

Committee Statement by Urban Vision on behalf of Rossendale Borough Council

Part B – Heritage Arcade, Bacup Road,
Rawtenstall

Conversion of Heritage Arcade from Retail
Market to Class A3/A4 Restaurant/Pub

March 2006



This report provides part Urban Vision's assessment of application 2005/617 and should be read in conjunction with two other reports (part a and c) which relate to New Hall Hey and the Ex Soldier and Sailors' Club

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.

Background

Application 2005/617 relates to three sites : a) Land at New Hall Hey; b) Heritage Arcade, Bacup Road; & c) DDSS Club, 12 Queens Square.

The report below relates to the Heritage Arcade; separate reports have been prepared for the other two sites and appear later on this agenda.

Site

The Heritage Arcade comprises of a 2-storey building, constructed in the 1930s as a cinema. The building has a slated roof, with sides of stone, as is common of other buildings in the vicinity. However, the front and rear elevation are of Art Deco design, with substantial areas of faience-work (having a white-glazed finish) and ornate colonnaded- entrances. The site is located within a conservation area.

Since its use as a cinema ceased it has been used as a snooker hall and, subsequently, as a retail shopping mall. Following a fire the first-floor has remained un-used. Part of the ground-floor is used at present for storage purposes by the attached shop (Domus).

Adjacent to the building is Rawtenstall Bus Station. On the opposite side of Bacup Road is Westley House and Longholme Methodist Chapel, whilst to the rear is a cobbled road giving access to a service-yard belonging to Focus DIY store and other neighbouring premises.

Proposal

Permission is sought to convert the building to restaurant/pub use occupying approx 1,360 sq m of floorspace. The principal external alterations proposed as part of this application are as follows:

1. For the front elevation, replacement of the display-windows to each side of the colonnaded-entrance (with a glazing-system limiting view into the premises from the street) and replacement of the series of first-floor windows above it with one large window.

2. For the east elevation (facing the bus station), construction of a ramped access to facilitate deliveries to the service area located towards the rear of the building.
3. For the roof, removal of the series of large ventilation-cowls and the installation of ridge-level rooflights.

In support of the application the Applicant says :

- the Heritage Arcade is located within Rawtenstall Town Centre and is accessible by a variety of modes of transport;
- the proposed use will strengthen the leisure and night-time economy of the Town Centre.

Relevant Development Control History

This proposal originally formed part of Application 2005/109, which was refused permission at the meeting of Committee held on 12 July 2005. The reasons for refusal were not specific to the Heritage Arcade but relate to retail capacity and impact upon the town center.

Consultation Responses

County Planning Officer

Advises that this proposal does not raise matters of strategic significance. It further advises that, although the Heritage Arcade is not of great age, it is of sufficient architectural interest to warrant recording prior to the proposed works. County state *“The Heritage Arcade structure is, despite its more recent origin, of more architectural interest. This structure merits recording to RCHME level 2 supplemented with appropriately annotated copies of the plans and elevations as existing created as part of the planning proposal. The record should be placed in an appropriate archive, preferably by the Lancashire Record Office, and the second copy placed in the Lancashire Sites and Monuments Record.”*

Nathaniel Lichfield & Partners (consultants employed by the Council to assess the application) has similarly concluded that this proposal does not raise the type of strategic issues of the New Hall Hey element of the application and, in its view, it could equally well have been the subject of a separate application and could be developed separately from the other two sites.

LCC (Highways)

Offer no objection on highway grounds as it is located on the edge of the town centre and is situated close to public transport and town centre parking facilities.

Additional advice is provided regarding the future aspirations of County regarding development potential of the neighbouring bus station. Further advice is provided regarding accessing Bacup Road in a forward gear.

Environmental Health

RBC Environmental Health advises that No Objection although raised some concerns regarding any ventilation and extraction system. Issues regarding hours of operation would be considered with the submission of an application for a license in the future.

Rossendale Civic Trust

No response

Rawtenstall Chamber of Commerce

No response

Rossendale Transport Ltd

No response

Notification Responses

I have received one letter of objection in response to the application publicity. The resident of a house on Parramatta Street (approx 85m from the Heritage Arcade and to the other side of Limy Water) has objected to the application. The issues raised relate solely to the issue that there is a lack of parking already in both Parramatta Street and Queens Street.

Other responses to the application do not raise matters relating to the Heritage Arcade; they are referred to in the reports relating to the other two sites which also form part of this application.

Development Plan Policies

Rossendale District Local Plan (Adopted 1995)

- DS1 - Urban Boundary
- E12 - Noise Attenuation
- HP1 - Conservation Areas
- HP2 - Listed Buildings
- DC1 - Development Control

Joint Lancashire Structure Plan (Adopted 2005)

- 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

Other Material Planning Considerations

- PPS1 - Sustainable Development
- PPS6 - Town Centres
- PPG15 - Historic Environment
- PPG24 - Noise

LCC Parking Standards

The parking standards require that in towns such as Rawtenstall, car parking be provided for all development at an appropriate rate as identified in the adopted Joint Structure Plan. They also requires that provision be made for bicycles and motorcycles.

