

Application Number:	2018/0201	Application Type:	Full
Proposal:	Change of use from retail (Use Class A1) to restaurant / banqueting hall / wedding venue / events venue (sui generis), installation of mezzanine floor, change of use of land to form car park extension and installation of new windows and door screens	Location:	Winners Discount Megastore New Hall Hey Road Rawtenstall Rossendale Lancashire BB4 6AJ
Report of:	Planning Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	19 June 2018
Applicant:	Mr Adeel Saleem	Determination Expiry Date:	21 June 2018
Agent:	Peter Harrison Architects		

Contact Officer:	James Dagleish	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:	✓ Councillor Smallridge Impact upon residents in regards to noise pollution, traffic congestion and activity at unsociable hours.
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 set out in section 11.

APPLICATION DETAILS

2. SITE

The application relates to a substantial two storey building of stone construction, located to the north side of New Hall Hey Road in Rawtenstall. The building is currently vacant, and it is understood that it was last used as a retail store, with offices located in the eastern wing at ground and first floor levels.

The building is surrounded by a large car park on its south and east sides. To the west there is a yard and a further area of hard standing which appears to have been formerly used as a builder's yard. To the north of the site runs the East Lancashire Railway.

The surrounding area is characterised by a mixture of terraced residential properties and larger commercial buildings, including a restaurant. Vehicular access to the site is either via New Hall Hey Road or from Bury Road via a smaller road to the south of the East Lancashire Railway.

The site is within the defined urban boundary.

3. RELEVANT PLANNING HISTORY

1991/0501 - Security window shutters to kwik save shop (Refused)

1991/0562a - Erection of internally and externally illuminated shop sign and gantry sign (Approved)

2017/0497 – Lawful Development Certificate: A1 Retail Use (Previously 99p Store) to Restaurant and Banqueting Hall (Withdrawn)

2017/0501 - Change of use from retail (Use Class A1) to restaurant / banqueting hall / wedding venue / events venue (sui generis) and installation of mezzanine floor (Withdrawn)

4. PROPOSAL

The applicant seeks planning permission for the change of use of the majority of the building from its current use class (A1 retail) to a mixed use of restaurant, wedding venue and events venue (sui generis). The change of use would apply to all parts of the building apart from the area of offices at first floor level in the east wing of the building. New windows and door screens are proposed to be fitted to the building.

The application also includes the change of use of land west of the building to form an extension to the car parking facilities already available on site.

The submitted information indicates that the building would be used to host functions, weddings and exhibitions. Internal alterations are proposed to the building to facilitate such a use, including the construction of a new mezzanine floor.

The proposed opening hours are 10am-4am (7 days per week) with events periods proposed at 12 noon-5pm and 7pm–11pm. The hours outside events periods are assumed to be used for staff to service and clean the facility.

5. POLICY CONTEXT

National

National Planning Policy Framework (2012)

Section 1	Building a strong, competitive economy
Section 4	Promoting Sustainable Transport
Section 6	Delivering a wide choice of high quality homes
Section 7	Requiring Good Design
Section 11	Conserving and Enhancing the Natural Environment

Development Plan Policies

Rossendale Core Strategy DPD (2011)

AVP4	Rawtenstall, Crawshawbooth, Goodshaw and Loveclough
Policy 1	General Development Locations and Principles
Policy 8	Transport
Policy 9	Accessibility
Policy 16	Preserving and Enhancing the Built Environment
Policy 18	Biodiversity and Landscape Conservation
Policy 23	Promoting High Quality Design & Spaces
Policy 24	Planning Application Requirements

Other Material Planning Considerations

National Planning Practice Guidance
Alterations and Extensions to Residential Properties SPD

6. CONSULTATION RESPONSES

LCC Highways	No objection subject to conditions
RBC Conservation Officer	No objection subject to conditions
RBC Operations	No comments
Police	No objection, provided additional advice.
RBC Environmental Health	No objection subject to conditions.
Cadent Gas	No objection, suggested informative.
Rawtenstall Chamber of Commerce	No comments have been received.
East Lancashire Railway	No comments have been received.

7. REPRESENTATIONS

To accord with the General Development Procedure Order a site notice was posted and 105 neighbour letters were sent out.

31 objections have been received raising the following issues:

- No benefit to the local area.
- Traffic issues.

- Access / parking issues.
- Lack of infrastructure to support the development.
- Noise nuisance.
- Disruption to residents.
- Loss of employment compared to retail use.
- Pollution.
- Light pollution.
- Increase in waste / litter in the area.
- Impact on East Lancashire Railway.
- Not in keeping with the local area.
- Impact on local community.
- Harm to neighbour amenity.
- Harm to visual amenity.

In addition, 24 letters of support and one other representation have been received, raising the following comments:

- Investment and employment opportunities.
- There is a need for the proposed type of venue locally.
- Good for the community to use for events.
- Creation of jobs.

