

Application Number:	2017/0363	Application Type:	Full
Proposal:	Change of use of ground floor from office to micro pub	Location:	16 Bury Road Rawtenstall Rossendale Lancashire BB4 6AA
Report of:	Planning Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	04/09/2017
Applicant:	Mr M Jones	Determination Expiry Date:	10/10/2017
Agent:	Mr Steven Hartley		

Contact Officer:	James Dalglish	Telephone:	01706 238643
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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):	

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.

APPLICATION DETAILS

2. SITE

The application site refers to the ground floor (only) of a stone built, three storey mid-terraced building in use as offices in association with a charity (Positive Action for the Community). The building consists of two ground floor rooms and a W/C.

The building is located at the southern end of Rawtenstall town centre, and other buildings in the terrace are in commercial use. The front elevation of the building has a glazed shop front (with a fascia sign above) and access door. The shop front has a retractable metal roller shutter, housed in a projecting box above the shop front.

The rear elevation of the building has an entrance door and window at ground floor level, both of which are covered by metal roller shutters. There is a yard area to the rear of the building, which houses a commercial refuse bin.

At first and second floor level within the building there are residential flats. Further residential flats are located above other properties in the terrace, and there are other residential properties located to the east of the site.

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

3. RELEVANT PLANNING HISTORY

2007/0339 - Change of use of retail shop (A1) to office (A2) (Approved)

4. PROPOSAL

It is proposed to change the use of the building from an office to micro pub / drinking establishment (A4). The scheme would involve the reconfiguration of the internal layout of the building to form a lounge / bar area, two W/Cs, and two storage rooms.

Access to the premises would remain as existing through the shop front, and no external alterations to the building are proposed.

The applicant states that the pub would employ two full time and one part time staff. The proposed opening hours are 11:00–22:30 Sunday to Thursday, and 11:00-23:00 on Fridays and Saturdays.

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
RBC Conservation Officer	No comments have been received.
LCC Highways	No objection subject to condition.
RBC Environmental Health	No objection subject to condition.
RBC Licensing	No comments have been received.
RBC Operations	No comments have been received.

7. REPRESENTATIONS

To accord with the General Development Procedure Order 27 neighbours were sent letters on 27/07/2017 and a site notice was posted on 27/07/2017. A notice was published in the Rossendale Free Press on 04/08/2017.

Six 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.

8. REPORT

The main considerations of the application are:

1) Principle; 2) Visual Amenity / Heritage Impact; 3) Neighbour Amenity; and 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 and as such it is considered that it would not cause any significant harm to the character and appearance of the Rawtenstall Town Centre Conservation Area.

There has been no objection from the Council's Conservation Officer.

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.

In terms of privacy, it is not considered that the change of use of the premises to a drinking establishment would cause any undue overlooking or loss of privacy to any neighbouring residential properties. The site is in a town centre location, where it is not unusual to find drinking establishments.

Further to discussions between the case officer, the Council's Environmental Health Officer and the applicant's agent, amended plans have been received which show the provision of a bottle bin to be stored in the rear yard of the premises. It has been agreed with the applicant's agent that a condition can be included which would restrict the hours at which bottles can be deposited into the outdoor bottle bin, in order to mitigate potential noise nuisance.

The Council's Environmental Health Officer has no objection to the proposed scheme based on the amended plans and the proposed condition, 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, or loss of privacy.

Objectors' comments relating to anti-social behaviour are noted; however there is no compelling evidence to suggest that the approval of the application would result in an increase in such behaviour. In any case, such behaviour could be addressed under separate legislation by the Police if such a problem did arise.

It is considered appropriate to include a condition preventing the use of the rear yard for outdoor seating in connection with the pub, to prevent undue noise nuisance to residential properties to the rear.

The proposed hours of opening (11:00 – last orders at 22:30 Sunday to Thursday, and 11:00 – last orders at 23:00 on Fridays and Saturdays) are not considered to be unreasonable for a drinking establishment located in a town centre. It is considered appropriate to include a condition restricting the hours of opening as such, allowing an extra 30 minutes after last orders for customers to leave 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.

Further to a request from the Local Highway Authority for detailed information relating to the availability of parking provision within the town centre, the applicant's agent has forwarded parking surveys undertaken on a Friday and a Saturday evening which showed that there is spare capacity on the majority of nearby town centre car parks.

The Local Highway Authority has no objection to the proposed scheme in light of the above, subject to a condition being included requiring that any promotional material (including social media homepages, web pages, leaflets and flyers) connected with the proposed pub shall include details of the nearest town centre car park (including a map and the approximate walking distance). The applicant's agent has indicated that such a condition would be acceptable to them.

Objectors' comments regarding parking provision and disruption to access are noted, however it is considered that the site is sustainably located within the town centre and has good links to public transport. Given the nature of the proposed use as a drinking establishment, it is also considered less likely that customers would choose to drive their own cars to the site. It is considered likely that the majority of customers would take a taxi, walk or arrive by public transport. In any case, the applicant's agent has demonstrated the availability of nearby public car parking spaces at peak times and it is not considered that refusal of the application could be substantiated on grounds of inadequate parking and access.

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 26th July 2017 by the Local Planning Authority.
 - Site location plan date stamped 26th July 2017 by the Local Planning Authority.
 - Plans and elevations (Drawing Number MJ-19-07-17) date stamped 3rd August 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 11:00-23:30 on Fridays and Saturdays.

Reason: In the interests of neighbour amenity.

4. No bottles shall be placed in any outdoor bins between the hours of 21:00 – 10:00 on any day.

Reason: In the interests of neighbour amenity.

5. The yard to the rear of the premises shall not at any time be used as an outdoor seating or smoking area in association with the use of the premises hereby approved as a drinking establishment.

Reason: In the interests of neighbour amenity.

6. All promotional information (including internet homepages, social media homepages, leaflets, posters and flyers) associated with the use of the premises hereby approved as a drinking establishment shall include details of the nearest town centre car park to the premises (including a map and the approximate walking distance to the car park from the premises).

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.