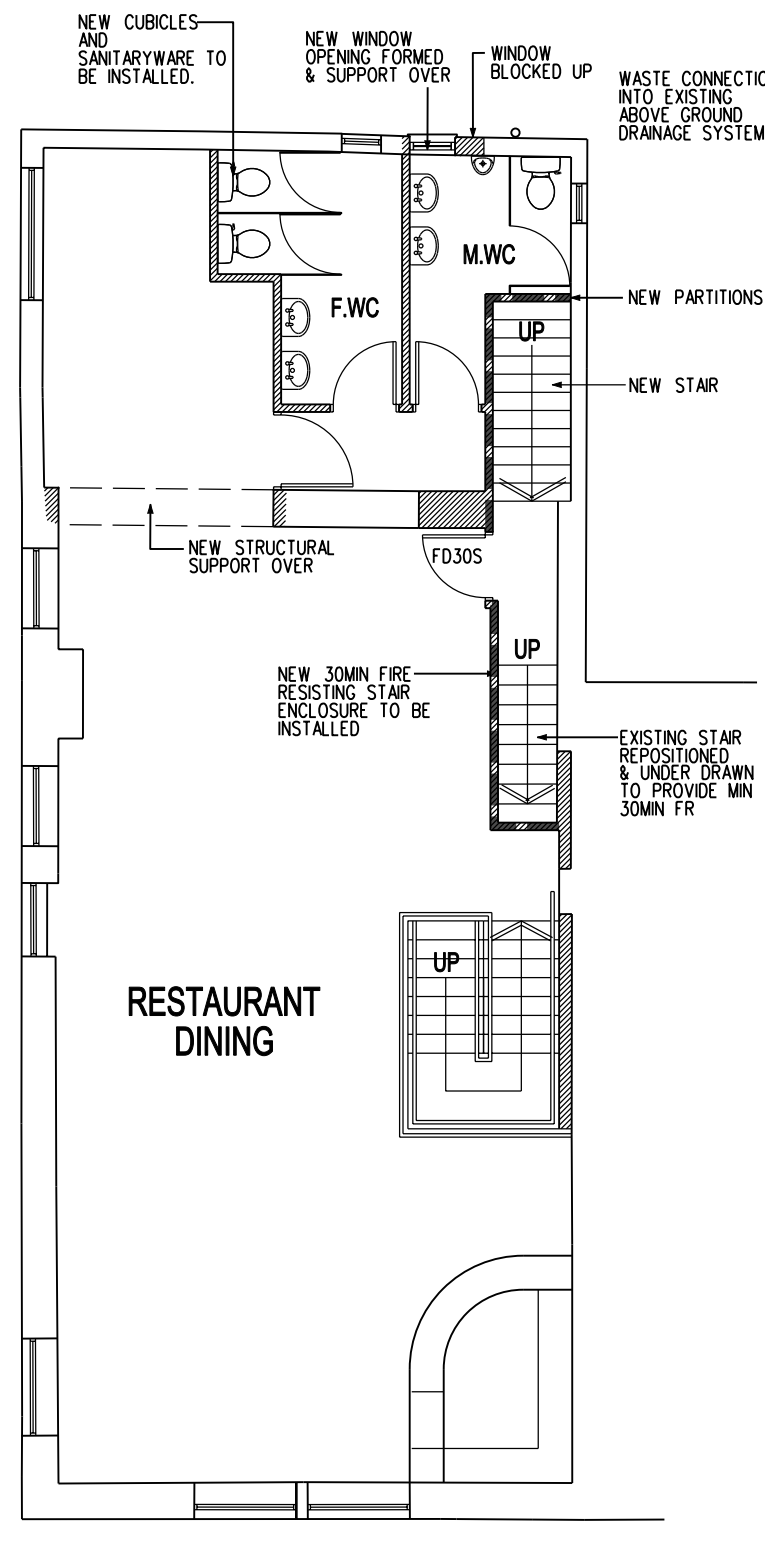
# SURVEY INFORMATION TAKEN FROM PARAGON SURVEYS DRAWINGS PS-0315-01 TO 05.