8. ASSESSMENT

Principle

1. The application site is located within the urban boundary where Policy 1 of the Core Strategy seeks to locate most new development.
2. Whilst the proposed scheme would result in the loss of a retail unit and the creation of a non-retail use, the site is not located within the Rawtenstall Town Centre boundary. The various elements of the proposed development (e.g. restaurant) are considered to be main town centre uses which preferably should be located within the defined town centre however the mix of uses proposed constitutes a sui generis development. Given the nature of the development proposed this is considered appropriate for an edge-of-town-centre location such as this.
3. As such, the proposed scheme is acceptable in principle.

Visual Amenity

4. The proposed scheme would result in only minimal changes to the external appearance of the building; including the insertion of a small number of new windows and doors. The new window and door units are to be black in colour, and it is proposed to re-paint all existing window and door units black to match.
5. The Council's Conservation Officer has raised concerns over the proposal for close boarded fencing with concrete posts, which are not appropriate at this site close to the boundary of the Rawtenstall Town Centre Conservation Area. It is considered that boundary treatment incorporating stone walls and native planting should be considered, as this would better address the context of the site and planting would soften the appearance of the development. As such it is considered necessary to include a planning condition

stating that notwithstanding the submitted details, full details of boundary treatments shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

6. Similarly, only indicative details of landscaping have been provided on the application drawings and a condition is recommended requiring that full details are submitted for approval prior to the commencement of development.
7. Subject to the above conditions, the scheme is considered appropriate in terms of visual amenity.

Residential Amenity

8. The proposed hours of opening (events to be held between 12-5pm and 7-11pm) are considered appropriate, and it is considered necessary to include a condition restricting the hours of opening as such. Such hours of opening would not be unusual for the proposed type of venue located in an edge-of-town-centre location, and it is not considered that there are any site-specific reasons in this case why such hours would necessarily result in noise nuisance to local residents.
9. Objectors' comments are noted. However, the Council's Environmental Health Officer has been consulted and has no objection to the proposed scheme subject to the inclusion of conditions, including:
 - A condition that there are no musical performances / entertainment outside the venue.
 - A condition requiring details of the kitchen extraction and odour control to be submitted and agreed prior to the opening of the premises.
 - Deliveries to be restricted to be within day time hours only.
 - Due to the large travel distance of the guests it is recommended that an electric vehicle charging point is installed in the car park to assist electric vehicle car drivers, help minimise vehicle emissions and to help protect public health.
10. The above conditions are considered appropriate.
11. The Council's Environmental Health Officer initially requested a condition restricting the use of fireworks at the site. However it is not considered appropriate to include a planning condition restricting the use of fireworks at the venue, as this is subject to separate legal restrictions. Further discussion has taken place in relation to the above between the case officer and the Environmental Health Officer, who has now agreed that such a planning condition would not be appropriate.
12. Concerns have been raised in relation to the possibility of light pollution from car headlights accessing the proposed extended car park to the rear of Railway Terrace. However, it is considered necessary to require the submission and approval of a scheme of boundary treatment in any case (as explained in the visual amenity section of the report), and it is anticipated that such boundary treatments will assist in reducing the impact of car headlights. However in any case, it can be assumed that car headlights will only be in operation in hours of darkness when it could generally be expected that habitable room windows in residential properties will have curtains or blinds closed.
13. Subject to the above conditions, the scheme is considered acceptable in terms of residential amenity.

Access, Parking and Highway Safety

14. Objectors' comments in relation to access, traffic and parking are noted. However, the Local Highway Authority has been consulted on the application, and has no objection to the proposed scheme subject to the inclusion of planning conditions which cover:

- A Car Park Management Plan
- Reviews of the Car Park Management Plan
- Car park attendants will be deployed and any other associated measures
- Separate events will not run concurrently at the venue and where multiple events are booked on the same day, those events shall be staggered to ensure a period of not less than 1 hour occurs between the start and finish times.
- The car parking areas shall be provided for the sole use of the venue and a scheme for the provision of signage and barrier arrangement at the unnamed sett-paved road leading to Station House

15. Subject to the above, the scheme is considered acceptable in terms of highway safety.

9. RECOMMENDATION

Approve planning permission subject to conditions.

10. SUMMARY REASON FOR APPROVAL

The proposed development is acceptable in principle within the urban boundary and subject to conditions it will not have an unacceptable impact on visual amenity, neighbour amenity or highway safety. As such, it is considered that the proposed development accords with the National Planning Policy Framework and Policies AVP4, 1, 8, 9, 16, 18, 23 and 24 of the Core Strategy DPD.

11. 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:

- Application form date stamped 26th April 2018 by the Local Planning Authority
- Site Location Plan (Drawing Number 2771/AL/3006) date stamped 26th April 2018 by the Local Planning Authority
- Proposed Site Plan (Drawing Number 2771/AL/3005B) date stamped 31st May 2018 by the Local Planning Authority

- Existing and Proposed Roof Layouts (Drawing Number 2771-AL-3004A) date stamped 26th April 2018 by the Local Planning Authority

- Proposed Ground Floor Layout and Elevations (Drawing Number 2771-AL-3002A) date stamped 26th April 2018 by the Local Planning Authority

- Proposed Mezzanine Level Layout (Drawing Number 2771/AL/3003A) date stamped 26th April 2018 by the Local Planning Authority

Reason: For the avoidance of doubt.

