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| <b>Application No:</b> 2008/0485  | <b>Application Type:</b> Full Application                 |
| <b>Proposal:</b> Change of use from dwelling to drivers' rest area with ancillary office at first floor level | <b>Location:</b> 2 Peter Street<br>Rawtenstall<br>BB4 7NR |
| <b>Report of:</b> Executive Director of Regulatory Services   | <b>Status:</b> For Publication                            |
| <b>Report to:</b> Development Control Committee   | <b>Date:</b> 1 September 2008                             |
| <b>Applicant:</b> Rossendale Transport Ltd  | <b>Determination Expiry Date:</b> 04 September 2008       |
| <b>Agent:</b> Hartley Planning and Development Assocs   |   |

## REASON FOR REPORTING

More than 3 objections received Yes

### APPLICATION DETAILS

#### 1. The Site

- 1.1 The property is a substantial stone end terraced house on the opposite side of Markross Street from the Employment Office and the existing bus garage which is proposed to be demolished. Peter Street is a narrow, wholly residential street with limited parking although on street parking is available on Markross Street. The property backs onto a takeaway and taxi office fronting Bacup Road.

#### 2. Relevant Planning History

- 2.1 The council has granted planning permission for the redevelopment of the bus garage as a supermarket subject to a S.106 agreement. The existing bus stands next to Bacup Road would be retained. A new bus garage would be established elsewhere.

#### 3. The Current Proposal

- 3.1 It is proposed to use the property as a base for drivers to use during break periods. It is estimated that there will be a maximum of 12 people at any time using the facility. Requested hours are from 7am to 8pm Monday to Friday and from 8.30am to 8 pm on Saturdays and 9am to 8pm on Sundays. The submitted plans show a dining area, basic kitchen and disabled wc on the ground floor and sitting area, office and toilet on the first floor.
- 3.2 The plans specify sound proofing to the party wall to number 4 Peter Street. No external changes are proposed.

#### **4. Policy Context**

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

PPS1 - Sustainable Development  
PPG 24 – Noise

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

Joint Lancashire Structure Plan (Adopted 2005)

Policy 1 - General Policy

Policy 2 - Main Development Locations

Policy 7 - Parking

Rossendale District Local Plan (Adopted 1995) Saved Policies

DS1 - Urban Boundary

DC1 - Development Control

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

Lancashire CC - Parking Standards

#### **5. CONSULTATIONS**

##### **5.1 INTERNAL CONSULTATIONS**

Environmental Health – No objection subject to implementation of sound proofing.

##### **5.2 EXTERNAL CONSULTATIONS**

Lancashire County Council

Highways – No objection because the use will not lead to an increase in parking in the area.

#### **6. REPRESENTATIONS**

- 6.1 The application has been advertised in the Rossendale Free Press on 18 July 2008. A site notice was posted on 11 July 2008 and letters were sent to 15 neighbours. Six copies of the same letter of objection have been received from

different addresses on Peter Street objecting to the proposal on the following grounds:

- Peter Street and Cape Street are residential streets with only limited on road car parking and little space for vehicles to manoeuvre.
- If change of use is approved it will be difficult to refuse other applications.
- The property was not designed to accommodate as many as 12 people.
- The hours of operation are inappropriate to a residential street.
- Commercial refuse bins cannot be accommodated.
- The property is not suitable for disabled access.
- Peter Street and Cape Street are inappropriate for commercial use although there are vacant commercial properties on Bacup Road which may be more expensive.
- There would be loss of an “affordable” house.
- The Council has failed to deliver on promises to provide a new bus interchange.
- Commercial greed has taken the place of comprehensive mixed use strategic planning.
- A new transport interchange should include space for staff
- There is a conflict of interest because the Chairman of Rossendale Transport is a Councillor.
- It is urged that the application is refused for the above reasons and because the proposal would be detrimental to existing conditions in the surrounding area contrary to Policy DC1 of the Rossendale District Local Plan.