The site currently provides no off street car parking provision nor would any be provided as part of this proposal.

RBC Rawtenstall Town Centre AAP – Preferred Options Report (2005)

Arups were commissioned by the Council to undertake a master planning exercise for Rawtenstall. In February last year an Issues and Options report accompanied by a baseline report was published and was put out to public consultation. The Council has recently approved a preferred option report which is presently undergoing a sustainability appraisal prior to a second round of public consultation. This constitutes a material planning consideration albeit one that remains a draft proposal subject to further consultation.

In relation to this site the Preferred Option envisages the refurbished buildings providing accommodation for a mixture of uses comprising retail, cafes and bars, residential accommodation and offices.

Planning Issues

In dealing with the Heritage Arcade element of Application 2005/617 the main issues to consider are whether the principle of the proposed change of use is acceptable; whether the changes to the external appearance of the proposal would maintain visual amenity and heritage interest; whether the use would safeguard neighbour amenity and whether adequate parking and servicing are provided.

Principle

In the Adopted Local Plan the Heritage Arcade lies within the Urban Boundary and the Town Centre for Rawtenstall. In the emerging Area Action Plan for Rawtenstall Town Centre it is within an area for which the preferred option is a *“conservation based restoration scheme...providing accommodation for a mixture of uses comprising retail, cafes and bars, residential accommodation and offices”*.

Accordingly, the restaurant/pub use proposed is, in principle, appropriate. Furthermore, the building is not of a size that its conversion to this use raises issues of strategic interest.

Visual Amenity / Heritage Interest

Policy HP.1 of the Local Plan states that *“Proposals for development within Conservation Areas will be assessed against the following criteria:-*

- a) Townscape features and roofscape*
- b) Views within and out of the Conservation Area*
- c) The effect upon the character of the conservation area*
- d) Any trees of importance to the character of the area*
- e) And compliance with policy DC4 (Materials)”*

Policy HP.2 of the Adopted Local Plan seeks to safeguard listed buildings.

Whilst the building is not of great age, and has not been afforded listed status, it is of architectural interest. I consider that the building contributes positively to the character and appearance of the Rawtenstall Town Centre Conservation Area. A scheme providing for the sympathetic conversion of the building is, therefore, something that should be welcomed in its own right and for the benefit it will bring in terms of the character and appearance of the wider area.

The alterations to the external appearance of the building include the installation of a glazing and velux windows within the roof. The proposal would not alter the height and proportions of the roof. Glazing would also be incorporated within the first floor frontage. A rear door would be bricked up and relocated to the elevations which fronts the bus station.

Given that the conversion retains the main external elevations and architectural details I consider that the submitted scheme does provide for the sympathetic conversion of the building. Whilst I accept that some of the detailing would be lost with introduction of the first floor glazed element to facilitate the scheme, I consider that on balance and given that the building is not listed, I am satisfied that the proposed alterations will retain the intrinsic character of the building and ensure that a vacant building within the conservation area is brought back into a viable use.

However, I do consider that the alterations will require appropriate materials. I have attached a condition requiring samples of the new materials and alterations to be submitted for written approval prior to the commencement of development to ensure that the pallet of materials is appropriate within this conservation area. I also consider that appropriate methods are used to clean and make-good the fabric of the existing building. I have attached a condition requiring a method statement to be approved.

Moreover, given that the scheme includes appropriate kitchen facilities, it is likely that a fume extraction flue would be required in the future. The position of the kitchen (as shown on the submitted plan) is to the rear of the building. Therefore, I consider that it is likely that any fume extraction system would be located to the rear of the building. Given this I am satisfied that a system could adequately be provided in a position so as not to result in an obtrusive feature within the conservation area. Therefore, I have attached a condition requiring a scheme detailing any future fume extraction system to be submitted.

With the attachment of the conditions summarised above I am satisfied that the proposal would accord with policies listed above regarding the visual appearance.

Neighbour Amenity

The policy E12 states that *“the Council will not permit any development proposals which would lead to unacceptable levels of noise to nearby noise sensitive areas”*

The building is located within an established mixed use area. I am satisfied the proposed alterations will not result in a significant loss of privacy or visual amenity for neighbours.

Although the proposal entails re-introduction of an evening-use, the premises front a main road and are adjacent to the bus station. This being the case, the Environmental Health Manager is satisfied that it will not result in significant detriment for any neighbours by reason of smells, noise, etc, subject to a condition to ensure the installation of the appropriate system of ventilation/extraction prior to first use. I have attached a condition to this effect.