3. No development shall take place until full details of all proposed hard and soft landscaping (including planting), and boundary treatments forming part of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details. All boundary treatments shall be erected prior to first occupation of any of the dwellings hereby approved. All planting shall take place in the planting season immediately following substantial completion of the development, or first occupation of the dwelling hereby approved (whichever is the sooner). Any plants that are removed, die or become diseased within five years from the date of planting shall be replaced by plants of the same size and species in the following planting season.

Reason: Insufficient information has been provided with the application. This is needed before the development commences to ensure that appropriate landscaping is incorporated before building starts; in the interests of visual and neighbour amenity.

4. The facility hereby permitted shall only be open to members of the public during the hours of 10:00am – 11:00pm.

Reason: In the interests of neighbour amenity and to accord with the permission sought.

5. No development shall take place until full details of the proposed extraction and odour control system to serve the kitchen has been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details. The approved extraction / odour control system shall be in operation whenever food is being prepared for an event on the premises.

Reason: In the interests of neighbour amenity.

6. No system of sound amplification for use outside of the building shall be used in conjunction with the development hereby permitted.

Reason: In the interests of neighbour amenity.

7. Deliveries to and from the site shall only take place during the hours of 7:00am – 8:00pm.

Reason: In the interests of neighbour amenity.

8. Prior to first use of the facility hereby approved, an electric vehicle charging point shall be installed and made available for use within the car park. The charging point shall be retained and maintained thereafter.

Reason: In the interests of promoting more sustainable forms of transport.

9. No development shall take place until a Car Park Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Car Park Management Plan shall thereafter be implemented in accordance with the agreed details.

Reason: In the interests of highway safety.

10. Within 3, 6 and 12 months of first use of the facility hereby approved, reviews (in the form of a report) of the Car Park Management Plan shall be submitted to the Local Planning Authority for its approval. The submitted reviews shall include up to date contact details for the car park manager, and shall include amendments to the Car Park Management Plan which have been made in response to feedback from staff, customers and other interested parties including the Local Highway Authority and Lancashire Police. The amended Car Park Management Plan shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of highway safety.

11. On any day that 500 guests or more are anticipated at the venue, car park attendants shall be deployed by the operator of the facility hereby approved to ensure the effective operation of the car park and site access in accordance with the approved Car Park Management Plan.

Reason: In the interests of highway safety.

12. Separate events at the facility hereby approved shall not run concurrently. Where multiple events are booked on the same day, those events shall be staggered to ensure a period of not less than 1 hour occurs between the start and finish times of each event. The appointment book setting out the times of the event shall be made available to view by any Member of the Council on request.

Reason: In the interests of highway safety.

13. No development shall take place until a scheme for the provision, arrangement and operation of signage and barriers within the car park and at the unnamed set-paved road leading to Station House has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the first trading of the venue.

Notwithstanding the above, the car parking areas detailed on the approved plans shall be provided and made available prior to first use of the facility hereby approved, and shall be retained thereafter for the sole use of customers and staff of the facility hereby approved.

Reason: In the interests of highway safety.

14. Notwithstanding what is shown on the submitted drawings, all new window and door units shall be finished black in colour. All renovated windows and doors on the building shall also be coloured black.

Reason: In the interests of visual amenity.

12. 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:

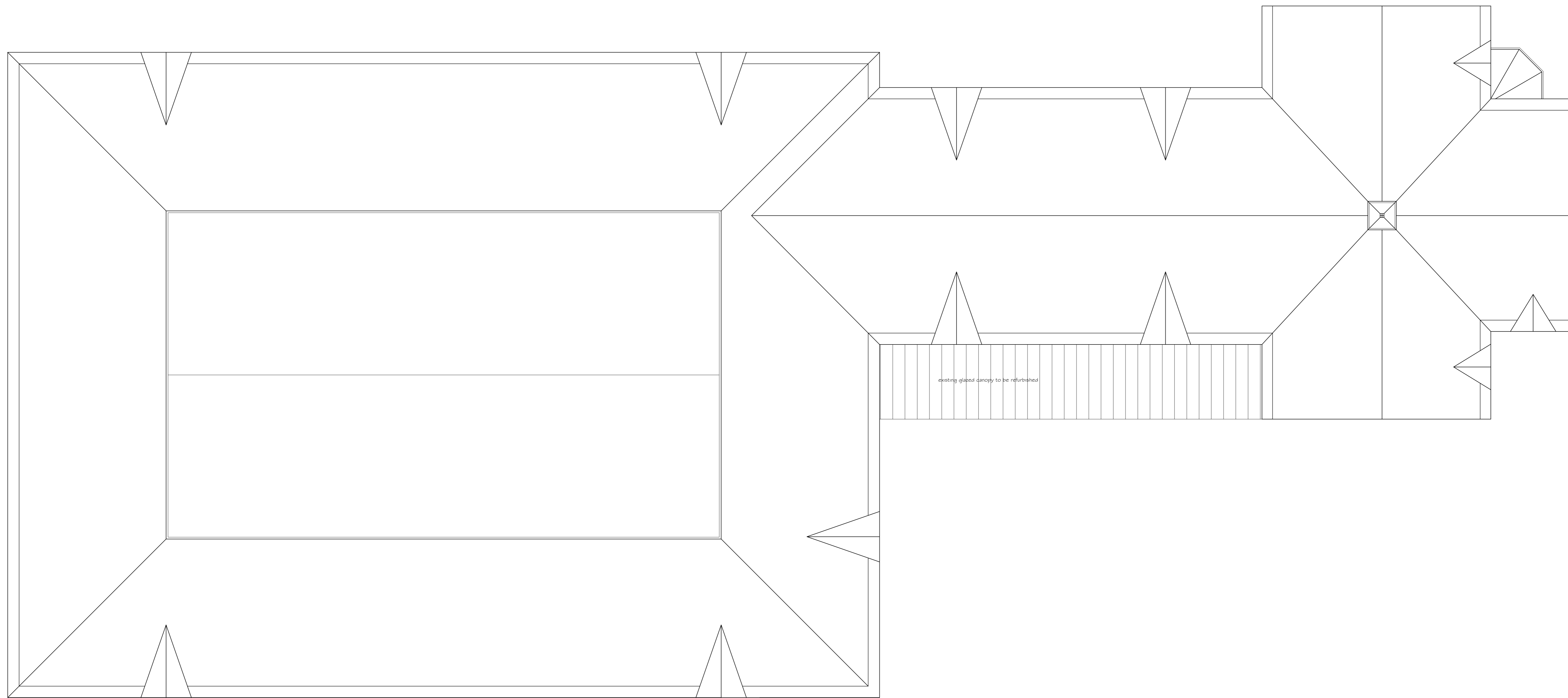
http://www.rossendale.gov.uk/downloads/download/331/core_strategy_local_plan_part_1_adopted