## **7. REPORT**

- 7.1 The main considerations of the application are whether the proposed use is appropriate to the individual property and the area in which it is situated, bearing in mind the issues raised by the objectors.
- 7.2 The property is just off the main Bacup Road and opposite the Employment Office that will be retained. It is on the edge of a small enclave of houses in the town centre backing onto commercial property. Peter Street is very narrow which would discourage parking. Markross Street is available for parking but it is anticipated that most of the users of the building will start and end their shifts at the bus garage where drivers’ cars would be parked. The building is close to town centre public car parks. The number of parked vehicles would be reduced compared with the current situation. It is not considered that a refusal on the grounds of lack of parking would be justified.
- 7.3 The building is large enough to accommodate the maximum number of occupiers suggested although it is unlikely that as many as 12 people would be there very often. . Access for the disabled is considered to be adequate. There would not be large amounts of commercial waste and the yard area is large enough to accommodate the required bins.
- 7.4 The objectors are concerned about the hours of operation but it is not proposed to use the building early in the morning or late at night. The objectors do not

mention the issue of possible problems from noise from the occupiers affecting the amenities of occupiers of the adjoining house. The submitted plans specify sound proofing and an appropriate condition is recommended.

- 7.5. The objectors are entitled to criticise previous planning decisions but objections on these grounds are not part of the current proposal. Although a house would be lost, the use proposed is very specific and should not be seen as setting an undesirable precedent for the conversion of other houses to non residential uses. The Councillor who is chairman of Rossendale Transport is not in a position to influence the decision on a planning application. It would be difficult to use the criteria of Policy DC1 of the adopted Rossendale District Local Plan to justify refusal of the application.

## **8. HUMAN RIGHTS**

- 8.1 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.

## **9. CONCLUSION**

The proposed use is appropriate for the property and the surrounding area and will assist in facilitating the redevelopment of the bus garage site

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

That Committee approve the application subject to the recommended conditions.

## **11. REASONS FOR APPROVAL**

The property is within the Urban Boundary. The proposed use will not harm the character of the area nor the amenity of occupiers of adjacent property. There are no highway safety implications. The proposed development would not conflict with the criteria of saved policy DC1 – Development Criteria, nor policies DS1 – Urban Boundary and HP1 – Conservation Areas of the adopted Rossendale District Local Plan.

## **12. CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason Required by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with plans received on 10 July 2008.

Reason To ensure the development complies with the approved plans and for the avoidance of doubt.

3. The sound insulation of the party walls shall be improved in accordance with the details shown on the submitted plan. Such works shall be completed before the development is brought into use.

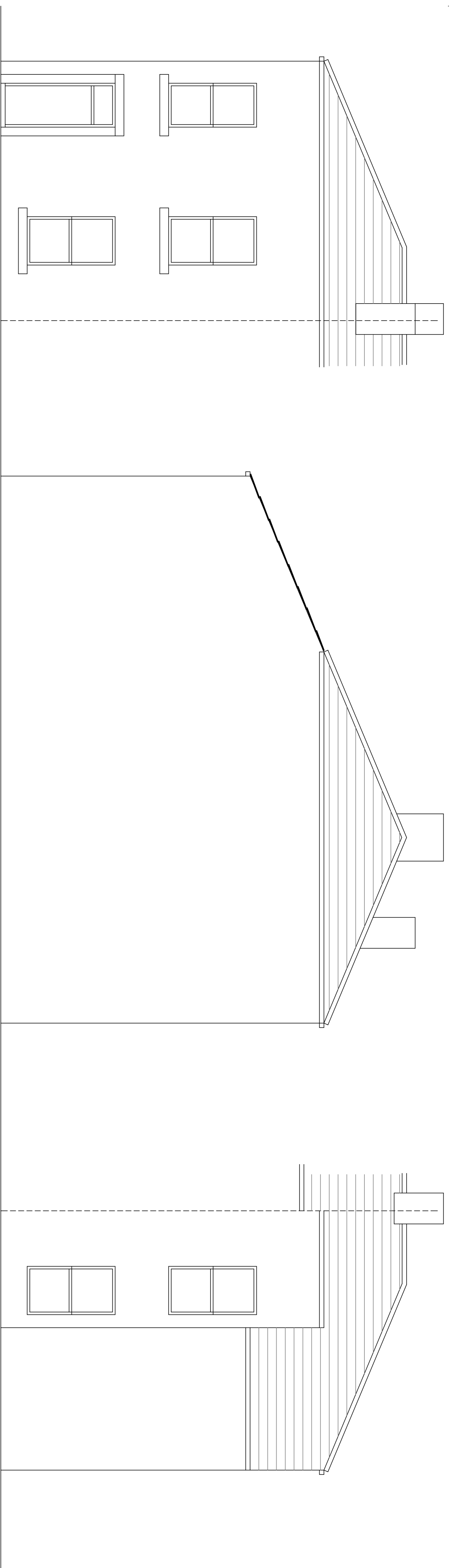
Reason To protect the residential amenities of occupiers of the adjoining dwelling.