JOIST SPANS TO BE DETERMINED. STRUCTURAL ENGINEER TO CHECK REMOVAL OF ALL WALLS AND DETAIL SUPPORT BEAMS ETC.

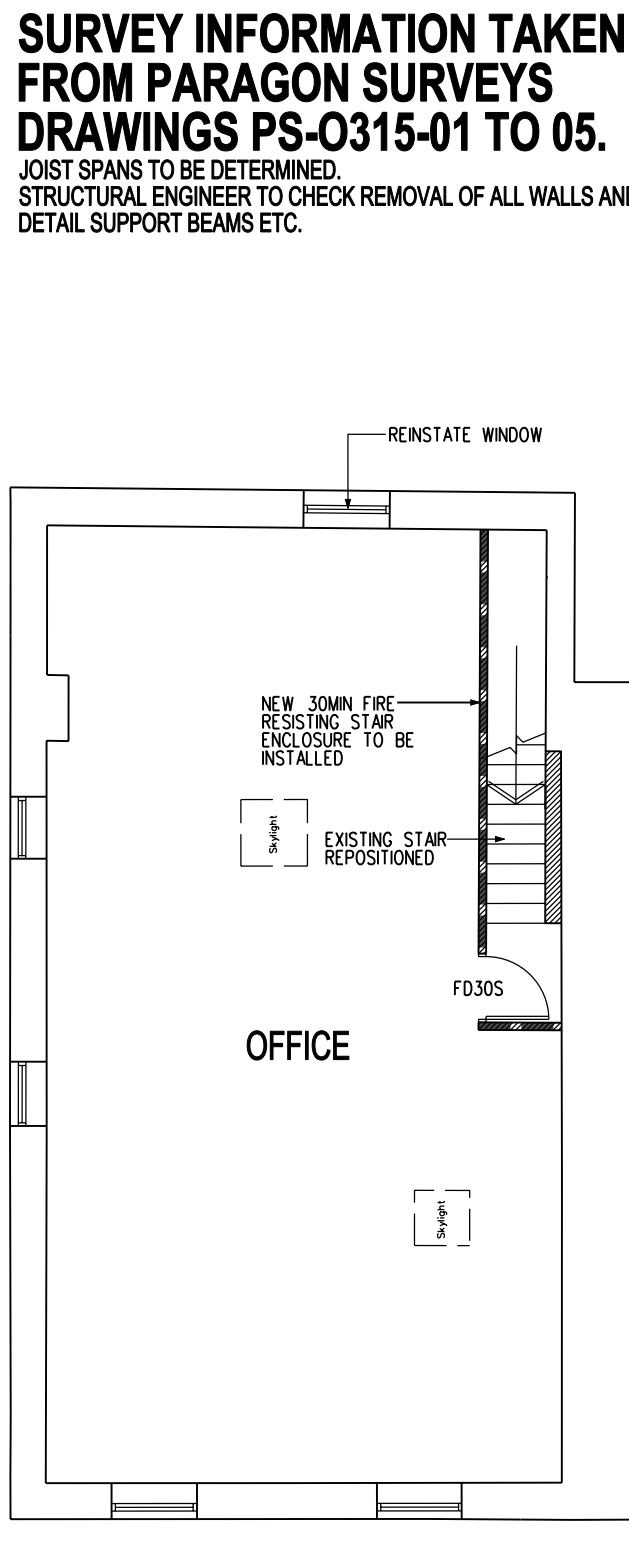
**GENERAL NOTES:**  
 All materials and construction works are to comply with current BS / EN standards & codes of practice, Building Regulations, schedule 8 and specifications. All materials and proprietary goods shall be suitable for their purpose and shall be stored, mixed and fixed in accordance with the manufacturer's instructions and specifications. The contractor shall take account of everything necessary for the proper and safe execution of the works to the satisfaction of the building inspector, whether indicated or not on the drawings.  
 It is the responsibility of the contractor to familiarize himself with the site and building prior to pricing or carrying out the works. All existing electrical and plumbing pipe work (with central heating) are to be adjusted where necessary, and all new requirements (eg. number and position of sockets and radiators etc.) are to be agreed with the client and are to comply with the current I.E.E. regulations, North West water byelaws and Corgirequirements. All pipe work is to be insulated.  
**Demolition / strip-out:**  
 Strip out existing internal walls, partitions, staircases, doors and windows as indicated. Strip out existing plumbing, electrics, gas supply etc & completely renew to current standards. Carry out specialist inspection if required for timber infestation and defects, and make good to suit specialist report.  
**External walls:**  
 Windows and doors to be blocked up as indicated, cavity construction to match existing. Cavity to be partially filled with 50mm Kingspan TW50 cavity bats.  
**Wall ties:**  
 All wall ties to be stainless steel general duty wall ties, tested to BS 2628 dd part 140 : part 2 1987. Ties to be located at 450mm centres vertically and 750mm horizontally and are to be laid sloping towards outer leaf in external walls. Minimum 50mm of tie to be embedded in each leaf, to be used at every block course vertically at openings and at movement joints.  
**Studwork walls:**  
 Internal studwork walls to comprise of 100 x 50mm softwood studs or proprietary metal stud partition system (gyp frame or similar) with Rockwool cavity insulation, with 15mm plasterboard and skim finish. All rises to have galvanised steel angle beads prior to plastering. 12.5mm moisture resistant plasterboard with skim finish to be provided to kitchen and WCs to BS 1230 p1:1985. NOTE: the above construction achieves 30 min fire resistance  
**New floor construction:**  
 New floors where indicated to consist of 25mm softwood 1&g boards, fixed to treated softwood timber joists to BS 5268 part 2. All joist sizes and centres to be in accordance with structural engineer's drawings. Joists to be built into walls at maximum 400mm centres. Joists to be strapped to parallel walls at 2m centres using 30 x 5mm galvanised mild steel straps over minimum 3 joists. 2 x 12.5mm British Gypsum Fireline board to the underside. Installed to manufacturer's instructions. 1hr fire resistance required.  
**Roof insulation**  
 Tri-iso Super 10" insulation by Actis UK to be stapled to underside of rafters (minimum 25mm air space to be maintained above insulation) with 38 x 25mm treated softwood battens to underside of insulation (all to manufacturer's instructions), plasterboard and plaster skim finish.  
