

Application Number:	2017/0151	Application Type:	Full
Proposal:	Change of use from A1 shop to A4 drinking establishment, including alterations to shop front, installation of new bi fold doors, alterations to fenestration, external rendering and installation of timber cladding. Installation of new externally mounted refrigeration condenser unit to rear.	Location:	ABs Emporium, Adjacent to Rawtenstall Market, Newchurch Road, Rawtenstall, BB4 7QX
Report of:	Planning Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	21/06/2017
Applicant:	Mr Carmelo Pillitteri	Determination Expiry Date:	30/06/2017
Agent:	Mr Francesco Pillitteri		

Contact Officer:	James Dalglish	Telephone:	01706 238643
Email:	planning@rossendalebc.gov.uk		

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):	

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

Grant planning permission subject to the conditions.

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APPLICATION DETAILS

2. SITE

The application site refers to a brick built, single storey building currently in use as a second-hand furniture shop. The building consists of two ground floor rooms, with a W/C to the rear.

The building is located at the eastern end of Rawtenstall Market, adjacent to an access road leading to the public car park at the rear of the market hall. The south elevation of the building has a large shop window (with a fascia sign above) and access door, in front of which are located four car parking spaces (currently marked as being allocated to AB's Emporium). The west side elevation has a number of windows over which are fitted metal security grilles, and a large roller shutter door opening. Further parking spaces are located to the north.

The building is predominantly faced with brick and has a combination of UPVC and timber windows. The roof form consists of a shallow mono-pitched section to the front (south) and a shallow dual-pitch to the rear (north).

To the east of the site, there is a row of shops and residential properties. There are further residential properties located to the north east.

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

3. RELEVANT PLANNING HISTORY

2004/0628 - Replacement of felt roof and 6 skylights with dark grey profile sheeting and 12 safe lights (Approved)

4. PROPOSAL

It is proposed to change the use of the building from a shop (A1) to a bar / drinking establishment (A4). The scheme would involve the reconfiguration of the internal layout of the building to form two main seating areas, a bar, a cold room and two WCs.

The proposed scheme would involve the removal of the metal security grilles from the windows on the west elevation of the building, and would involve cleaning and repairs to the brickwork and windows of the building. New toughened glass would be used in the existing window openings. The former signage board on the west elevation of the building would be removed and that part of the building would be clad in timber boarding. The fascias on the front elevation of the building would be replaced and painted grey.

The front elevation of the building would have a set of grey aluminium bi-folding doors installed, which would retract when necessary to provide an open frontage for the bar onto Newchurch Road. The existing roller shutter door on the west elevation of the building would be retained. A dedicated area for bin storage and collection has been identified on the submitted plans, to be located on the north side of the building. A new externally mounted condenser unit would be installed on the north side elevation of the building.

The applicant states that the scheme would employ two full time and two part time staff. The proposed opening hours are 11:00–23:00 Sunday to Thursday, and 11:00-00:00 on Fridays and Saturdays.

Since the initial submission of the application, the applicant has amended the scheme in the following ways following discussions with the case officer:

- An initially proposed outdoor seating area has been omitted in its entirety
- The proposed condenser unit has been relocated to the north side wall of the building to reduce potential noise to neighbouring properties (it was initially proposed to be on the rear / east elevation of the building)
- The proposed bottle bin store has been relocated to the north side wall of the building to reduce potential noise to neighbouring properties (it was initially proposed to be on the rear / east elevation of the building)
- The applicant has agreed that deliveries will only take place through the main roller shutter door on the west side of the building
- It was initially proposed to render the front elevation of the building, but further to comments received from the Council's Conservation Officer the applicant has agreed that the original brickwork will be retained without render being applied.

5. POLICY CONTEXT

National

National Planning Policy Framework (2012)

- Section 1 Building a Strong Competitive Economy
- Section 4 Promoting Sustainable Transport
- 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
Lancashire Constabulary	Recommended inclusion of security measures.
United Utilities	No comments have been received
RBC Conservation Officer	No objection
Rossendale Civic Trust	No comments have been received
RBC Property Services	No objection
LCC Highways	No objection to amended plans
RBC Environmental Health	No objection to amended plans
RBC Licensing	No comments have been received
RBC Operations	No comments have been received

7. REPRESENTATIONS

To accord with the General Development Procedure Order neighbours were sent letters on 13/04/2017 and a site notice was posted on 13/04/2017. A notice was published in the Rossendale Free Press on 21/04/2017.