4. The premises shall be open for business only between the hours of 07.00 and 20.00 on weekdays, 08.30 and 20.00 on Saturdays, 09.00 and 20.00 on Sundays.

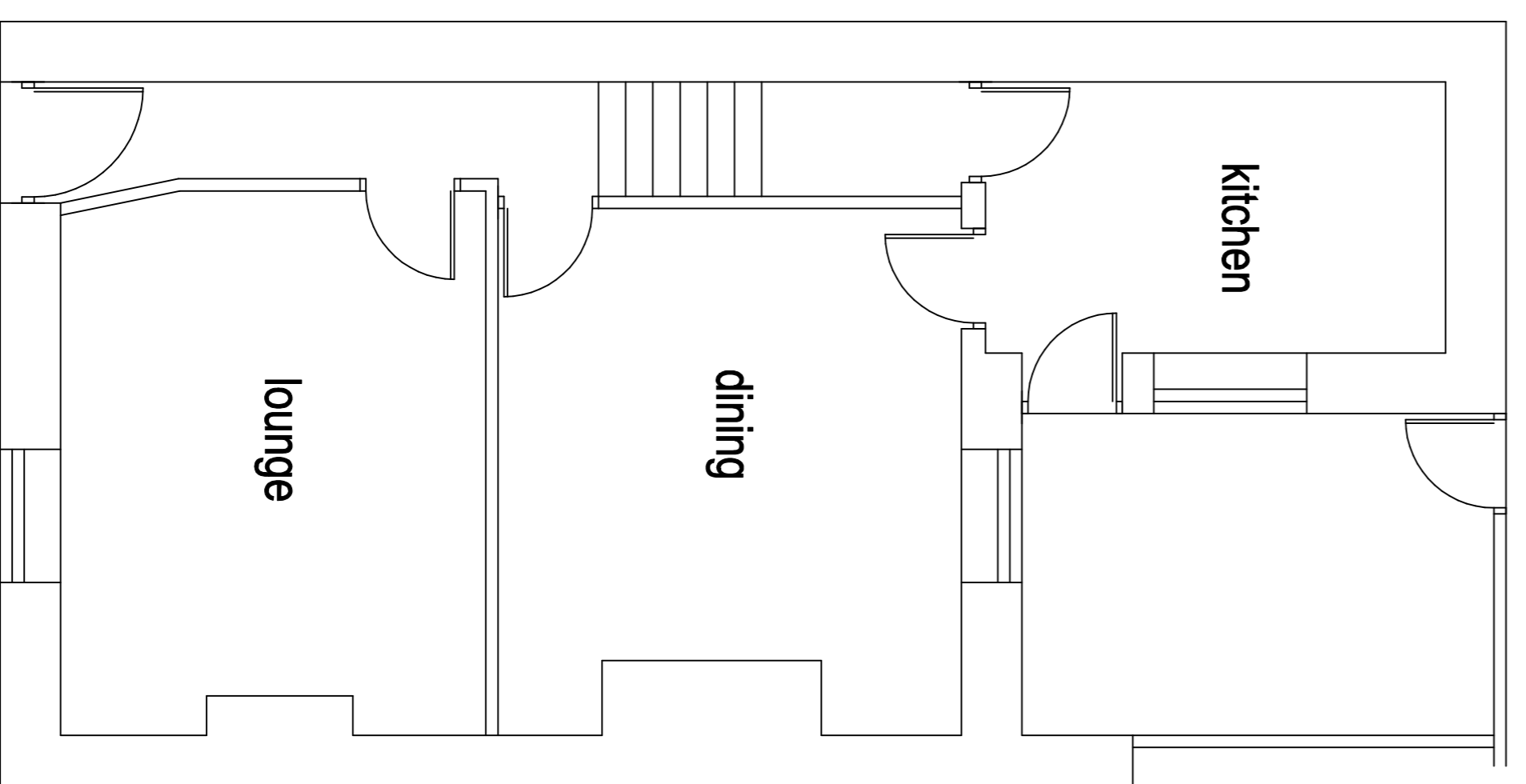
Reason To protect the amenities of occupiers of adjacent property.