**Flat roof**  
 Limestone chippings in bitumen on 3 layers high performance roofing felt to bs747 on 3G base layer on Kingspan Thermafoam TR31 comprising a min 6mm WBP exterior grade plywood upper facing bonded to a 86mm thick CFCHFC-free rigid insulation urethane core with a lower facing of low emissivity composite foil, installed to manufacturer's instructions on vapour proof non-setting grade mastic sediment applied continuously to upper surface of joists / firings / noggins. SW firings laid to a min 1:60 fall on all roof joists. Joists strapped to wall using 30 x 5 mm galv ms straps at 1.8m centres with SW noggins between joists. 19mm thick sw treated fascia boards. Timber upstand with sw bit labels, felt to well and top joint over. At gutter, dress felt over spacing batten fixed to fascia, felt to drip into gutter.  
**Flashing's**  
 All roof / wall abutment provide code 4 lead flashing's, treated with patination oil. 150mm min cover. 150mm min laps. 25mm into existing brickwork joint with lead joint wedges and clips (bottom edge) at 500mm max centres and pointed with caulking compound. Max sheet lengths 1500mm.  
**Damp proof course / cavity closer's:**  
 Horizontal damp proof course to be provided to new ground floor walls (internal and external) at minimum 150mm above external ground level. With joints lapped minimum 150mm. Vertical dpc of 225mm width to be used at all cavity closure situations and to project minimum 25mm into opening. All DPC's to be to BS 5628 : part 3 : 1985 & BS 8215 : 1991. 'Thermabate' or similar approved proprietary insulated cavity closer's to reveals, to manufacturer's recommendation, and one piece cavity trays with stop ends and weepholes at 450 mm centres.  
**Lintels to External Walls:**  
 Proprietary galvanised steel insulated lintels (i.g. or similar) to suit wall thickness/cavity design and to suit load conditions, with minimum end bearing of 150mm. Cavity trays over all lintels. U.B's over openings supporting beams as indicated on plans to structural engineer's details.  
**Ventilation :**  
 Opening lights and doors to provide rapid ventilation equal to not less than 1/20th of habitable room area. Trickle vents to window heads, lockable limit stays fitted to opening lights or airbricks with hit & miss ventilator to provide background ventilation equal to max. 35,200 sq.mm per habitable room and 4000 sq.mm elsewhere. Mechanical extract ventilation to provide 6litres/sec or 3, or changes per hour to wcs. Extract ventilation to be ducted to external with insulated ductwork, condensation traps and pipework.  
**General notes:**  
 All materials and construction works are to comply with current BS / EN standards & codes of practice, Building Regulations, schedule 8 and specifications. All materials and proprietary goods shall be suitable for their purpose and shall be stored, mixed and fixed in accordance with the manufacturer's instructions and specifications. The contractor shall take account of everything necessary for the proper and safe execution of the works to the satisfaction of the building inspector, whether indicated or not on the drawings.  
 It is the responsibility of the contractor to familiarize himself with the site and building prior to pricing or carrying out the works. All existing electrical and plumbing pipe work (with central heating) are to be adjusted where necessary, and all new requirements (eg. number and position of sockets and radiators etc.) are to be agreed with the client and are to comply with the current I.E.E. regulations, North West water byelaws and Corgirequirements. All pipe work is to be insulated.