Three letters of objection have been received raising the following points:

- Noise impacts on neighbouring properties.
- Impacts on privacy and amenity of neighbours.
- Increased traffic and parking issues.
- Potential for extra rubbish to be generated and risk of vandalism.

Following the receipt of amended plans from the applicant, letters of re-consultation were sent to persons who had objected to the initial plans to provide an opportunity for further comment. None of the objections were withdrawn, and as such there remain three objections to the scheme.

8. REPORT

The main considerations of the application are:

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

Principle

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

Policy 11 of the Core Strategy states that 'town centre uses' (including development related to leisure) will be focused within the defined town and local centres of the Borough.

The policy also states that "*proposals for non-retail uses appropriate to town centres will be considered favourably within the town centre boundary, which encompasses but extends beyond the Primary Shopping Area.*"

The proposed scheme is considered an appropriate use for a town centre, and as such is in accordance with the guidance set out in Policy 11.

The development is considered appropriate in principle.

Visual Amenity / Heritage Impact

The proposed development would not result in any significant external changes to the building, other than the addition of a section of timber cladding on the west elevation, and the replacement of the shop front with a set of bi-folding doors on the front elevation.

It was initially proposed to render the front elevation of the building, but further to comments received from the Council's Conservation Officer the applicant has agreed that the original brickwork will be retained without render being applied. The Conservation Officer has no objection to the amended plans.

The proposed condenser unit would be located on the north side of the building, and would not be prominent in views from Rawtenstall Market or Newchurch Road.

The scheme would involve the removal of the existing security grilles from the windows on the west side elevation of the building, which it is considered would lead to an improvement to the appearance of the building, as would the proposed cleaning and repairs to the building's elevations and windows.

It is considered that the proposed scheme is of appropriate design and appearance, and would not cause any significant harm to the character and appearance of the Rawtenstall Town Centre Conservation Area.

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

Neighbour Amenity

Objections have been received from members of the public raising concerns that the proposed scheme would cause noise nuisance and a loss of privacy to neighbouring properties and their gardens.

Further to discussions between the case officer, the Council's Environmental Health Officer and the applicant's agent, several amendments have been made to the proposed scheme in an attempt to address some of the concerns over potential harm to neighbour amenity, as follows:

- An initially proposed outdoor seating area has been omitted in its entirety.
- The proposed condenser unit has been relocated to the north side wall of the building to reduce potential noise to neighbouring properties (it was initially proposed to be on the rear / east elevation of the building).
- The bottle bin would now be stored to the north side of the building to reduce potential noise to neighbouring properties (it was initially proposed to be to the rear / east elevation of the building).

The Council's Environmental Health Officer has no objection to the proposed scheme based on the amended plans, and it is considered that the scheme as amended will not cause undue harm to the amenities enjoyed by neighbouring residents by way of noise nuisance, loss of privacy or light pollution.

The proposed hours of opening (11:00–23:00 Sunday to Friday, and 11:00-00:00 on Saturdays) are not considered to be unreasonable for a drinking establishment located in a town centre.

Given the proximity of the site to other residential properties it is considered appropriate to include a condition restricting the hours of construction, in order to prevent undue noise nuisance during the works to convert the premises.

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

Access, Parking and Highway Safety

The proposed scheme would not entail any change to the existing parking and access arrangements to the building. The parking spaces currently allocated to AB's Emporium to the front of the premises would continue to be available for staff of the proposed drinking establishment.

Amended plans have been received showing that deliveries will only take place through the roller-shutter door on the west side elevation of the premises. The applicant has agreed that such deliveries will only take place on non-market days to avoid conflict with vehicles accessing Rawtenstall Market. It is considered appropriate to include a condition restricting deliveries to non-market days in this regard.

Subject to the above, the scheme is considered acceptable in terms of access, parking and highway safety.