|                        |                                |
|------------------------|--------------------------------|
| <b>Contact Officer</b> |                                |
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*LOCATION PLAN TO BE PROVIDED  
ATTACH ALL APPENDICES*

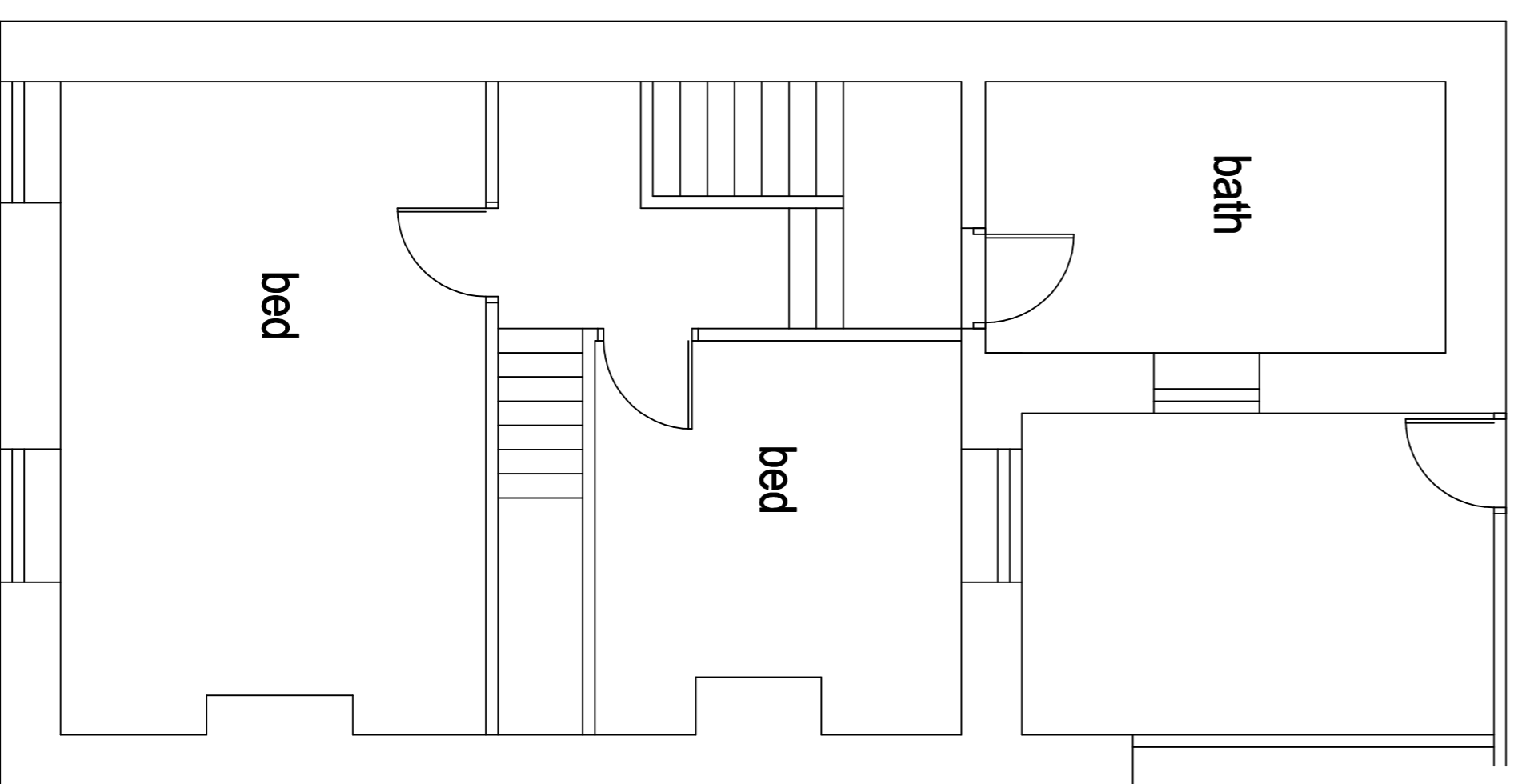


existing elevations (unaffected by proposed change of use)