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.

DO NOT SCALE FROM THIS DRAWING

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 Any discrepancies are to be reported to the architect before work commences.
 Planned dimensions only are to be taken from this drawing.
 This drawing is to be read in conjunction with all relevant consultants and / or specialist drawings / documents and any discrepancies or variations are to be notified to the architect before the affected work commences.
 This drawing has been prepared to accompany an application for approval under the Town & Country Planning Act and shall not be copied or used for any other purpose without the written permission of PETER HARRISON ARCHITECTS.
 Party Wall etc. Act 1996
 If the project progresses onto site without the involvement of Peter Harrison Architects, the Client MUST seek advice prior to the commencement of the planned works as detailed on the drawings. To establish whether the works fall within the scope of the above Act, which requires Adjoining Property Owners to be served with a statutory notice.
 CDM Regulations 1994
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 DDA Act
 The Client is advised to seek advice as to their legal obligations under the DDA Act to provide reasonable access and facilities into and within their premises, for disabled persons.
 Regulatory Reform (Fire Safety) Order 2005
 The Client's attention is drawn to their continuing requirement for the owner / end users to carry out a continual assessment under the Regulatory Reform Order (RRO) which came into force in October 2006.



EXISTING ROOF LAYOUT UNALTERED

AMENDMENTS

REF	DATE	DESCRIPTION
A	APRIL 2016	planning resubmission following boundary change

PETER HARRISON ARCHITECTS

90A High Street
 Leeds, Oldham,
 Lancashire OL4 5AA
 Tel: 0161 785 9045

PROJECT

Proposed Banqueting / Function
 Suites / Events Venue
 at
 Former Winners Discount Megastore
 New Hall Hey Road
 Rawtenstall, Rossendale,
 Lancashire BB4 6AJ

