

<b>Application Number:</b>	2014/0233	<b>Application Type:</b>	Full
<b>Proposal:</b>	Conversion of former Court Building to 11 apartments, including provision of rooflights	<b>Location:</b>	Magistrates Court, Oakley Road, Rawtenstall
<b>Report of:</b>	Planning Unit Manager	<b>Status:</b>	For publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	7 October 2014
<b>Applicant:</b>	Mr Z Khan	<b>Determination Expiry Date:</b>	22 September 2014
<b>Agent:</b>	Mr D Hancock		

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<b>REASON FOR REPORTING</b>	
<b>Outside Officer Scheme of Delegation</b>	
<b>Member Call-In</b> Name of Member: Reason for Call-In:	
<b>3 or more objections received</b>	<b>YES</b>
<b>Other (please state):</b>	

## 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.

## 1. RECOMMENDATION

That Permission be granted subject to the conditions set out in Section 10.

## 2. SITE

The application relates to a substantial 2-storey building, of traditional design and materials, that faces towards the unadopted road giving access also to the Church of Latter Day Saints & the Masonic Hall and has its back facing towards Oakley Street. Now vacant, it was used as a Magistrates Court until 2011. The building presently contains accommodation over 2 floors, though of 3-storeys in height. At ground level the front and rear elevations have doors and windows with

strong stone-surrounds, whilst the first floor is illuminated with tall, round-topped windows with stone-transoms a third of the way up.

It is not itself a Listed Building, but attached to its south side is the more prominent / Grade II listed St Mary's Chambers, its giant tetrastyle Corinthian portico facing towards Haslingden Road (A681). Attached to its north side is the lodge house, a 2-storey building of lower height, the drive leading up to the Masonic Hall running to its front. This area is located within the Rawtenstall Town Centre Conservation Area, this building and the attached lodge house identified in its Character Appraisal as 'Positive Unlisted Buildings of High Quality'.

Neither the application building or St Mary's Chambers - which is owned by Boys and used for functions & an old peoples club - have much in the way of external grounds or any off-street parking of their own. The Church of Latter Day Saints & the Masonic Hall occupy large sites, with substantial areas of hardstanding for car parking; indeed, until recently terminated, Boys had an agreement with the Masonic Hall to use its car park.

There are Public Car Parks of limited size between the main road and the Church of Latter Day Saints, St Mary's Chambers and the houses to its east.

To the opposite side of Oakley Road, a narrow adopted road, are semi-detached houses with in-curtilage parking.

### **3. RELEVANT PLANNING HISTORY**

#### **2013/516 Conversion of former Court Building to 9 apartments**

This application sought permission to convert the building to 9 apartments over 3 floors, 3 to be 1-bedroomed and the others 2-bedroomed.

The scheme proposed insertion of an additional floor at the level of the stone-transoms in the tall first floor windows. Neither extension of the building, nor any additional door or window openings, were proposed. Externally, the intended works were limited to stone-cleaning, repair/re-painting of existing window frames / doors & their frames, removal of grilles over ground floor windows, replacement of 2 ventilation grilles & in-filling of 2 small WC windows.

The Design & Access Statement stated :

- Accommodation for the storage of cycles will be at ground floor level and within the building.
- Refuse will be stored in the room marked on the drawing, an external door on the Oakley Road elevation is available, as is access from within the building.
- The LCC Standards for car parking require the availability of one parking space per apartment. There are at present 28 public spaces available on Haslingden Road and no restrictions for on street car parking. In addition we have contacted the Church of Jesus Christ of Latter Day Saints with a view to hiring nine car parking spaces on their underused car park.

In response to my request for clarification of whether parking elsewhere had been secured the Agent indicated that approaches to both the Church of Latter Day Saints & the Masonic Hall had been rejected. They go on to say that permission for the apartments should nevertheless be granted as :

- Traffic to the site will in all probability be lighter than when the building was used as a Court; &
- The building is located close to Haslingden Road and the Town Centre, giving easy access to public transport and a wide range of services on-foot.