9. SUMMARY REASON FOR APPROVAL

The proposed development is appropriate within the urban boundary and it is considered that the scheme would not unduly detract from visual and neighbour amenity, heritage value or highway safety. It is considered that the development is in accordance with the National Planning Policy Framework and Policies 1, 8, 9, 11, 16, 23, 24 and AVP4 of the adopted Core Strategy DPD.

10. CONDITIONS

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

Reason: To accord with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the following:

- Application form date stamped 10th April 2017 by the Local Planning Authority.
- Site location plan date stamped 10th April 2017 by the Local Planning Authority.
- Proposed plans and elevations (Drawing Number 1701-09 Revision A) date stamped 18th May 2017 by the Local Planning Authority

Reason: For the avoidance of doubt.

3. The drinking establishment hereby permitted shall not be open to members of the public other than between the hours of 11:00-23:00 Sunday to Thursday, and 11:00-00:00 on Fridays and Saturdays.

Reason: In the interests of neighbour amenity.

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 and 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 neighbours.

5. The condenser unit hereby approved on the north elevation of the building shall be model number JEHR-0100 B1-M-1 as shown on the submitted trade literature from J&E Hall International, or shall be an alternative model of matching dimensions with the same noise output level (no louder than 30dBA at 10m).

Reason: In the interests of neighbour amenity.

6. The external lighting to the rear yard of the drinking establishment hereby approved shall consist of 1 no. lidded bulkhead light only, which shall be positioned and angled such that it only illuminates the rear yard of the premises and does not cause any illumination of any areas outside of the site.

Reason: In the interests of neighbour amenity.

7. Deliveries to the drinking establishment hereby approved shall only take place through the roller shutter door in the west elevation of the building. Deliveries shall not take place on days when Rawtenstall Market is open for trading.

Reason: In the interests of highway safety.

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_adopted

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.

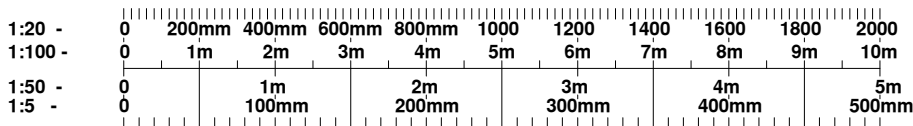
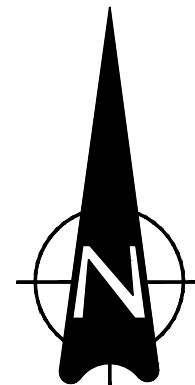
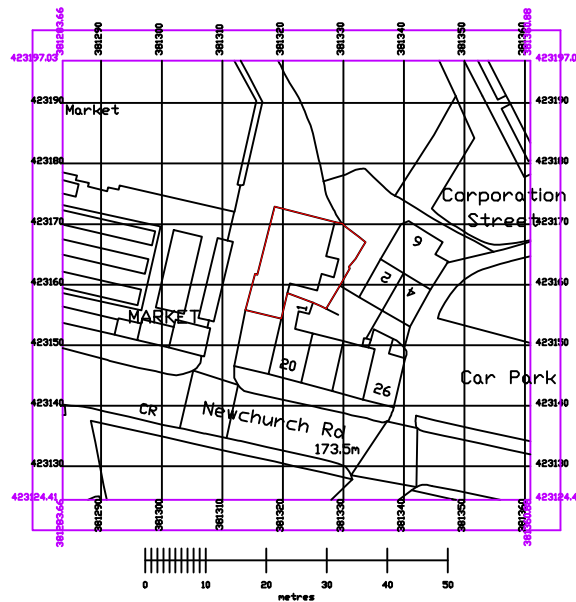
The Local Planning Authority has considered the application and where necessary considered either the imposition of planning conditions and/or sought reasonable amendments to the application in order to deliver a sustainable form of development in

accordance with the National Planning Policy Framework and the local planning policy context.

2. The applicant's attention is drawn to the comments received from Lancashire Constabulary. The suggestions have been made by Lancashire Constabulary in the interests of deterring criminal activity. Be aware that the installation of CCTV cameras, lighting or other equipment may require separate planning permission, and that planning permission should be obtained (if it is required) prior to any such equipment being installed.