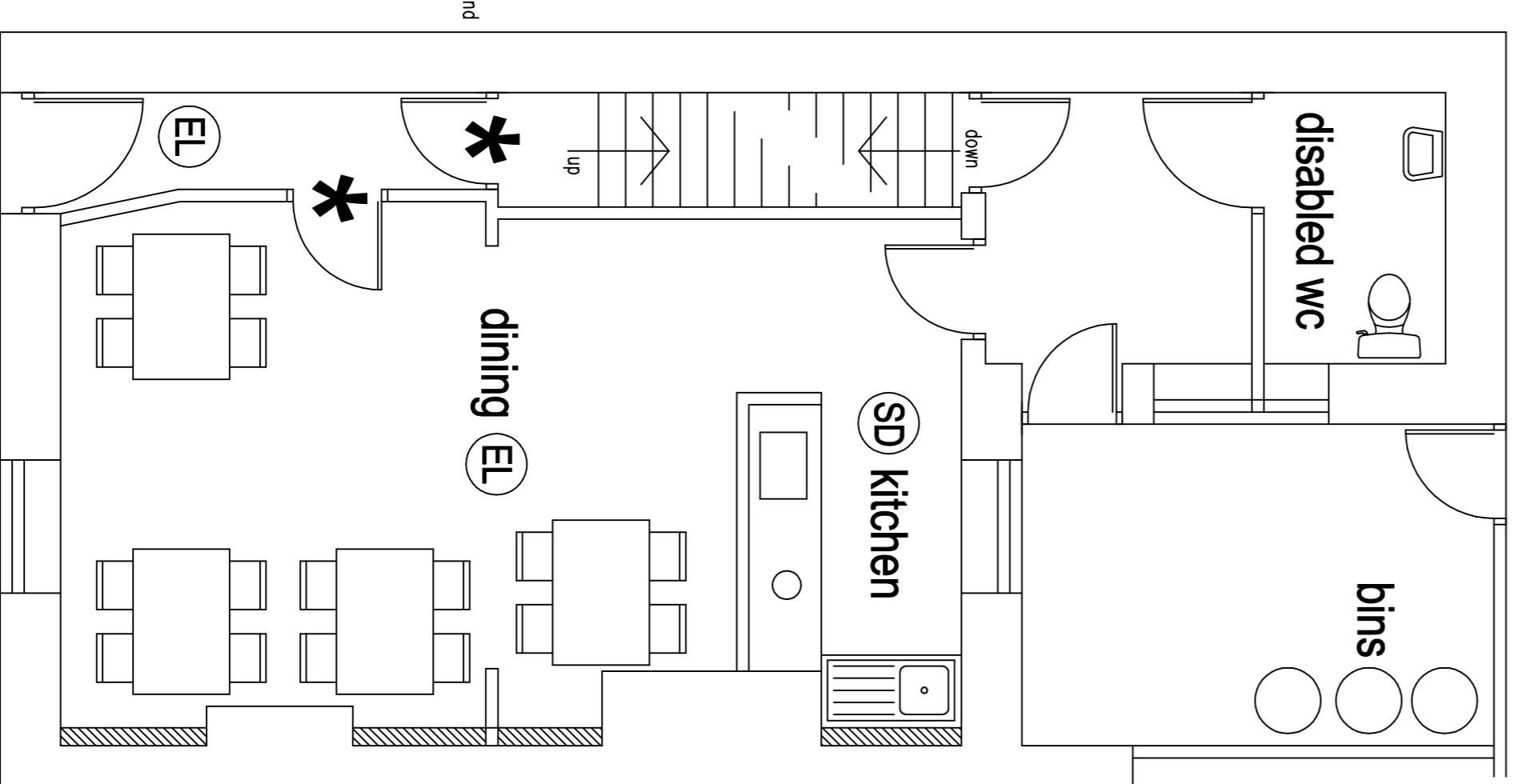


ground floor plan

existing

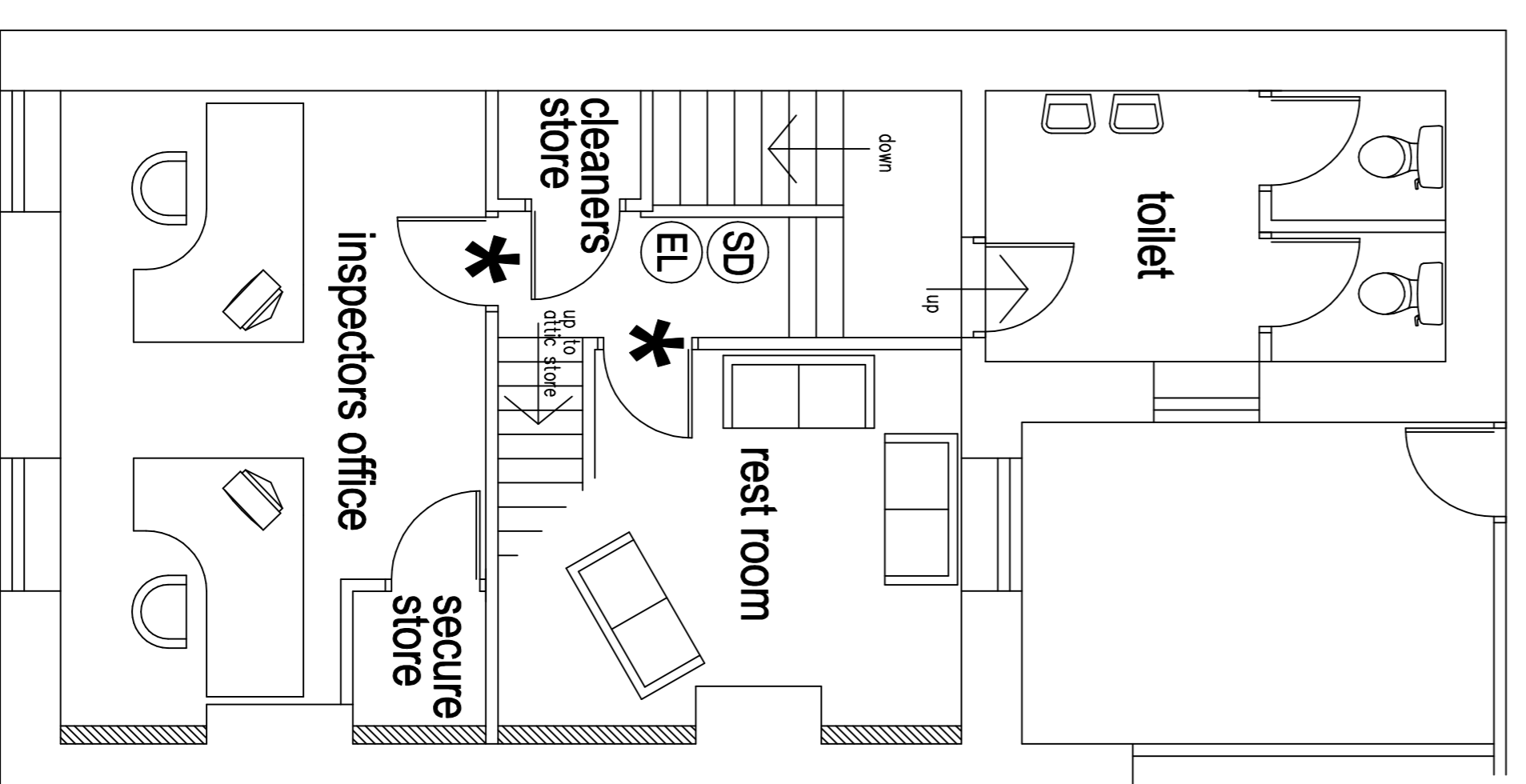


first floor plan



ground floor plan

proposed



first floor plan

indicates 1/2 hour self closing door and frame set

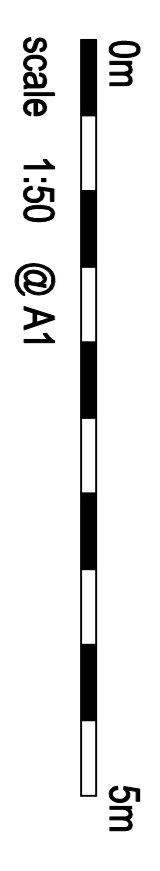
**SD** indicates mains wired smoke detector

