

<b>Application Number:</b>	2018/0004	<b>Application Type:</b>	Full
<b>Proposal:</b>	Change of use of the building from offices to escape rooms attraction (sui generis)	<b>Location:</b>	33-35 Kay Street, Rawtenstall, BB4 7LS
<b>Report of:</b>	Planning Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	27 <sup>th</sup> February 2018
<b>Applicant(s):</b>	Simon Milnes	<b>Determination Expiry Date:</b>	12 <sup>th</sup> March 2018
<b>Agent:</b>	N/A		

<b>Contact Officer:</b>	<b>James Dalglish</b>	<b>Telephone:</b>	<b>01706 238643</b>
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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>Other (please state):</b>	<b>Council-owned land</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

Approve full planning permission subject to the conditions set out in section 10.

Members should note that due to the press notice being published late, members of the public have until 2<sup>nd</sup> March 2018 to comment on the application, which is after the date of the Committee meeting in this case.

If Members are minded to approve the application it is recommended that the Committee grants authority to the Planning Manager to approve the application subject to the suggested conditions

in the event that no objections are received by 2<sup>nd</sup> March 2018. If any objections are received by that date, the application will be brought back to Committee for a decision in March.

## **APPLICATION DETAILS**

### **2. SITE**

The application relates to Nos. 33-35 Kay Street in Rawtenstall. The property forms part of a two storey stone-built terrace of buildings which are in a variety of (mainly commercial) uses. The property in question is owned by Rossendale Borough Council and is currently vacant. It is understood to have been last used as offices for Rossendale Leisure Trust.

The property has two front access doors leading on to Kay Street, and also has a rear access door leading on to a courtyard used for car parking which is accessed off Buller Street.

The site is located within the Rawtenstall Town Centre Conservation Area.

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

2016/0522 - Change of use of the building from offices to a non-surgical aesthetics clinic (D1) (Withdrawn)

### **4. PROPOSAL**

The applicant seeks planning permission for the change of use of the premises from office accommodation to an 'escape rooms' visitor attraction (sui generis). The attraction would involve members of the public solving puzzles and riddles in order to escape from purpose-designed rooms.

The scheme would involve the creation of four escape rooms within the building, with two at ground floor level and two at first floor level. A reception area would be located on the ground floor, accessed off Kay Street.

No alterations are proposed to the external appearance of the building as part of the scheme.

### **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

#### **Development Plan Policies**

AVP 4 Rawtenstall, Crawshawbooth, Goodshaw and Loveclough

Policy 1 General Development Locations and Principles

Policy 9      Accessibility  
Policy 23     Promoting High Quality Design & Spaces  
Policy 24     Planning Application Requirements

### **Other Material Considerations**

National Planning Practice Guidance

## **6. CONSULTATION RESPONSES**

### RBC Environmental Health

No comments to make on the application.

### LCC Highways

No objection subject to conditions.

### Environment Agency

No comments have been received.

### RBC Property Services

No comments have been received.

### RBC Conservation Officer

No objection.

### Rossendale Civic Trust

No comments have been received.

## **7. REPRESENTATIONS**

To accord with the General Development Procedure Order a site notice was posted on 26/01/2018 and 28 neighbour letters were sent out on 30/01/2018. A notice was published in the Rossendale Free Press on 09/02/2018.

No comments or objections have been received.

Due to the press notice being published late, members of the public have until 2<sup>nd</sup> March 2018 to comment on the application, which is reflected within the recommendation for this application.

## **8. ASSESSMENT**

### Principle

1. The application site is located within an existing building in Rawtenstall town centre, inside the defined urban boundary, where Policy 1 of the Core Strategy seeks to locate the majority of new development.
2. Policy 10 of the Core Strategy seeks to resist the loss of existing employment sites and buildings to 'non employment generating uses' unless certain criteria have been satisfied.