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rev	date	note



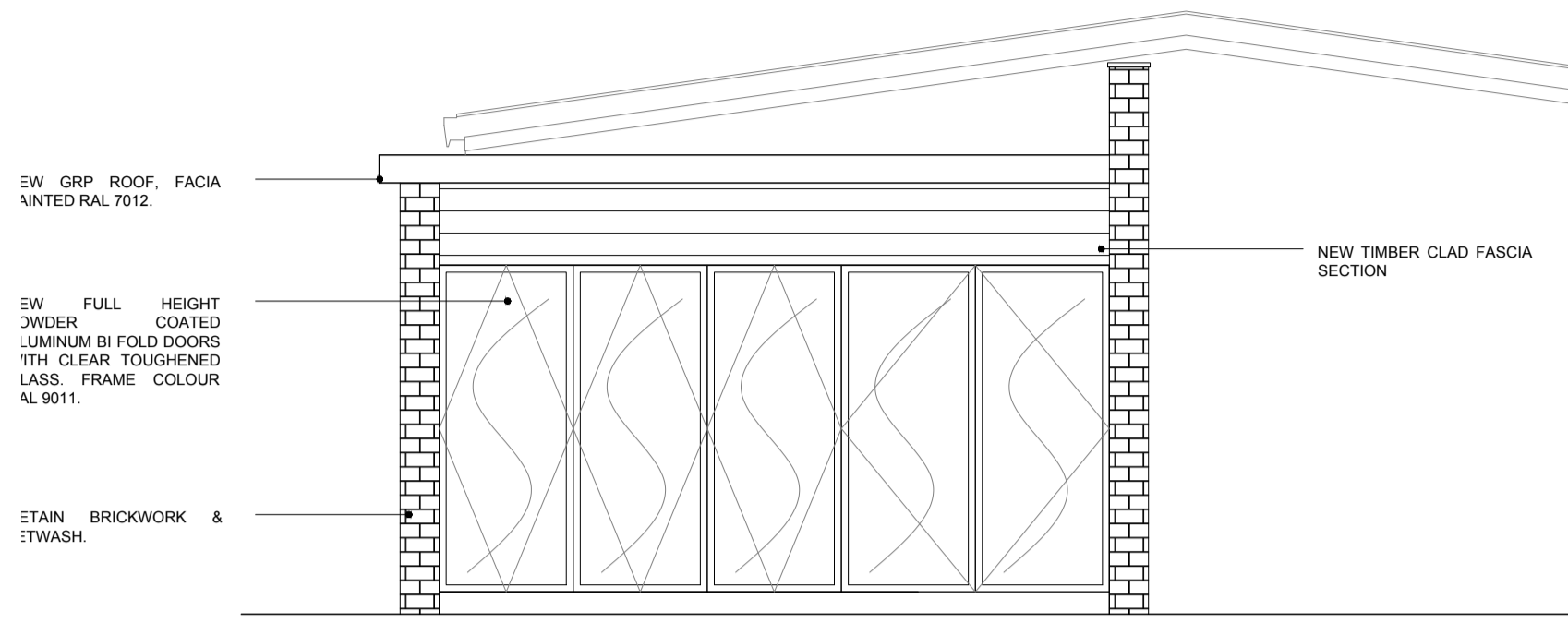
KEY

 DENOTES SITE BOUNDARY

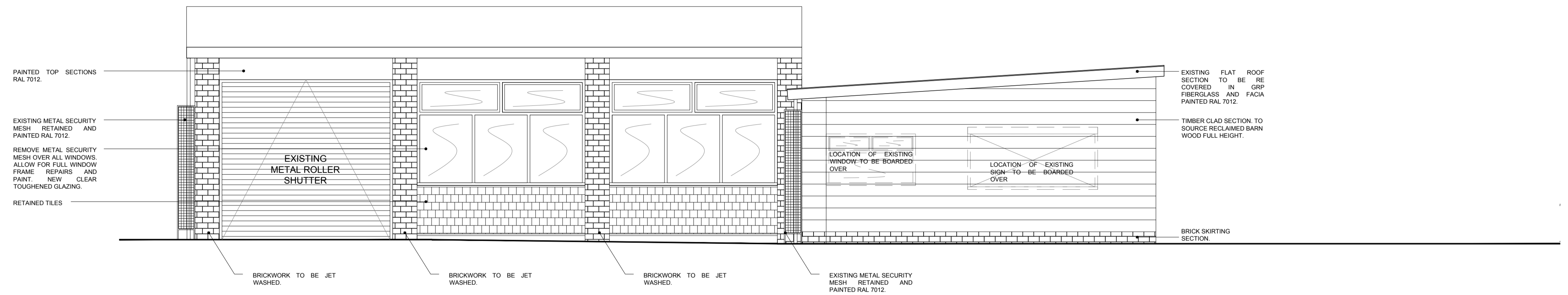
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	drawing title		SITE LOCATION PLAN			
	drawing no	rev	date	drawn by	checked	scale @ A4
1701-00	-	19.03.17	FP	PN	1:1250	