Notwithstanding objections to the proposal from LCC Highways (in the absence of 1 off-street parking space per flat) and Boys (on the basis that “*Increased demand on parking will result in the loss of jobs at St Marys Chambers as tenants seek to occupy premises elsewhere*”), permission was granted.

The Officer Report concluded :

*“Notwithstanding the understandable concerns expressed by the Highway Authority and owner of St Mary’s Chambers about the lack of off-street parking proposed it is necessary to consider what likelihood there is of another viable use being proposed in the foreseeable future that will be no less sympathetic in terms of heritage and less deficient in parking.*

*On balance, I consider it appropriate for permission to be granted for the proposed scheme.”*

The Decision Notice carries the following Summary Reason for Approval :

The site is located within the Urban Boundary of Rawtenstall and the proposed use is appropriate in principle for a vacant building near to the Town Centre, in its Conservation Area and attached to a Listed Building. The submitted scheme provides for the sympathetic conversion of this ‘heritage’ asset, and is not considered likely to result in unacceptable detriment to neighbours in terms of privacy, light and outlook. Notwithstanding the lack of off-street parking provision, on balance it is considered appropriate for permission to be granted for the proposed scheme. Consideration has been given most particularly to Sections 1 / 2 / 4 / 6 / 7 / 12 of the National Planning Policy Framework (2012) and Policies AVP4 / 1 / 2 / 3 / 4 / 8 / 9 / 16 / 23 / 24 of the Council’s Core Strategy DPD (2011).

#### **4. PROPOSAL**

Rather than implement the scheme permitted on 7/2/14, this application seeks permission to convert the building to 11 apartments, 1 to be 1-bedroomed, 8 2-bedroomed and 2 3-bedroomed.

This scheme differs from that previously permitted in that it proposes utilisation of space within the roof void to create 2 penthouse apartments, which are to be illuminated by 25 conservation-style rooflights. They are to be formed in all four faces of the hipped roof, with grey frames.

It remains the case that :

- The scheme proposes insertion of an additional floor at the level of the stone-transoms in the tall first floor windows.
- Neither extension of the building, nor any additional door or window openings, are proposed.
- Externally, the intended works to walls are limited to stone-cleaning, repair/re-painting of existing window frames / doors & their frames, removal of grilles over ground floor windows, replacement of 2 ventilation grilles & in-filling of 2 small WC windows.

The Design & Access Statement states :

- Accommodation for the storage of cycles will be at ground floor level and within the building.
- Refuse will be stored in the room marked on the drawing, an external door on the Oakley Road elevation is available, as is access from within the building.
- The Lancashire County Council Standards for car parking require the availability of one or two parking space per apartment depending whether it is a one, two or three bedroom apartment.
- There are at present 28 public spaces available on Haslingden Road and no restrictions for on street car parking. In addition we have contacted the Church of Jesus Christ of Latter Day Saints and the Masonic Hall with a view to buying some land to convert to car parking

spaces, responses are awaited. In respect of the earlier application the request to them was to lease land & was rejected by them as impractical or against internal policy of the organisations.

## **5. POLICY CONTEXT**

### **National Planning Policy Framework (2012)**

Section 1	Building a Strong, Competitive Economy
Section 2	Ensuring the Vitality of Town Centres
Section 4	Promoting Sustainable Transport
Section 6	Delivering a wide choice of High Quality Homes
Section 7	Requiring Good Design
Section 12	Conserving and Enhancing the Historic Environment

### **Development Plan Policies**

#### **Rossendale Core Strategy DPD (2011)**

AVP4	Rawtenstall, Crawshawbooth, Goodshaw and Loveclough
Policy 1	General Development Locations and Principles
Policy 2	Meeting Rossendale's Housing Requirement
Policy 3	Distribution of Additional Housing
Policy 4	Affordable and Supported Housing
Policy 8	Transport
Policy 9	Accessibility
Policy 16	Preserving and Enhancing the Built Environment
Policy 23	Promoting High Quality Designed Spaces
Policy 24	Planning Application Requirements