TITLE

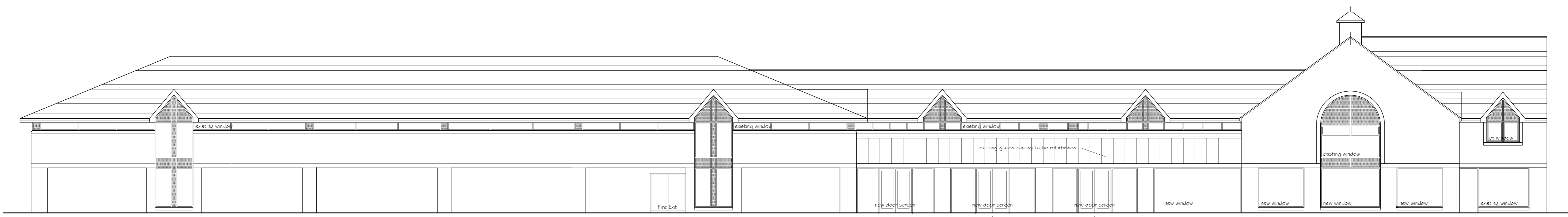
Existing & Proposed Roof Layouts

DATE	DRAWN
December 2017	gxxff

SCALE	DRG No
1: 100	2771/AU/3004A

DO NOT SCALE FROM THIS DRAWING

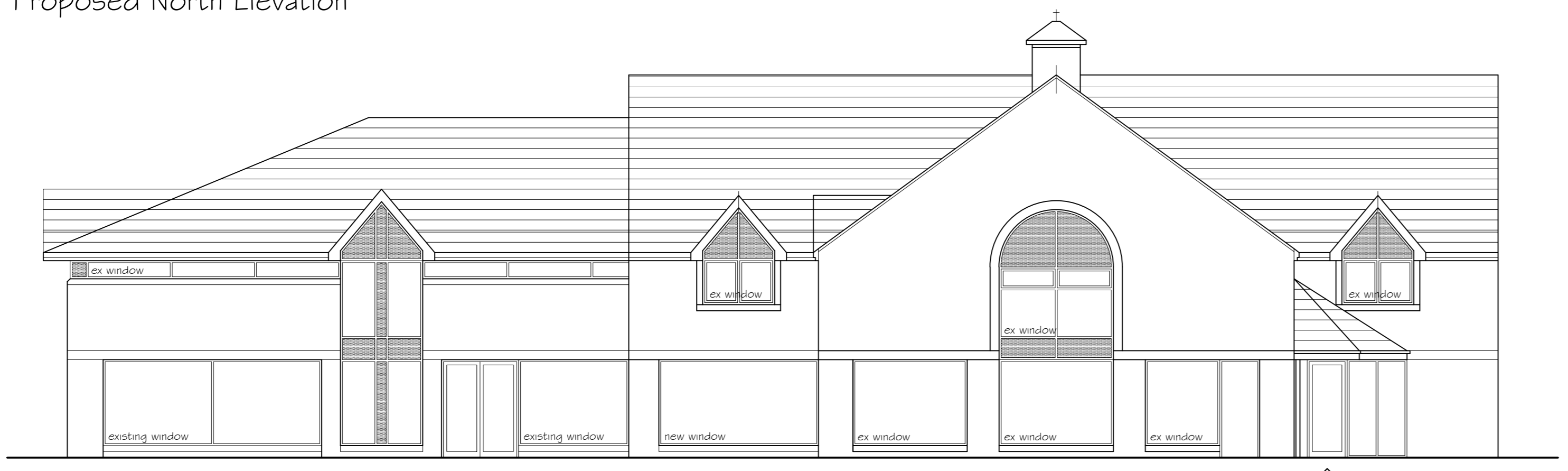
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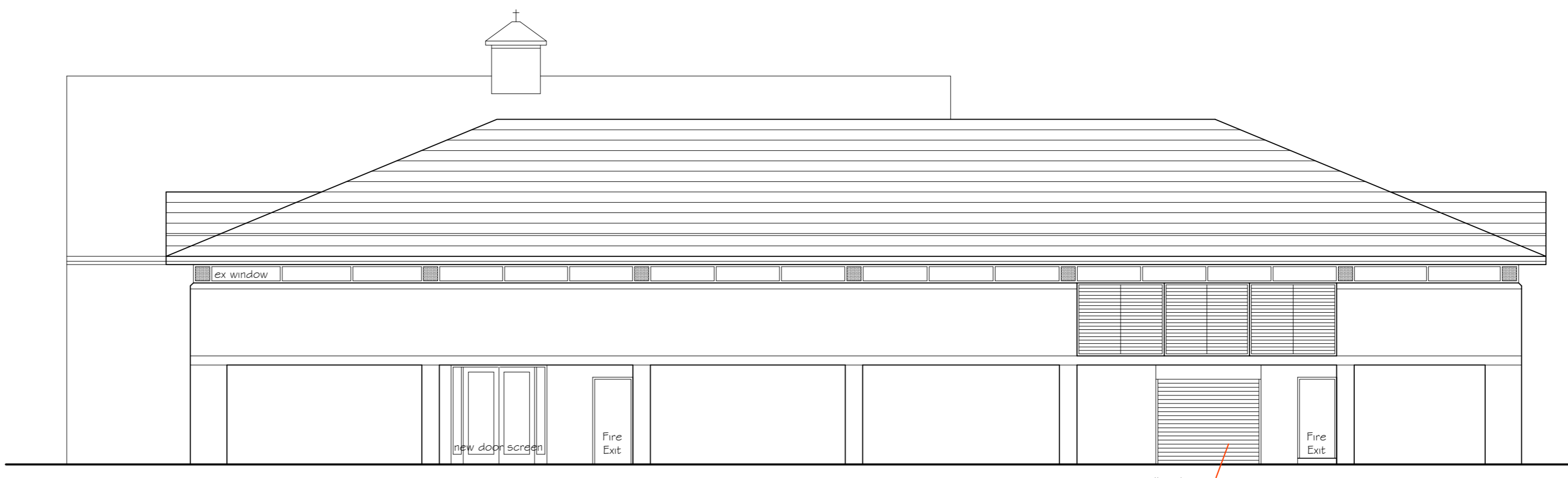
Proposed South Elevation