**EL** indicates emergency light fitting

**\*** indicates 1/2 hour self closing door and frame set

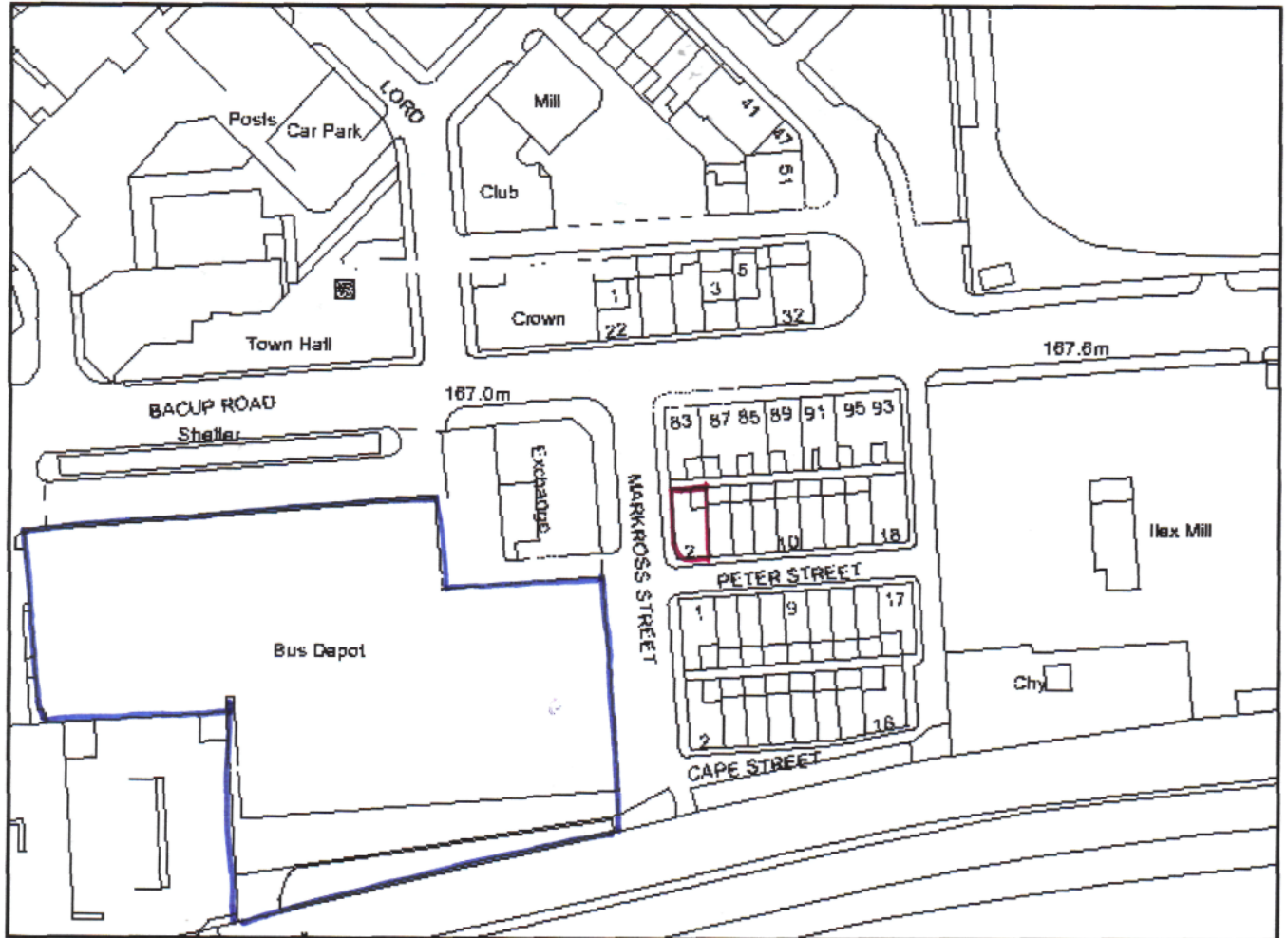
proposed change of use of dwelling to office and staff facilities (with no elevational changes) at

## 2 Peter Street Rawtenstall

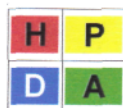


## Location Plan

**Address and proposal: Change of Use from a dwelling to office and staff facilities with no elevational changes, 2 Peter Street, Rawtenstall, BB4 7NR**



Scale: 1 to 1250



July 2008

Prepared by Hartley Planning and Development Associates Ltd