

Application Number:	2016/0605	Application Type:	Full
Proposal:	Formation of covered external terrace / seating area surrounded by a fixed glazed canopy structure and planters, including a retractable awning, and the creation of a new side access from the building.	Location:	17 Bank Street, Rawtenstall, BB4 6QS
Report of:	Planning Unit Manager	Status:	For publication
Report to:	Development Control Committee	Date:	28 th February 2017
Applicant:	Mr I Pillitteri	Determination Expiry Date:	7 th March 2017
Agent:	Mr F Pillitteri		

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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	
Other (please state):	Council-owned land

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

Approve full planning permission subject to the conditions.

2. SITE

The application site refers to a paved area of land immediately to the north of No. 17 Bank Street, a building which is currently vacant and was last used as a bank. The building consists of a ground floor, basement and a small first floor.

The land in question is owned by the Council.

Planning permission was granted in 2016 (ref: 2016/0338) for the change of use of the building to a restaurant / café (including associated building repairs and the installation of an extraction duct on the rear elevation of the building).

The land which is the subject of the current application is immediately adjacent to the northern elevation of the building. The site is located at the southern end of Bank Street, close to its junction with St. Mary's Way, and forms part of the wider public square to the north.

The site lies within the defined urban boundary and is within the Rawtenstall Town Centre Conservation Area.

3. RELEVANT PLANNING HISTORY

2000/0319 - Proposed siting of outdoor condensing unit(s) on the flat roof of the extension to the rear of the bank (Approved)

2011/0435 - Installation of new signage to front of building (Approved)

2014/0385 - Construction of a ramp to the front of the building to provide level access to HSBC (Refused)

2015/0062 - Replacement of external ATM (Approved)

2015/0147 - Installation of an external ramp to the entrance to provide level access (Approved)

2016/0338 - Change of use from Bank (A2) to Restaurant / Cafe (A3), including the installation of a new kitchen extraction duct and general building repairs (Approved)

4. PROPOSAL

Planning permission is sought for the formation of an external covered seating area (for 24 covers) to be used in conjunction with the approved café / restaurant at No. 17 Bank Street, with a fixed glazed canopy structure on to the northern side of the building.

The canopy structure would have a powder coated aluminium frame surrounded by clear glass upper panels above opaque lower panels. A retractable awning would provide cover for diners using the seating area.

Five timber planters would be installed around the perimeter of the seating area and would contain small shrubs and flowers.

The existing paving would be retained as it is not proposed to resurface the area. A new door would be created in the northern elevation of the building to provide access to the seating area from ground floor of the approved café / restaurant.

5. POLICY CONTEXT

National

National Planning Policy Framework (2012)

- Section 1 Building a Strong Competitive Economy
- Section 4 Promoting Sustainable Transport
- Section 7 Requiring Good Design
- Section 12 Conserving and Enhancing the Historic Environment

Development Plan Policies

Rossendale Core Strategy DPD (2011)

- AVP 4 Rawtenstall, Crawshawbooth, Goodshaw and Loveclough
- Policy 1 General Development Locations and Principles
- Policy 8 Transport
- Policy 9 Accessibility
- Policy 11 Retail and Other Town Centre Uses
- Policy 16 Preserving and Enhancing Rossendale's Built Environment
- Policy 23 Promoting High Quality Design and Spaces
- Policy 24 Planning Application Requirements

Other Material Considerations

National Planning Practice Guidance

6. CONSULTATION RESPONSES

Consultee	Comment
RBC (Environmental Health)	No objection subject to condition
LCC (Highways)	No objection
RBC Property Services	Stated that it is unlikely that a lease will be granted by the Council for the proposed use of Council-owned land
Rossendale Civic Trust	No comments

7. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order a site notice was posted on 24/01/2017 and 8 neighbour letters were sent out on 18/01/2017. A press notice was published on 27/01/2017.

No comments or objections have been received.

8. ASSESSMENT

The main considerations of the application are:

1) Principle; 2) Visual Amenity and Heritage Impact; 3) Neighbour Amenity; and 4) Access, Parking and Highway Safety.

Principle

The application site is located within the urban boundary, where Policy 1 of the Core Strategy seeks to locate the majority of new development.

The development is considered appropriate in principle.