### **Other Material Planning Considerations**

RBC Rawtenstall Town Centre Conservation Area Character Appraisal (2011)

## **6. CONSULTATION RESPONSES**

### **LCC Highways**

As previously expressed in the highway comments relating to the application 2013/0516, there is already considerable pressure on parking in the area, both from existing residential units and the commercial usage of St Mary's Chambers. Previously the old courthouse building had an agreement giving it some parking in the grounds of the Masonic Hall but this is no longer in place. The applicant has stated previously and again in this application that they will try to secure parking within the car park of the Latter Day Saints and the Masonic Hall.

The increase in the number of apartments from 9 to 11 and the overall increase in the number of bedrooms from 15 to 23 would require an increase in the number of parking spaces from 9 to 13.

I would recommend, due to the off street parking provision being unsecured, that parking surveys are carried out on a week day and a Saturday evening on the adjacent public car park and the surrounding streets to provide evidence of the parking capacity.

The applicant should identify the eleven secure cycle storage spaces on the plan.

### **LCC Planning Contributions**

The above application has been assessed by the LCC Education team, and has resulted in a request for a planning contribution.

The proposed development will generate a need for 1 additional primary school place and no additional secondary school places.

Latest projections for the local primary schools show there to be 11 places available in 5 years' time, taking into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration, etc. However, there is projected to be a deficit of 1 primary school place when yields from other pending applications are taken into account. Accordingly, a contribution of £12,029 is sought for the 1 additional primary school place this development will generate.

## **7. NOTIFICATION RESPONSES**

To accord with the General Development Procedure Order the application has been publicised by press notice, 2 site notice and letters were sent to the relevant neighbours on 23/6/14.

**Occupiers of Ashdale Lea Lodge** (the attached house) state :

We object to the design of the 3rd floor development, in particular the location of the kitchen, lounge and dining areas of those flats. We also object to the installation of the roof lights which would be in very close proximity and which would overlook the attic master-bedroom and courtyard of our adjacent property.

Also of concern is the lack of parking in the area, which can be limited during working hours and when events are held at St Mary's Chambers. We would welcome a better understanding of the plans to increase parking via the proposed purchase of land at the adjacent Church and Masonic Hall and the subsequent effect this could have on the Rawtenstall Conservation Area in which we live.

**Boys** (the owners of St Mary's Chambers) state :

Following purchase in 1990, and as part of our Planning Application to use this landmark building for Offices and a Function Suite, we were required to contribute £30k to the Borough Council as a S.106 payment towards car parking which now exists in front of the building, comprising a total of 26 spaces including 2 disabled.

In the past we enjoyed agreement with the Church for additional parking but that was withdrawn.

Our Office tenants require 30-35 parking spaces throughout the working day separate to occupation of the Function Suite. In the evenings all the parking space available and more is taken up by the Function Suite. In 2013 there were over 90 evening events.

Over the past few years there has been an increase in vehicles taking up space in the dedicated parking area by those commuting outside the Borough such as tradesmen being collected by others on their way to work. In addition residents of the 10 houses along the former Haslingden Road, though generally parking on it, do use the dedicated spaces occasionally, some on a long standing basis.

In summary, the available parking spaces for occupiers of St Mary's Chambers and nearby residents is already inadequate and the proposed apartments can reasonably be assumed to have need for 15-18 spaces but no parking provision is proposed.

Object for the following reasons :

- The intended development is likely to take around 12 months and will generate a substantial amount of tradesman's traffic, making for congestion and massive disruption.
- We have been forewarned that unless we can securely retain the existing 26 dedicated spaces for use by St Mary's Chambers, as intended when Planning Consent was granted and a contribution of £30k made, then several tenants will seek to relocate. Senior Citizens

attend functions at St Mary's Chambers 3 nights a week for which adjacent parking is essential.

- As one of the Towns leading landmark buildings, if tenants begin to vacate, re-letting could become impossible and the Town will potentially be faced with an un-occupyable structure.

