

Application

No: 2009/0025

Proposal: Change of use of part of building from manufacturing use (B2) to leisure/after school club (D1)

Application

Type: Full

Location: Kids Play & After School Club, 1 Waterside Mill, Burnley Road, Bacup.

Report of: Planning Unit Manager

Status: For Publication

Report to: Development Control Committee

Date: 16 March 2009

Applicant: Mrs L Foster

Determination

Expiry Date: 17 March 2009.

Agent:

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 X

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. SITE

- 1.1 The application site relates to the first floor of the northerly wing of the former mill, known as Waterside Mill, Burnley Road, Bacup. Part of the first floor (the first half), is presently being used as a children's play facility. Access to the first floor of the former mill is gained from Alder Street.
- 1.2 The site is located within a predominantly residential area and is surrounded by residential properties on Albert Terrace and Alder Street.

2. RELEVANT PLANNING HISTORY

2005/533: Change of use of 1st floor of disused mill to children's play facility accessed from Alder Street – Approved.

3. THE PROPOSAL

- 3.1 The proposal involves change of use of the rear half of the first floor from manufacturing to childcare/leisure to be used in conjunction with the existing children play facility at the front half of the first floor. It is proposed that the proposed area would be laid out as soft play padded/netted areas, sports area for football/netball/dancing, messy play area (paints/glue) etc. Part of the site area would also be used for the storage of bulky items such as PE equipment/role play. Access to the site will be gained from Alder Street via the existing facility. No alterations are proposed affecting the exterior of the building.
- 3.2 It is proposed that the site would be used as a leisure/play area between 12 noon to 6pm, Monday to Friday during the school term period. It is anticipated that the children likely to use the facility would be brought to the site either by the applicants or by taxies/mini buses. No parking provision has been made for the proposed development.

4. POLICY CONTEXT

4.1 National Planning Guidance

PPS1 – Delivering Sustainable Development
PPG13 – Transport
PPG24 - Noise

4.2 Regional Spatial Strategy for the NW of England (2008)

Policy DP1-9 – Spatial Principles etc
Policy EM1- Environmental Assets
Policy RT4 – Management of the Highway Network
Policy L1 – Health, Sport, Recreation, Cultural and Education Services
Provision

4.3 Rossendale District Local Plan (1995)

DS1 – Urban Boundary

DC1 – Development Criteria

4.4 Other Material Planning Considerations

LCC Parking Standards

5. **Consultation Responses**

LCC (Highways) – No highway comments.

RBC Environment Health - No comments.

Environment Agency – No objection

6. **Notification Responses**

A site notice was posted on 4 February 2009 and the relevant neighbours were notified by letter on 29 January 2009 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.

Four individual letters signed by 23 residents raising objection to the proposal have been received. The points raised are:

- The proposal will generate more vehicular traffic adding to what is already a problem created by the existing business. The existing business does not have adequate parking area for its clients.
- Clients of the business park indiscriminately. There are old and disabled people living in the area who need to have free access in front of their own homes.
- The proposal will generate more noise particularly in the warmer months when doors and windows would be left open to ventilate the building. It will also generate additional litter in the area.
- It is not a suitable place to put a children play area with a garage underneath it.
- The existing business has no parking facilities of its own and its patrons regularly park outside the properties on Albert Terrace.
- Albert Terrace is an unadopted road and its wear and tear caused by additional parking would cost the residents financially.

7. **Planning Issues**

The main issues to be considered in the determination of this application are as follows:

- 1) Principle
- 2) Neighbours amenity
- 3) Design/Appearance
- 4) Access/Parking

Principle

In the adopted Local Plan the application site lies within the Urban Boundary and is reasonably accessible by public transport. It is therefore considered that the proposal accords with Policy DS1 of the Rossendale District Local Plan and is acceptable in principle.

Neighbours amenity

The site forms part of first floor of the two storey former mill building located adjacent to the residential properties on Albert Terrace and Alder Street. The site would be used as a play/exercise area by an After school club between 3pm to 6pm, Monday to Friday. Although, there are several windows on the side wall of the building facing the gables of 68 Burnley Road and 2 St John Street, due to the location/position of the site, it is considered that the proposed activity, in terms of the noise/disturbance, would have little impact on the amenity of the occupiers of the adjacent residents. It should be pointed out that The Environmental Health Officer has raised no concern in this respect.

Design/Appearance

The proposed development involves no external alterations to the building and as such would have no adverse impact on the character of the building or the area. In terms of its design/appearance, the proposed development is acceptable.

Access/Parking

No off-road parking has been proposed for the proposed development. The residents are concerned that the existing business has no parking facility and is currently causing parking problems on the adjacent residential street. They believe that the proposed development, without the benefit of a parking facility, would exacerbate the parking problems in the area.

According to the information provided in the application, the children would be brought to the site by the applicants and/or by taxis. The children from high school would either walk from the bus stop in Bacup or car share with a local parent. Furthermore at the end of the day, the children would be collected by parents at different times.

Whilst it is accepted that the proposed development would result in the generation of additional vehicular movements in the area, however taking into account the number of vehicles visiting the site and limited parking duration, it is considered that this should not result in parking problems in the area. It is pointed out that the Highway Authority has raised no concern in this respect.