Proposed North Elevation

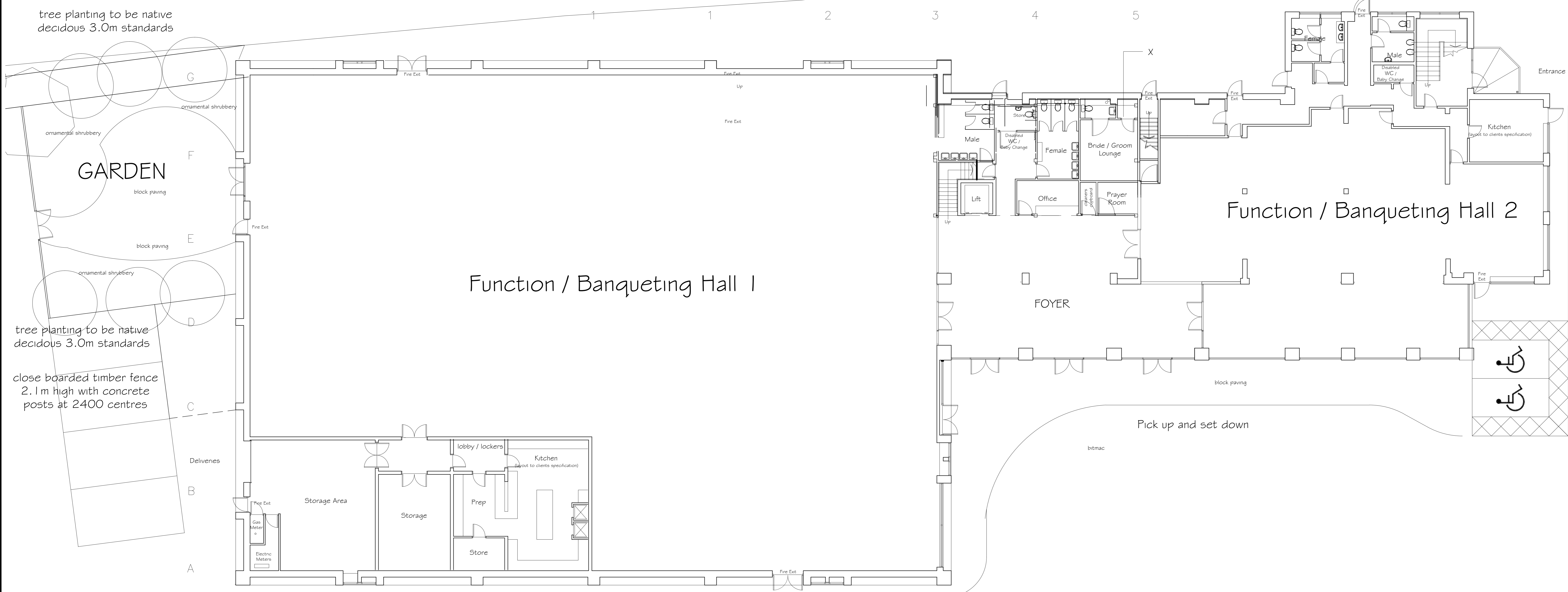


Proposed East Elevation



Proposed West Elevation

tree planting to be native deciduous 3.0m standards



Proposed Ground Floor Layout

AMENDMENTS

REF	DATE	DESCRIPTION

PETER HARRISON ARCHITECTS
 90A High Street
 Lees, Oldham,
 Lancashire OL4 5AA
 Tel: 0161 785 9045

PROJECT
 Proposed Banqueting / Function Suites / Events Venue
 Former Winners Discount Megastore
 New Hall Hey Road
 Rawtenstall, Rossendale,
 Lancashire BB4 6AJ

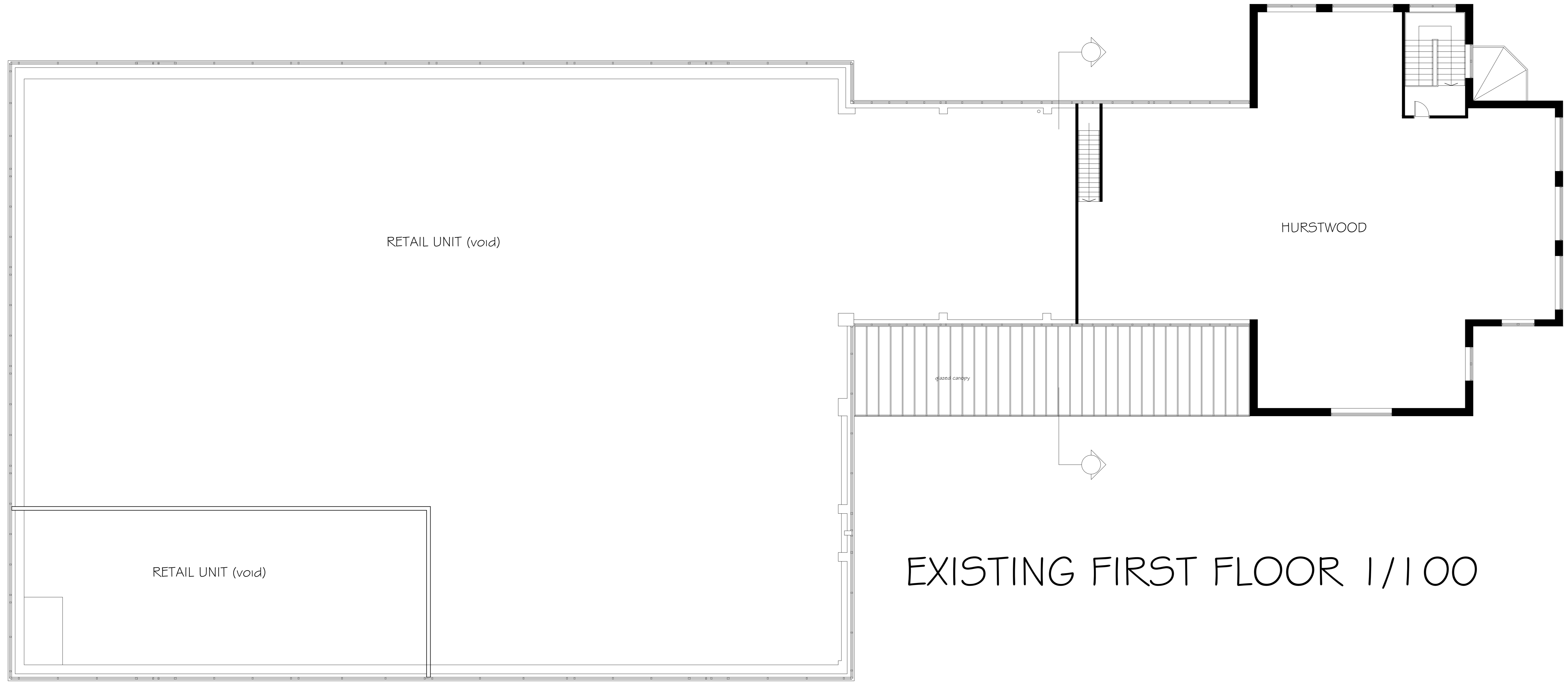
TITLE
 Proposed ground floor layout, North, South, East & West Elevations and Section X - X