Visual Amenity and Heritage Impact

Policy 16 of the Core Strategy states:

“The Council will protect, conserve, preserve and enhance Rossendale’s historic built environment including Listed Buildings, Conservation Areas, Registered Parks and Gardens, Scheduled Ancient Monuments, archaeological sites, historic landscapes and locally identified buildings, sites and structures. These heritage assets all contribute to the local distinctiveness and character of the area. Their futures, including their settings will be safeguarded and secured by:

- *Encouraging innovative new design(s), where it responds to the character, scale and setting of historic buildings and areas.*
- *Maximising the potential for the re-use of buildings of historic or local interest for appropriate uses to ensure their future longevity. However where this is not possible/appropriate, considerate and sensitive redevelopment will be supported, subject to advice from the Council’s Conservation Team and English Heritage.”*

It is considered that the proposed glazed canopy structure would be of a high quality design (in accordance with Policy 23 of the Core Strategy), and would not appear out of place in a town centre location. The structure would have a clear visual affiliation with its use as an ancillary dining area for the adjacent restaurant.

The proposed materials would be appropriate within the Conservation Area and would not appear incongruous in the site’s wider setting.

The development is considered acceptable in terms of visual amenity / heritage impact.

Neighbour Amenity

It is not considered that the proposed development would have any detrimental impact on the daylight, outlook or privacy enjoyed by the occupants of any nearby residential properties, or any significant adverse noise impacts on nearby residential properties given the proposed location of the seating area and the separation distances involved.

Given the proximity of neighbouring residential properties, it is considered appropriate to include a condition restricting the hours of use of the proposed seating area / terrace.

Subject to the above, the scheme is considered acceptable in terms of neighbour amenity.

Access / Parking and Highway Safety

The site is sustainably located in the town centre, and has a large public car park to the rear (off James Street). A smaller public car park is located to the front of the building adjacent to St. Mary’s Way.

The principle of the use of the adjacent building as a café / restaurant has already been established under planning permission 2016/0338 and the Local Highway Authority has no objection to the proposed seating area.

As such, the scheme is considered acceptable in terms of access / parking.

Other Matters

As the application site is located on land owned by the Council, the applicant would need to secure a lease for the proposed use of the land from the RBC Property Services Department – a process separate to the determination of this planning application.

It is understood that such a lease is unlikely to be granted for the external seating area as the Council has made a public commitment to the development of the wider town square which includes the site of the proposed development. As such, the applicant has been advised by the Head of Property Services that the proposal cannot be accommodated into a formal lease arrangement.

As such it should be noted that even if planning permission is granted, it will not necessarily be possible for the applicant to implement the proposed external seating area / terrace.

9. SUMMARY REASON FOR APPROVAL

The scheme is considered acceptable in principle and, subject to conditions, would not detract to an unacceptable extent from visual and neighbour amenity or highway safety. The development is in accordance with Policies AVP4, 1, 9, 11, 16, 23 and 24 of the adopted Core Strategy DPD and Sections 1, 4, 7 and 12 of the Framework.

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 the following plans and documents unless otherwise required by the conditions below:

- Application form date stamped 20th December 2016 by the Local Planning Authority.
- Site Location Plan date stamped 20th December 2016 by the Local Planning Authority.
- Proposed GA (Drawing Number 7533-02) date stamped 20th December 2016 by the Local Planning Authority.
- Proposed External Terrace Elevations (Drawing Number 7533-05) date stamped 20th December 2016 by the Local Planning Authority.

Reason: To ensure the development complies with the approved plans and submitted details.

3. The external seating area / terrace hereby permitted shall only be used within the following hours:

- Daily (including weekends and Bank Holidays) from 8am to 9pm

Reason: In the interests of neighbour amenity.

4. The planters shown on approved drawing nos. 7533-02 and 7533-05 shall be installed and planted up prior to first use of the external seating area / terrace hereby approved, and shall be retained and maintained thereafter.

Reason: In the interests of visual amenity.

5. The glazed panels forming part of the approved development shall be toughened glass, and shall be maintained as such in perpetuity.

Reason: In order to reduce the likelihood of damage from vandalism, in the interests of visual amenity.

11. INFORMATIVES

1. The Local Planning Authority has a Core Strategy (adopted in November 2011) and a series of Supplementary Planning Documents, which can be viewed at:

http://www.rossendale.gov.uk/downloads/download/331/core_strategy_local_plan_part_1_adapted

The Council operates a pre-application planning advice service. All applicants are encouraged to engage with the Local Planning Authority at the pre-application stage. In this case the applicant did not engage in pre-application discussions.

The Local Planning Authority has considered the application and where necessary considered either the imposition of planning conditions and/or sought reasonable amendments to the application in order to deliver a sustainable form of development in accordance with the National Planning Policy Framework and the local planning policy context.