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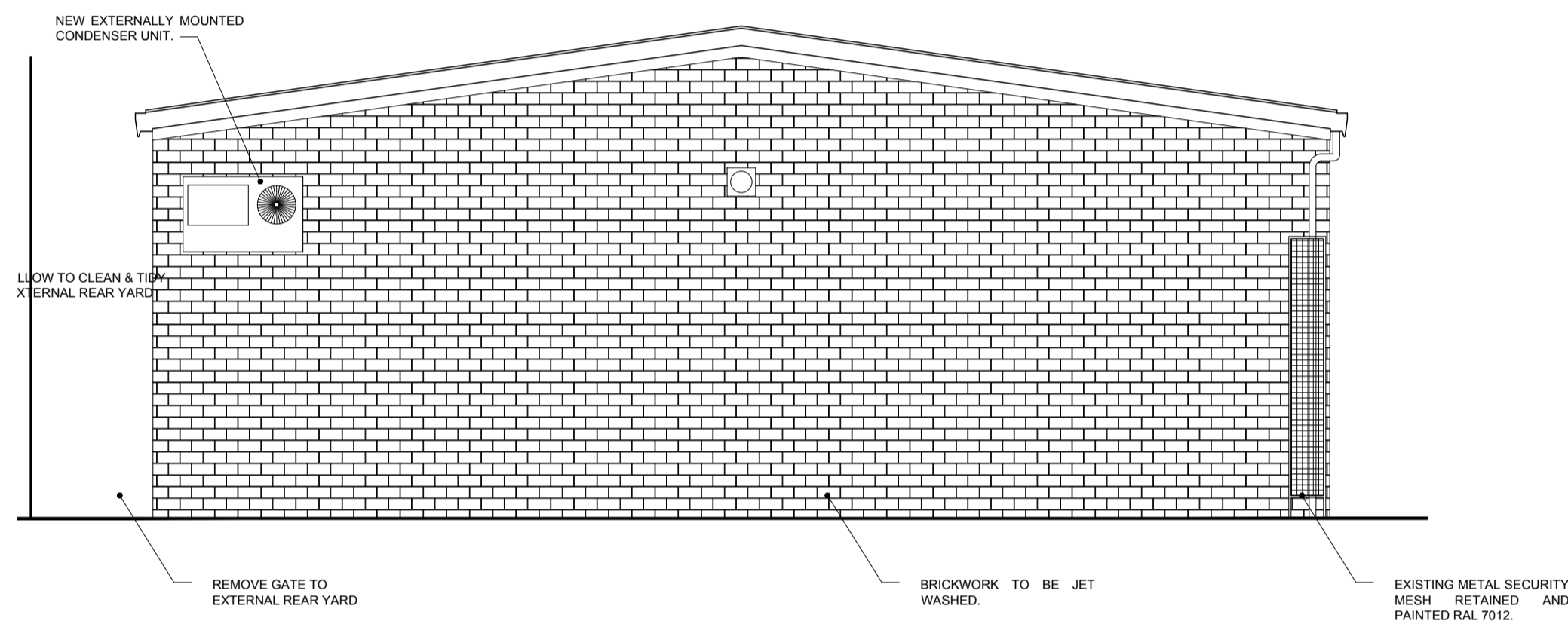
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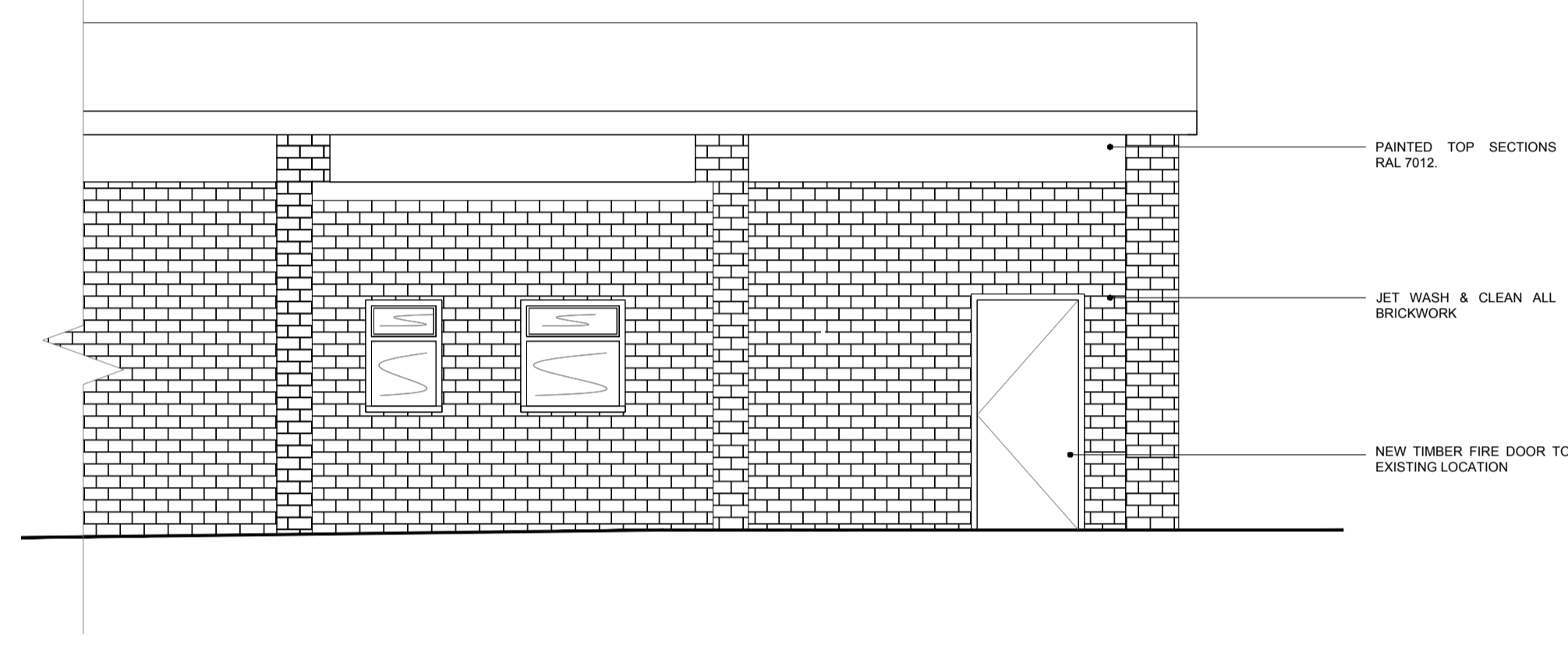
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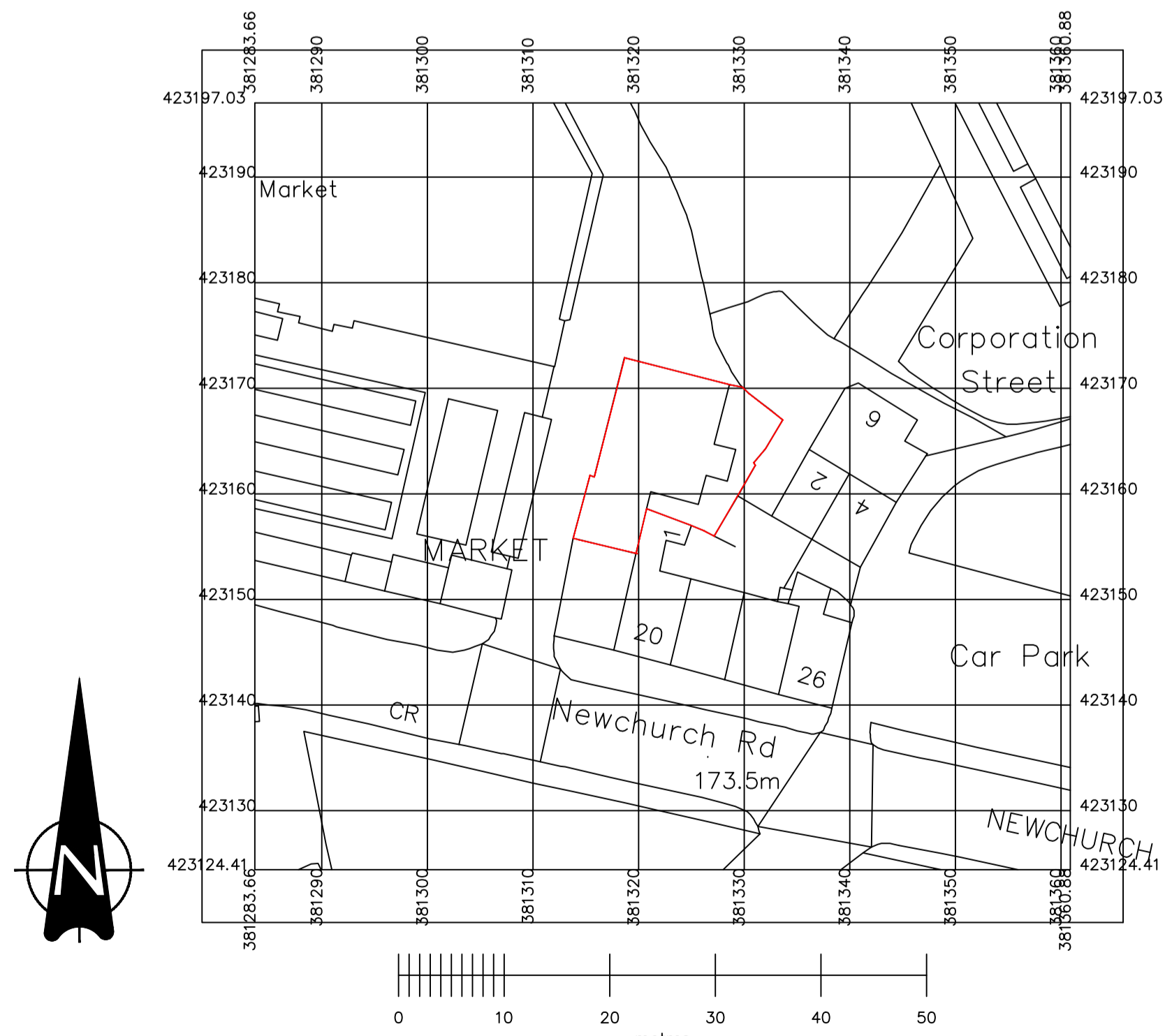