I have raised the issue of hours of operation directly with the Environmental Health Manager. The site is located within the town centre and there are no residential properties adjacent to the proposal which could be affected by the activities proposed. Moreover, there are a number of other Public Houses and restaurants within the town centre that have no restrictions as to the hours of operation. As such I do not consider that residential amenity would be unduly affected by this proposal. Moreover, I have no objection from Environmental Health with regard to residential amenity. Environmental Health has stated that they intend to address the issue of hours of use directly through the application of any future license.

Parking / Servicing

There is no existing off street car parking facilities for staff or customers, nor is it possible for the applicant to provide any. However, I do not consider this to justify refusal of the application, having regard to the building's Town Centre location and accessibility by means of travel other than the private car and given the advice provided in PPG13.

Likewise, the premises do not presently possess any off-street facilities for a delivery lorry. However, I do not consider this to justify refusal of the application, given that the proposed use is unlikely to result in greater unloading on the main road than the authorised use of the premises for retail purposes.

The County Highway engineer has indicated that servicing vehicles should access Bacup Road in a forward gear. However, I do not consider that a condition requiring service vehicles to access Bacup Road in a forward gear would satisfy the requirements of circular 11/95 regarding the use of conditions given that there are no such requirements on previous consents and therefore wouldn't be reasonable. Moreover, I consider that appropriate traffic regulation orders could be used should the County Highway engineer consider that pedestrian safety would be compromised.

Summary of Reasons for Approval

This application falls to be determined against the provisions of the development plan (the Joint Lancashire Structure Plan 2001-2016 and the Rossendale District Local Plan), relevant PPS advice, chief amongst which is PPS 6; Planning for Town Centres, and any other material planning considerations.

In principle the proposals conform in land use terms with the land use designation and preferred balance of mixed business/retail and leisure uses identified by Policies J1 and J2 of the RDLP.

The proposal has also been assessed against the provisions of the Joint Lancashire Structure Plan 2001-2016 and PPG/s advice principally in relation to PPS 6: Planning for Town Centres.

I am satisfied that the proposal in relation to the Heritage Arcade is consistent with planning policies highlighted above. Given that the application is a multi site submission, and the New Hall Hey element of the application fails to comply with the requirements of Regional Spatial Strategy, the Joint Lancashire Structure Plan and Planning Policy Statement 6, I recommend that the split decision is reached and that the Heritage Arcade element of the proposal be approval.

Recommendation

That planning permission be granted subject to the following conditions :

1. The development permitted shall be begun before the expiration of three years from the date of this consent.

Reason :The condition is required by virtue of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. Prior to the commencement of development a scheme shall be submitted for the written approval of the Local Planning Authority which details a

programme of building recording and analysis. The recording shall be carried out by a professionally qualified archaeological/building recording consultant or organisation in accordance with the approved scheme. Upon completion of the programme of building recording and analysis it shall be submitted to the Local Planning Authority.

Reason : To ensure and safeguard the recording and inspection of matters of archaeological/historic importance associated with the building, in accordance with the advice of LCC(Archaeology) and Policy 21 of the adopted Joint Lancashire Structure Plan .

- 3 No development shall be started until samples of the facing materials to be used for the roof lights, replacement window / door, glazed screen, kalwall cladding, brickwork, and service ramp of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken using the approved materials.

Reason : To safeguard the amenity of the Conservation Area in accordance with policy HP.1 of the Rossendale Local Plan.

- 4 Fumes, vapours and odours shall be extracted and ducted from the premises in such a manner as to prevent nuisance to the occupiers of neighbouring properties and to minimise the visual impact of the structure, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority before the use hereby permitted commences. Such a scheme, when approved, shall be implemented prior to the use being commenced.

Reason : To prevent smell and fume nuisance to nearby neighbours and to ensure the visual appearance of the fume extraction system is acceptable, in accordance with Policy DC1 of the Rossendale District Local Plan.

- 5 Prior to the commencement of development a method statement detailing the how the external elevations of the building will be cleaned / maintained shall be submitted for the written approval of the Local Planning Authority. Such a scheme, when approved, shall be implemented prior to first use of the proposal.

Reason : To safeguard the amenity of the Conservation Area in accordance with policy HP.1 of the Rossendale Local Plan.

Reason for Granting Planning Permission

The decision to grant planning permission has been taken having regard to the policies and proposals in Regional Spatial Strategy, Joint Lancashire Structure Plan 2001-2016 and the Rossendale District Local Plan set out below, and to all relevant material considerations, including Supplementary Planning Guidance. There are no other material planning considerations that outweigh this finding:

Rossendale District Local Plan (Adopted 1995)

- DS1 - Urban Boundary
- E12 - Noise Attenuation
- HP1 - Conservation Areas
- HP2 - Listed Buildings
- DC1 - Development Control

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- PPG13 - Transport
- PPG15 - Historic Environment
- PPG16 - Archaeology and Planning
- PPG24 - Noise

Informative

Notwithstanding the requirements of condition 2 the scheme of recording should include a RCHME level 2 supplemented with appropriately annotated copies of the plans and elevations.