8. SUMMARY REASON FOR APPROVAL

The site is located within the Urban Boundary and the proposed development will not detract to an unacceptable extent from visual and neighbour amenity or highway safety. It is therefore considered that the proposal accords with Policies DP1-9 / L1 / EM1 / RT4 of the Regional Spatial Strategy, saved Policy DS1 and the criteria of saved Policy DC1 of the Rossendale District Local Plan.

9. RECOMMENDATION Approve

10. 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.

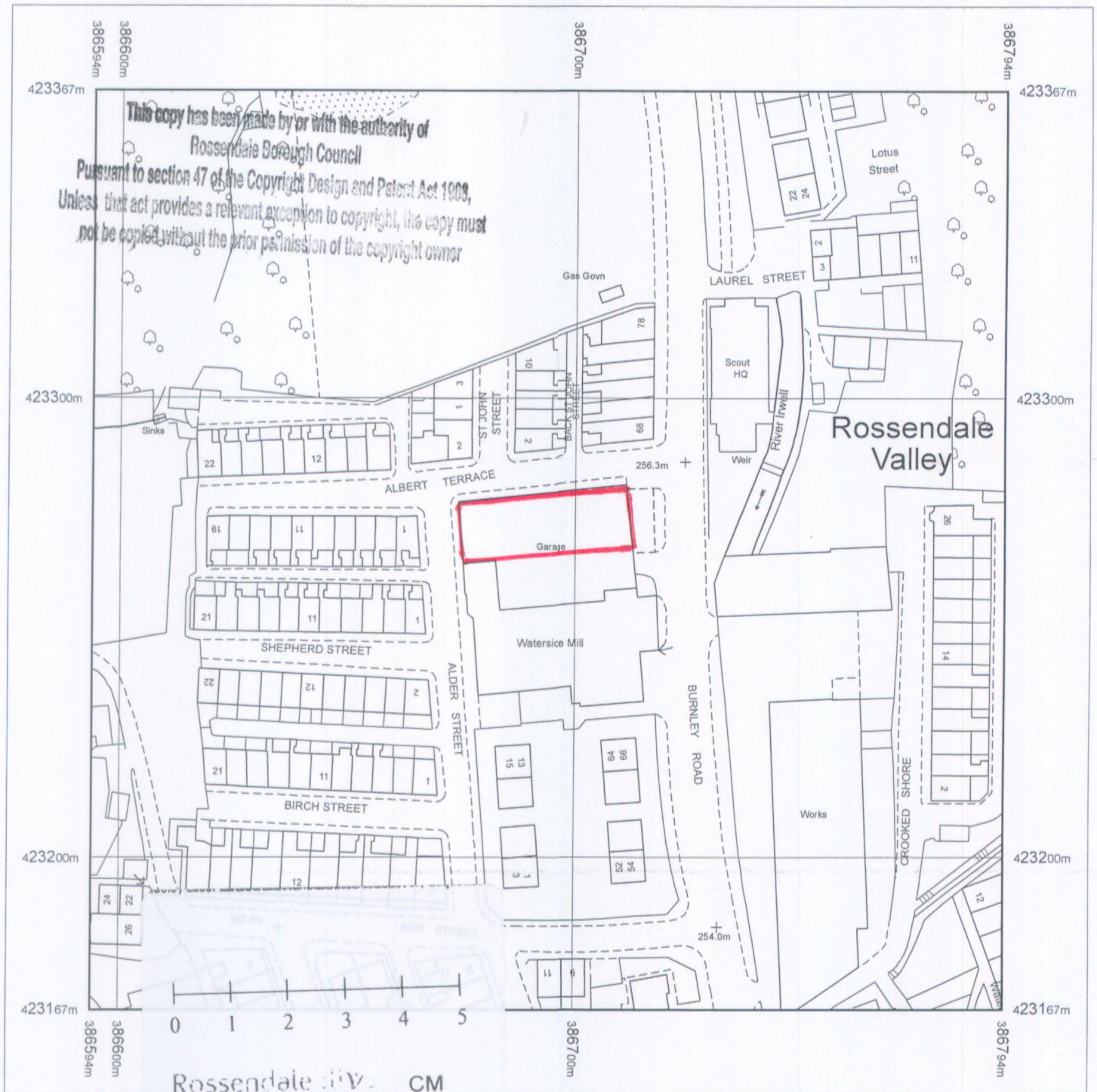
2. The development shall be carried out in accordance with plans numbered 2009/025 received on 12 February 2009.
Reason: To ensure the development complies with the approved plans and for the avoidance of doubt.

3. The development hereby permitted shall be carried out between the following hours:-
1200hrs to 1900hrs, Monday to Friday.
There shall be no working on the premises on Saturdays, Sundays and recognised public holidays,
Reason: To safeguard the amenities of nearby residential amenities, in accordance with the criteria of the saved Policy DC1 of the Rossendale District Local Plan.

Contact Officer	
Name	M. Sadiq
Position	Planning Officer
Service / Team	Development Control
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*LOCATION PLAN TO BE PROVIDED
ATTACH ALL APPENDICES AND LIST AS NECESSARY, FOR EXAMPLE*

Document Details	Appendix Number
Committee Report dated 16 March 2009	Appendix A
Etc	



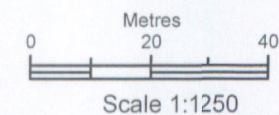
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2009/025

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