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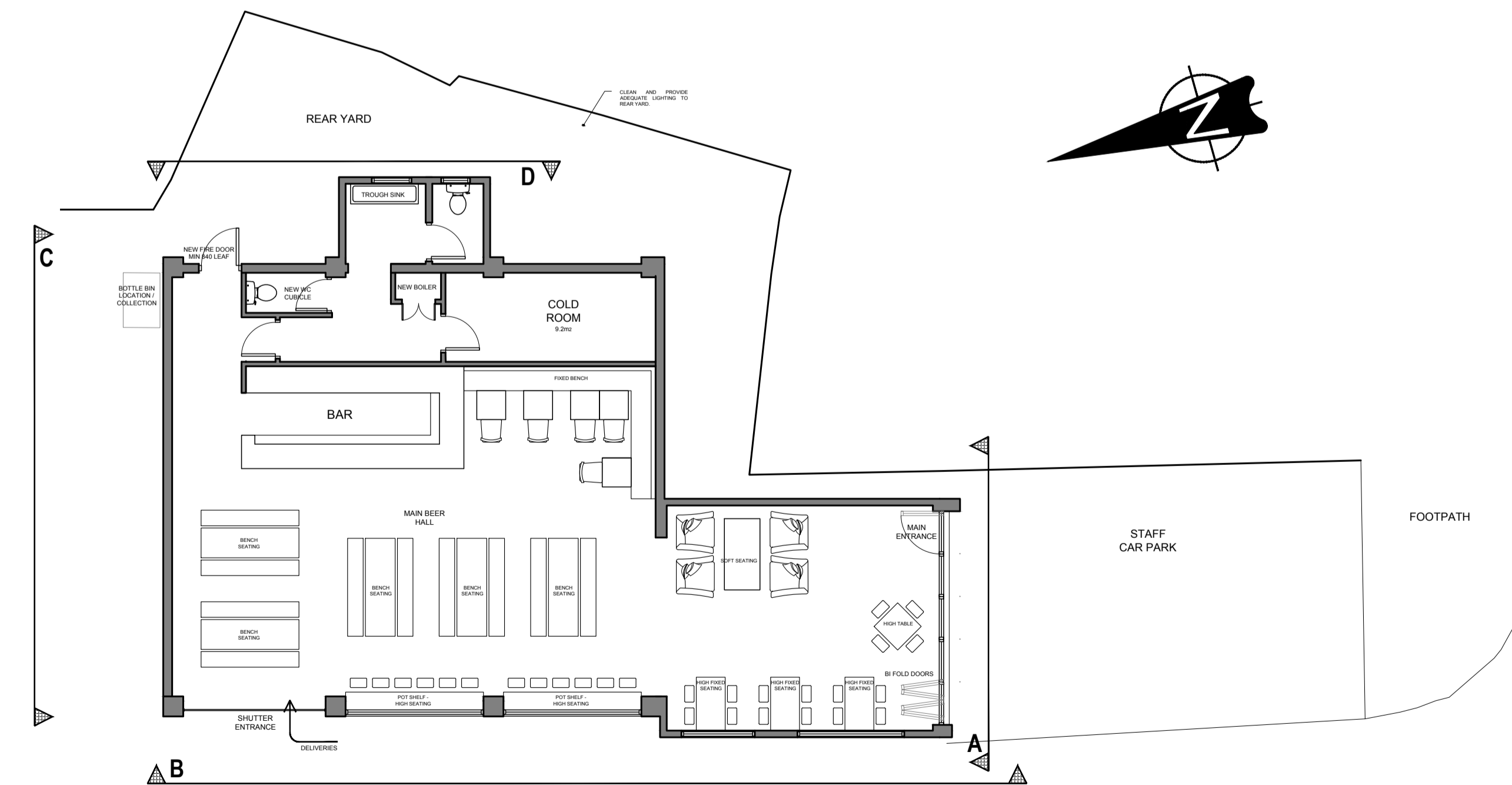
ELEVATION C 1:50@A1



ELEVATION D 1:50@A1



SITE PLAN 1:500@A1



PROPOSED PLAN 1:100@A1

rev	date	note
A	15.05.17	all proposed render works removed & location of condenser & bin collection location

stage	description
[Symbol]	DESIGN
[Symbol]	LOCAL AUTHORITY
[Symbol]	TENDER
[Symbol]	CONSTRUCTION

PILLITTERI DESIGN <small>Interior Design - 07875 123 969 www.js27.com</small>					
client NORTHERN WHISPER BREW CO					
address 18 NEWCHURCH ROAD, RAWTENSTALL, ROSSENDALE, LANCASHIRE BB4 7QX					
drawing title PROPOSED PLANS AND ELEVATIONS					
drawing no 1701-09	rev A	date 19.03.17	drawn by FP	checked PN	scale @ A1 1:50