3. The policy states:

*“The loss of existing employment sites and buildings to non-employment-generating uses will only be supported where:*

- (a) re-development for employment uses has been adequately demonstrated to the satisfaction of the Council to be economically unviable and the site is unlikely to be used for existing or future employment purposes, or*
- (b) the access to the site is poor and cannot be adequately improved, or*
- (c) the current, or any alternative employment, use has a significant adverse impact on the neighbouring land uses, or*
- (d) the site and/or buildings are significant heritage assets and their re-use or development is the most appropriate means to secure and maintain an acceptable and viable use that is consistent with their conservation, and in all cases*
- (e) the site has been marketed for 12 months, or less in exceptional circumstances, using a methodology agreed by the Council, and*
- (f) the development will have no unacceptable adverse impacts on surrounding land uses.”*

4. The proposed use of the unit as an Escape Rooms visitor attraction would retain some employment on the site (the submitted information states that up to 8 jobs would be created), and despite not being a B1 / B2 use it is not considered that the facility would be a strictly ‘non employment generating use’.
5. In addition, the unit has been marketed for a period in excess of 12 months by Trevor Dawson Estate Agents for its current use without success. Whether or not the proposed development will have any unacceptable adverse impacts on the surrounding land uses will be assessed in the sections of the report below.
6. Subject to the above, the development is appropriate in principle.

Visual Amenity

7. No external alterations to the building are proposed as part of the scheme. As such the scheme is considered acceptable in terms of visual amenity.

Neighbour Amenity

8. It is not considered that the proposed use of the site as an Escape Rooms attraction would give rise to any significant disturbance. The Council’s Environmental Health team has been consulted and has no objection, and no objections have been received from members of the public. The proposed use would not be uncommon in a town centre.
9. The proposed opening hours of 10am-10pm Monday-Sunday are not unreasonable for a visitor attraction in a town centre location.
10. As such the scheme is considered acceptable in terms of neighbour amenity.

Access, Parking and Highway Safety

11. The proposed scheme would not result in any changes to the existing parking arrangements at the site, and there has been no objection from the Local Highway Authority subject to conditions requiring:

- Any publicity material for the Escape Rooms attraction shall include information on the location of nearby public car parks. The same information shall be provided to customers who pre-book tickets for the attraction.
- Space shall be kept available in the ground floor reception area for customers to gather, to prevent them gathering on the footway outside the premises (as it is narrow at that point).

12. Whilst a condition can be attached to the recommendation in respect of the requirement to advertise the location of the public car parks it is not possible for the Local Planning Authority to restrict people gathering on the footway and this is part of the public highway. Subject to the publicity material condition the development is considered to be acceptable in respect of highway safety.

## 9. CONCLUSION

The proposed development is appropriate in principle within the urban boundary. It is considered that the development would not unduly affect the visual amenities of the area, neighbour amenity or highway safety. Accordingly, the scheme is considered to accord with the National Planning Policy Framework and Policies AVP4, 1, 9, 10, 23 and 24 of the Council's Core Strategy DPD (2011).

## 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:

- Submitted application form date stamped 15<sup>th</sup> January 2018 by the Local Planning Authority.
- Site Location Plan date stamped 15<sup>th</sup> January 2018 by the Local Planning Authority.
- Proposed Ground Floor Layout date stamped 15<sup>th</sup> January 2018 by the Local Planning Authority.
- Proposed First Floor Layout date stamped 15<sup>th</sup> January 2018 by the Local Planning Authority.

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

3. The Escape Rooms visitor attraction hereby permitted shall only operate between the hours of 10:00am – 10:00pm, 7 days per week.

Reason: To accord with the permission sought and in the interests of neighbour amenity.

4. All promotional information (including internet homepages, social media homepages, leaflets, posters and flyers) and tickets associated with the use of the premises hereby approved as an Escape Rooms visitor attraction shall include details of the nearest public car park to the premises.

Reason: In the interests of highway safety and to ensure that visitors to the property are fully aware of the available parking within the area.

## **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\\_ad\\_opted](http://www.rossendale.gov.uk/downloads/download/331/core_strategy_local_plan_part_1_ad_opted)

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 is reminded that no consent has been granted under this permission for the display of advertisements at the property – separate Advertisement Consent may be required for any signage. In addition, any future external alterations to the buildings are likely to require separate planning permission.