**GROUND FLOOR**  
 FOR SHOP FRONT DETAILS SEE DRC. 7336-03



**SECOND FLOOR**

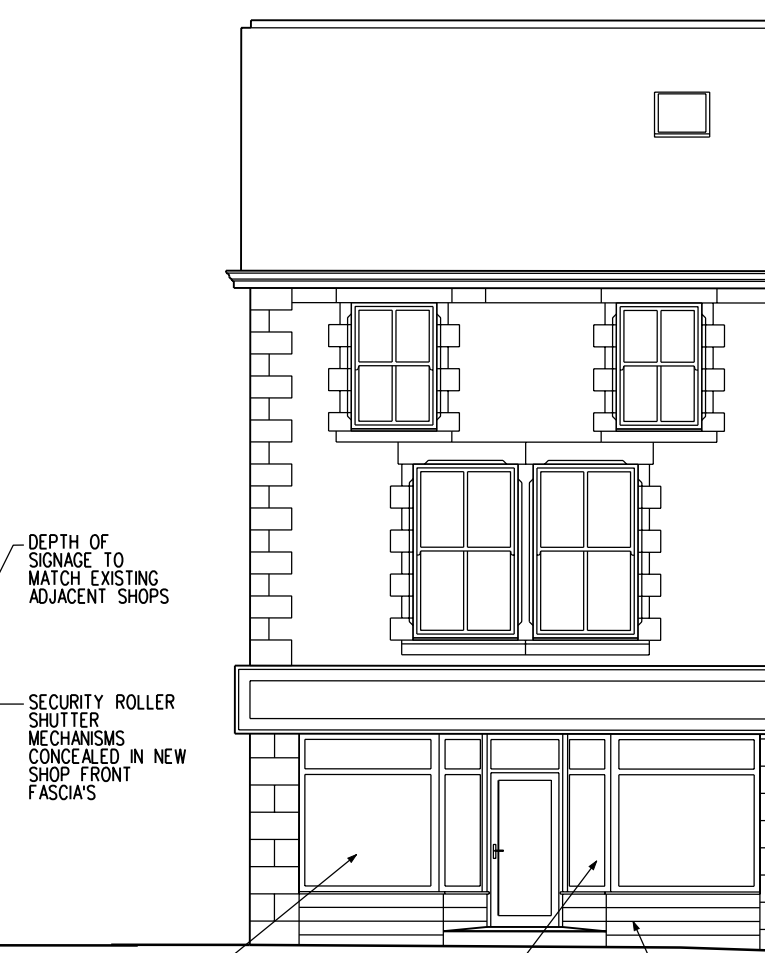


**STAIRCASES:**  
 New staircases to be fabricated of timber to BS 585 part 1 (struct. Eng. to confirm suitability of existing structure to take loads from new stairs). Stairs to have a min. Clear width of 1000mm, with closed riser construction unless noted otherwise. Basement stair to have a minimum width of 800mm, maximum pitch of 42deg:rise of 194mm and going of 220mm (to be checked on site). Ground to first escape stair to have a maximum pitch of 42deg:rise of 216mm and going of 240mm (to be checked on site). Actual rise to be confirmed by contractor prior to staircases being manufactured. Landings to be no less than clear width of stairs. Landing handrails to be minimum 100mm above finished floor, handrails to be minimum 900mm above pitch line, headroom to be minimum 2000mm throughout.  
**Accessible WC**  
 New, unisex wheelchair accessible WC cubicle to be installed in position indicated in accordance with Part M Sections 5.8 to 5.10 diagram 18.

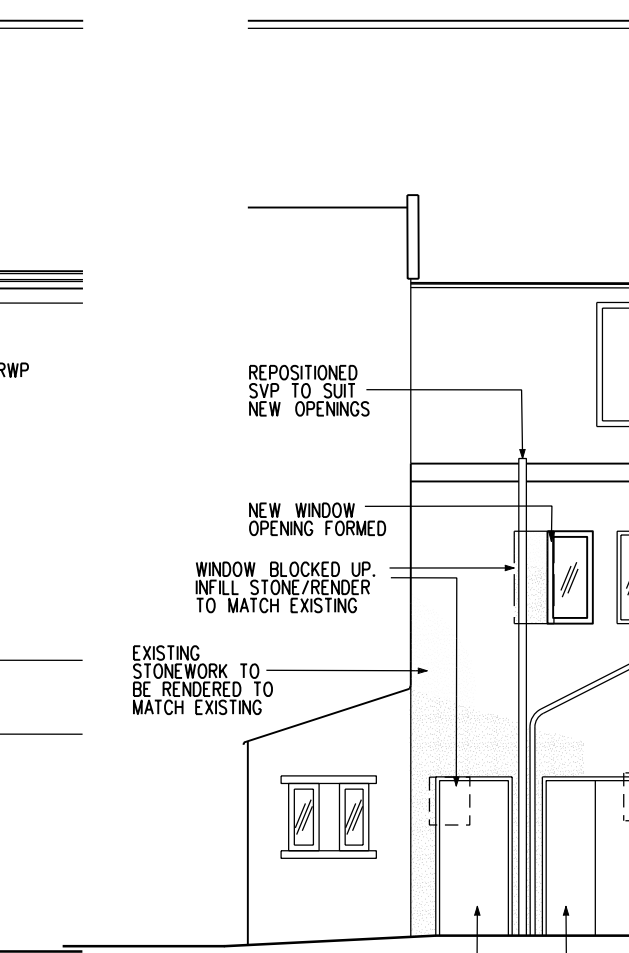
**External drainage :**  
 As existing.  
**Internal drainage :**  
 All internal foul water drainage to comply with document H1, route to be agreed on site. All fittings and accessories to be of a proprietary UPVC system to BS 4514 and BS5255, all sized and fitted to BS 5572 and BS 8301. All pipe runs to be accessible for rodding; all waste runs over 4m in length to main stacks are to be vented to prevent syphonic action or have Durg's where appropriate. Waste pipes to be 100mm dia from WCs, 30mm dia from sink, 32mm dia from wash hand basins, to run into 110mm dia UPVC soil and venting pipe system. 110mm UPVC solid vent pipes (SVP's) to BS 5572 to be vented to free air or via air conditioning valves fitted above spill-over level of highest appliance. SVP's at head of drainage run to be taken out through to exterior air with terminal vent cage min. 900mm above any window opening vent. All SVP's to have rodding point 300mm above GF level. Proprietary sealing system, which has been shown by test to maintain the fire/sound resistance of the floor to be provided where the SVP penetrates any compartment floor, or contained in fire resisting and sound insulating enclosure to detail.  
**Glazing :**  
 All new external doors and windows are to be fitted with double glazed units and filled with draught stripping to attain a minimum U value of 2.0 w/m2K. Any glazing in doors and in side panels below 1500mm and within 300mm of either side of all doors, and glazing in windows within 800mm of internal floor level to be toughened or laminated safety glazing to BS 6206:1981. Obscure glazing to be to clients approval.  