**Rawtenstall & District Senior Citizens Association** state :

We use St Mary's Chambers 3 times a week. Our Concerns relate to parking. We need close access to the building due to the age and in some cases disability of some of our members. If we are unable to park at the side of the building some members will be unable to attend. We strongly object to approval of this application unless there is suitable parking for occupants, which does not interfere with access to St Mary's Chambers.

**8. ASSESSMENT**

The main considerations of the application are:

- 1) Principle; 2) Visual Amenity / Heritage Interest;
- 3) Neighbour Amenity; & 4) Access/Parking.

Principle

The proposed development involves the conversion of a vacant building near to Rawtenstall Town Centre and well served by public transport.

Though not a listed building itself, it is attached to a Listed Building. It is within Rawtenstall Town Centre Conservation Area and is identified in its Character Appraisal as a 'Positive Unlisted Buildings of High Quality'. This being the case it is important to secure its re-use.

Residential re-use was determined to be appropriate in principle when Application 2013/516 was considered. The current application will result in 11 apartments rather than the 9 previously permitted. I am of the view that the current proposal is appropriate in principle.

Visual Amenity / Heritage Interest

S.72 (1) of the T&CP (Listed Buildings & Conservation Areas) Act 1990, states that :

*"in the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of the [Act], special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

The Act contains a corresponding duty in relation to nearby Listed Buildings and their settings. Consistent with Section 11 of the NPPF, Policy 16 of the Council's Core Strategy seeks to preserve and enhance the historic environment.

Neither the proposed use/its intensity, nor the submitted scheme of conversion, are considered to unacceptably detract from the character and appearance of the building itself or its surroundings.

The scheme of conversion entails significant internal works - not least, insertion of an additional floor and now within the roof-void - but no loss of internal features of significant heritage importance. The works proposed for the external walls are largely cosmetic and in any case beneficial to the appearance of the building and for its maintenance. The current proposal will result in a significant number of rooflights being provided. However, they are considered to be acceptable so long as they are of the low-profile conservation-type, with frames coloured grey to match the roof slates. Both St Mary's Chambers and Ashdale Lea Lodge have rooflights, and buildings/trees will limit view of them to a significant extent. Accordingly, I do not consider that they will affect any Listed Building or the Conservation Area unduly.

Neighbour Amenity

The proposal is not considered likely to unacceptably harm the amenities of neighbours by reason of the intended use or works to the building. The addition of the rooflights now proposed has been objected to by the resident of the attached house, concerned that they will experience a loss of privacy. However, the proposed rooflights are to be elevated sufficiently above the level of the rooflights of Ashdale Lea Lodge and its garden that unacceptable overlooking will not result.

For occupiers of the houses to the other side of Oakley Road the proposed rooflights will not materially add to overlooking possible from existing windows of the building.

Accordingly, the proposal is not considered likely to unduly affect the privacy, light and outlook of neighbours.

The issues of access/parking raised by objectors are addressed below.

#### Access/Parking

The Highway Authority raised objection to Application 2013/516 on highway safety grounds as the Applicant was unable to provide the 9 off-street parking spaces it considered necessary to serve the 9 apartments. The owner of St Mary's Chambers also expressed concern about how this deficiency would impact on its commercial use and the jobs it provides.

With respect to the current proposal, the Highway Authority has indicated that, with the increase in flat and bedroom numbers, there will be a greater shortfall in parking provision - 13 off-street parking spaces are considered necessary to accord with its parking standards. Likewise, the owner of St Mary's Chambers and a principal occupier have expressed concern about how this deficiency may impact on its continued use and the jobs it provides.