**Electrical / gas :**  
 All electrical work is to be carried out to the requirements of part P (electrical safety) i.e. designed, installed, inspected and tested by a person competent to do so in accordance with BS7671 (a member of CPS or NICEIC or ECAI). Electrical installation certificate to be submitted on completion of works. All gas heating works to be carried out by Corgiregistered contractor. Replacement heating system if gas to include for new condensing boiler and new electrical scheme to incorporate energy efficient lighting (refer to M&E contractor's drawings for detailed information).  
**Fire safety notes:**  
**Internal walls:**  
 Existing / new internal walls indicated upgraded to meet 1/2hour fire resistance: ---  
**External personnel doors:**  
 Escape doors to be fitted with panic release device to open without a key. Doors to have fire exit signage and emergency light overhead and open onto level landing.  
**Internal doors:**  
 To be FD30S where indicated and be to be fitted with self closing device and have intumescent strips incorporating smoke seals and have fire safety sign slating "fire door keep shut" fitted on both sides of the door. Any locks to be operable from within the room without a key.  
**Vision panels:**  
 Vision panels to all doors on circulation routes including main entrance doors to have at least minimum zones of visibility between 500mm and 1500mm above F.F.L., if necessary interrupt between 800mm and 1150mm above the floor, eg. to accommodate intermediate horizontal. Fire doors to have georgion safety wired glass.  
**Surface linings:**  
 Surface linings (including any suspended ceilings) to walls and ceilings to be class 0 to all circulation areas and class 1 elsewhere.  
**Emergency lighting:**  
 Emergency lighting and internally illuminated exit / fire exit signs to be installed in accordance with BS 5266 : part 1.  
**Fire detection:**  
 Mains operated interconnected self-contained smoke alarms to be installed in accordance with BS 5839. Smoke alarms to be minimum L1 standard, permanently wired to a separate fused circuit at the distribution board to IEC regulations. Emergency heat detector to be fitted to kitchen areas as shown indicated by HD).  
**Heating & ventilation:**  
 To be as mechanical and electrical engineers design and specifications all in accordance with current legislation.



**FRONT ELEVATION**



**REAR ELEVATION**



**REAR ELEVATION**

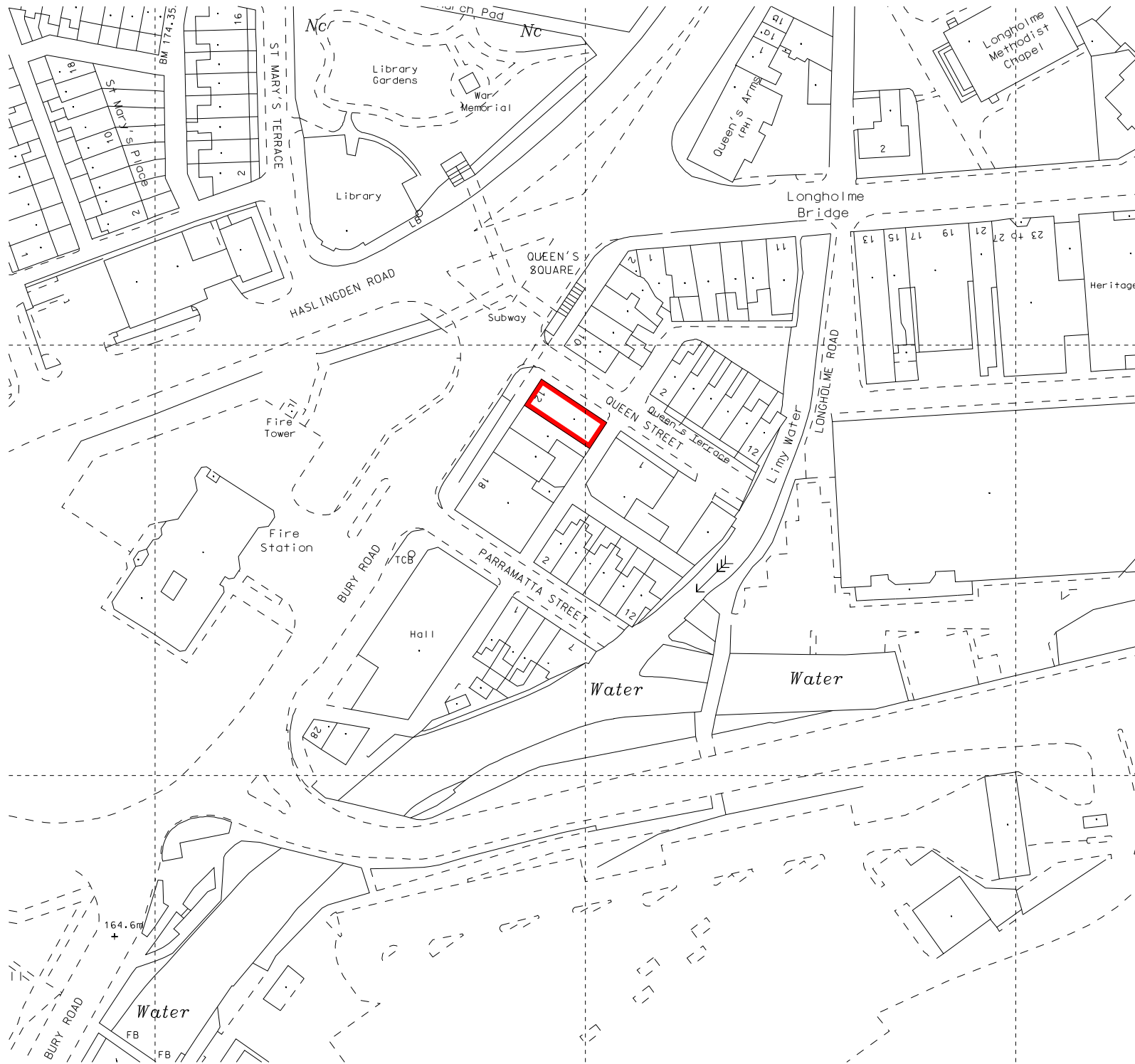
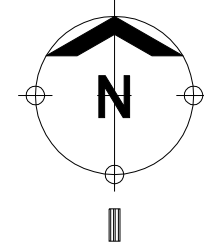
REV A 14/03/07	BUILDING REGS NOTES ADDED	AJP	
REV DATE	NOTES	INIT.	
CLIENT / PROJECT			
SAILORS & SOLDIERS CLUB 12 BURY NEW ROAD RAWTENSTALL			
DRAWING TITLE			
PROPOSED PLANS AND ELEVATIONS OPTION SIX			
STATUS			
PLANNING			
DATE	DRAWN	CHECK	SCALE @ A2
09.08.07	AJP	MG	1:100
PROJECT NUMBER	UNIT / BLOCK	CI / SFB CODE	TYPE & NUMBER
7336			14 A
DRAWING NO.			
Site Location	Plans	L GA Plans	P Elevations
Sections	S	Details	E Details
			Profile Colour C
MANCHESTER	LONDON	GLASGOW	LUTON
105 MANCHESTER ROAD BURY LANCASHIRE BL9 0TD			
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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 **12/02/07** | DRAWN **ICW** | CHECK **MG** | SCALE @ A4 **1:1250**

PROJECT NUMBER | UNIT / BLOCK | CI / SFB CODE | TYPE & NUMBER | REVISION LETTER

DRAWING NO. **7336** **04** **-**

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

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

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18-40-03 P:\06p\7301-7400\7336\1-Sheets\7336-04.dgn 12/02/2007 %LUSTN\_PROJECTDESCR% lan.westh