In respect of the earlier application I indicated that :

- It would undoubtedly be desirable for the level of off-street parking sought by LCC Highways to be made available with the apartments in terms of sale/rent of the apartments, for occupiers/occupancy of St Mary's Chambers, local residents and highway safety. However, the Applicant cannot satisfactorily provide this parking within their site and was satisfied that they have made adequate endeavours to secure off-street parking nearby.
- The building is located close to Haslingden Road and the Town Centre, giving easy access to public transport and a wide range of services on-foot.
- The Agent may also be correct in stating that the need for parking generated by the 9 flats may be less than was the case for the Court. However, the space for on-street parking nearby that does not adversely affect the free-flow of traffic/highway safety is limited. Accordingly, residents of the flats are most likely to look to park in the Public Car Parks fronting the St Mary's Chambers and the Church of Latter Day Saints and do so at hours more likely to conflict with functions at St Mary' Chambers than use of its Offices.

To increase the number of flats and bedroom numbers from those of the permitted scheme to those now proposed will not cause significantly greater detriment for highway safety or for neighbours. Accordingly, though I can appreciate the concerns that have been expressed about the lack of parking provision, it remains my view that :

- It is important to secure re-use of this building having regard to its 'heritage' value and the proposal will introduce a new use that is appropriate in principle and entailing works that are not harmful to it or other nearby 'heritage' assets.
- It is necessary to consider what likelihood there is of another viable use being proposed in the foreseeable future that will be no less sympathetic in terms of heritage and less deficient in parking.

Additionally :

Although the Applicant has not managed to tie-up purchase of land from the Church of Jesus Christ of Latter Day Saints and the Masonic Hall, with a view to making it available as car parking for use by residents of the proposed flats, it would sufficiently enhance the saleability/rentability of the flats it is likely to be pursued by the Applicant.

Notwithstanding what Boys has said about the "26 dedicated spaces for use by St Mary's Chambers" the car park to the front of the St Mary's Chambers is a public car park, its spaces available for use by anyone occupying or visiting premises in the vicinity (including occupiers of the Magistrates Court building). Its concern that "Over the past few years there has been an increase in vehicles taking up space in the dedicated parking area by those commuting outside the Borough" and use of spaces by residents of nearby houses for long-term storage of vehicles is something I have forwarded to others for investigation/action.

### Conclusion

On balance, I consider it appropriate for permission to be granted for the proposed scheme.

LCC did not seek an Education Contribution in relation to the earlier application. I do not consider the increase in the number of flats/bedroom numbers now proposed, the pupil numbers generated by the proposal &/or scale of shortfall in school capacity such as to justify requiring the contribution sought.

### **9. SUMMARY REASON FOR APPROVAL**

The site is located within the Urban Boundary of Rawtenstall and the proposed use is appropriate in principle for a vacant building near to the Town Centre, in its Conservation Area and attached to a Listed Building. The submitted scheme provides for the sympathetic conversion of this 'heritage' asset, and is not considered likely to result in unacceptable detriment to neighbours in terms of privacy, light and outlook. Notwithstanding the lack of off-street parking provision, on balance it is considered appropriate for permission to be granted for the proposed scheme. Consideration has been given most particularly to Sections 1 / 2 / 4 / 6 / 7 / 12 of the National Planning Policy Framework (2012) and Policies AVP4 / 1 / 2 / 3 / 4 / 8 / 9 / 16 / 23 / 24 of the Council's Core Strategy DPD (2011).

### **10. RECOMMENDATION**

That the application be approved subject to the conditions set out below.

### **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. Notwithstanding the details submitted, prior to installation of any new rainwater goods, rooflight, window frame or external door & frame details of them shall first be submitted to and approved in writing by the Local Planning Authority.

Reason : To protect the character and appearance of this heritage asset and that of the attached Listed Building (St Mary's Chambers), in accordance with Policies 1 / 16 / 24 Policies of the Council's adopted Core Strategy DPD (2011).

3. Prior to first use of the apartments hereby permitted secure, covered cycle storage and the facilities for refuse bin storage indicated shall be provided and thereafter retained.

Reason : To encourage sustainable means of travel and avoid unsightly clutter in the street scene, in accordance with Policies 1 / 24 Policies of the Council's adopted Core Strategy DPD (2011).

4. Any construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am to 1:00 pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.

Reason : To safeguard the amenities of nearby residential properties, in accordance with Policies 1 / 24 Policies of the Council's Core Strategy DPD (2011).