DATE December 2017 **DRAWN** MEP

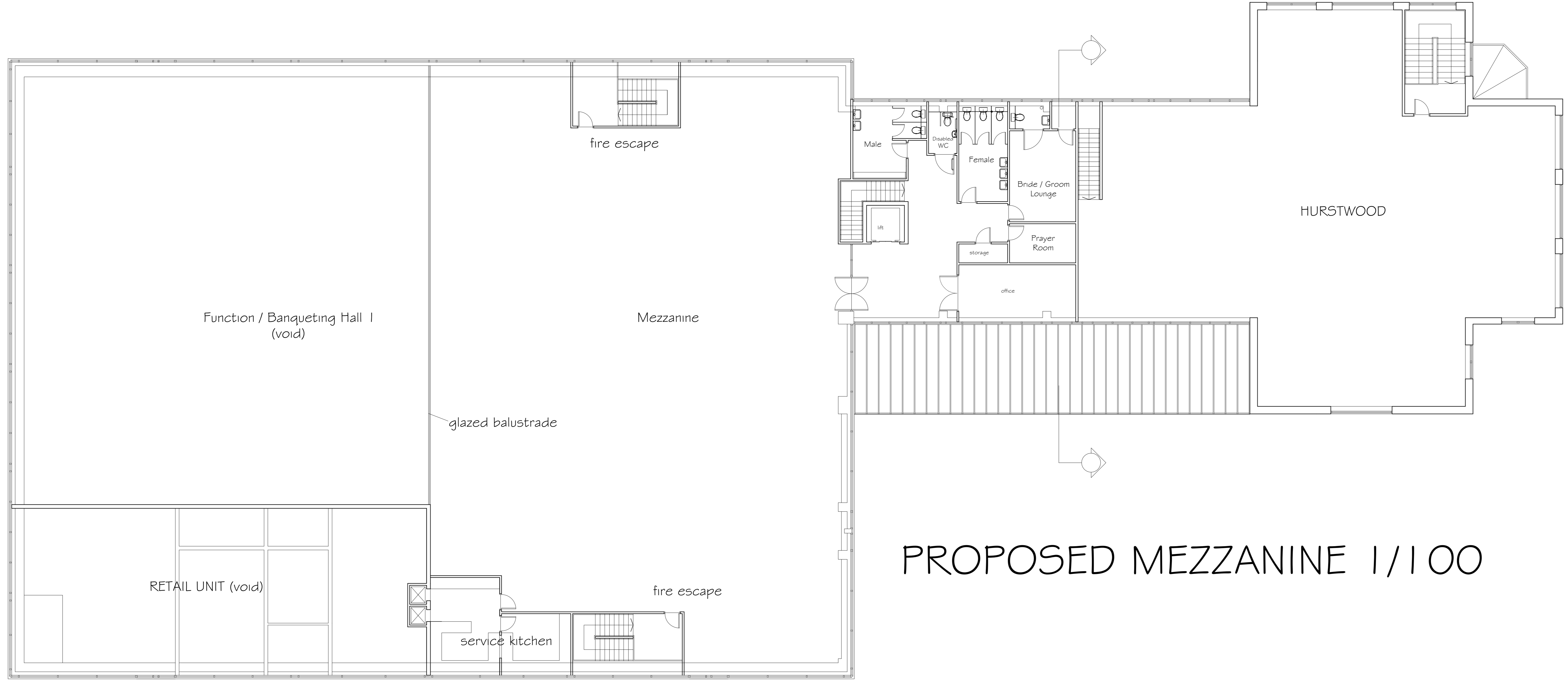
SCALE 1:100 **DRG No** 2771/AU3002A

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EXISTING FIRST FLOOR 1/100



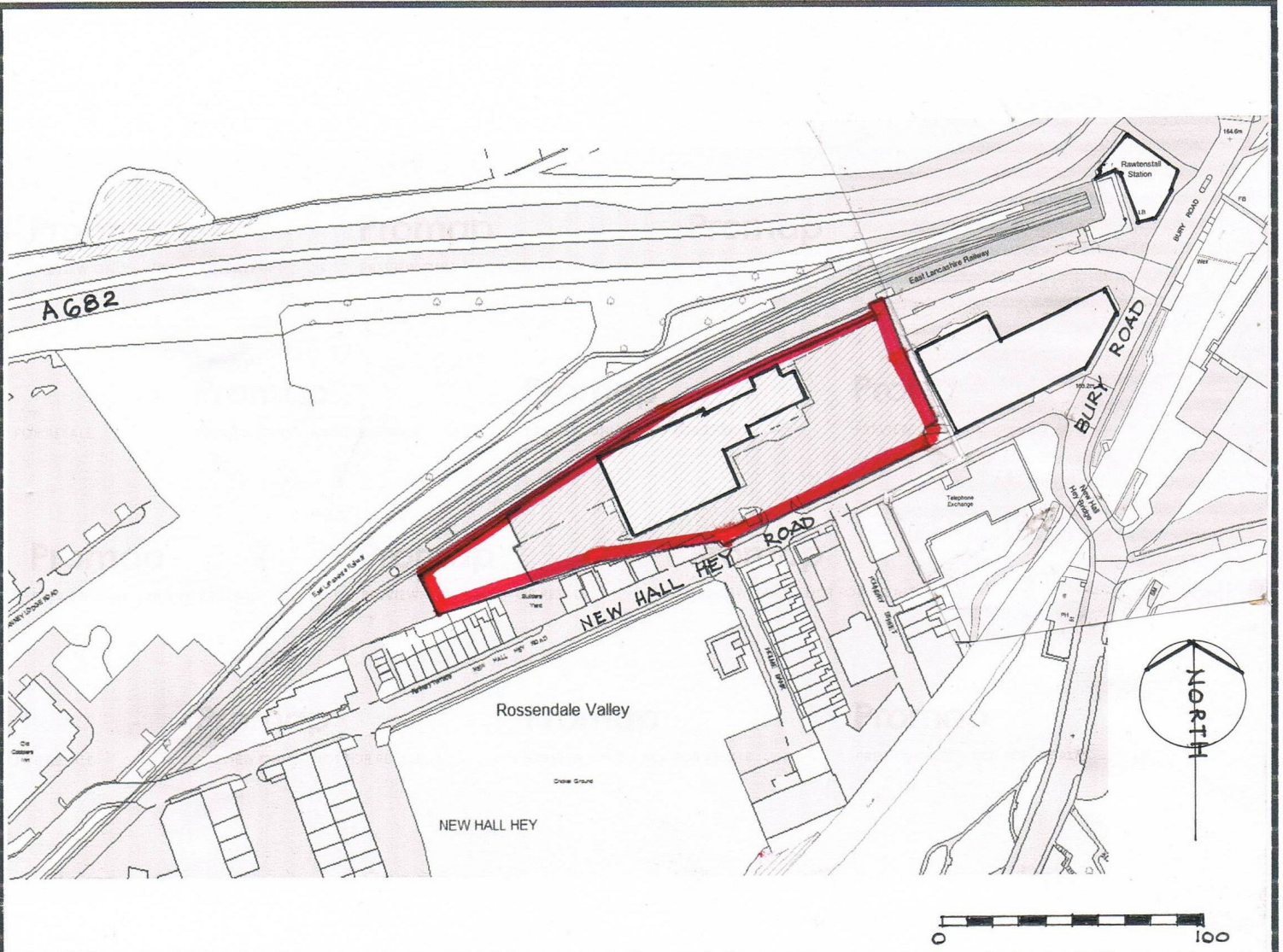
PROPOSED MEZZANINE 1/100

AMENDMENTS		
REF	DATE	DESCRIPTION
A	APRIL 2018	planning resubmission following boundary change

PETER HARRISON ARCHITECTS
 90A High Street
 Lees, Oldham,
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 Tel: 0161 785 9045

PROJECT
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 at
 Former Winners Discount Megastore
 New Hall Hey Road
 Rawtenstall, Rossendale,
 Lancashire BB4 6AJ

TITLE	
Existing & Proposed First Floor / Mezzanine Level Layouts	
DATE December 2017	DRAWN gxxff
SCALE 1:100	DRG No 2771/AL/3003A



AMENDMENTS		
REF	DATE	DESCRIPTION
PETER HARRISON ARCHITECTS  90A High Street Lees, Oldham, Lancashire OL4 5AA Tel: 0161 785 9045		
PROJECT Proposed Banqueting / Function Suites / Events Venue at Former Winners Discount Megastore New Hall Hey Road Rawtenstall, Rossendale, Lancashire BB4 6AJ		
TITLE Location Plan		
PLANNING APPLICATION		
DATE	DRAWN	
April 2018	MEP	
SCALE	DRG No	
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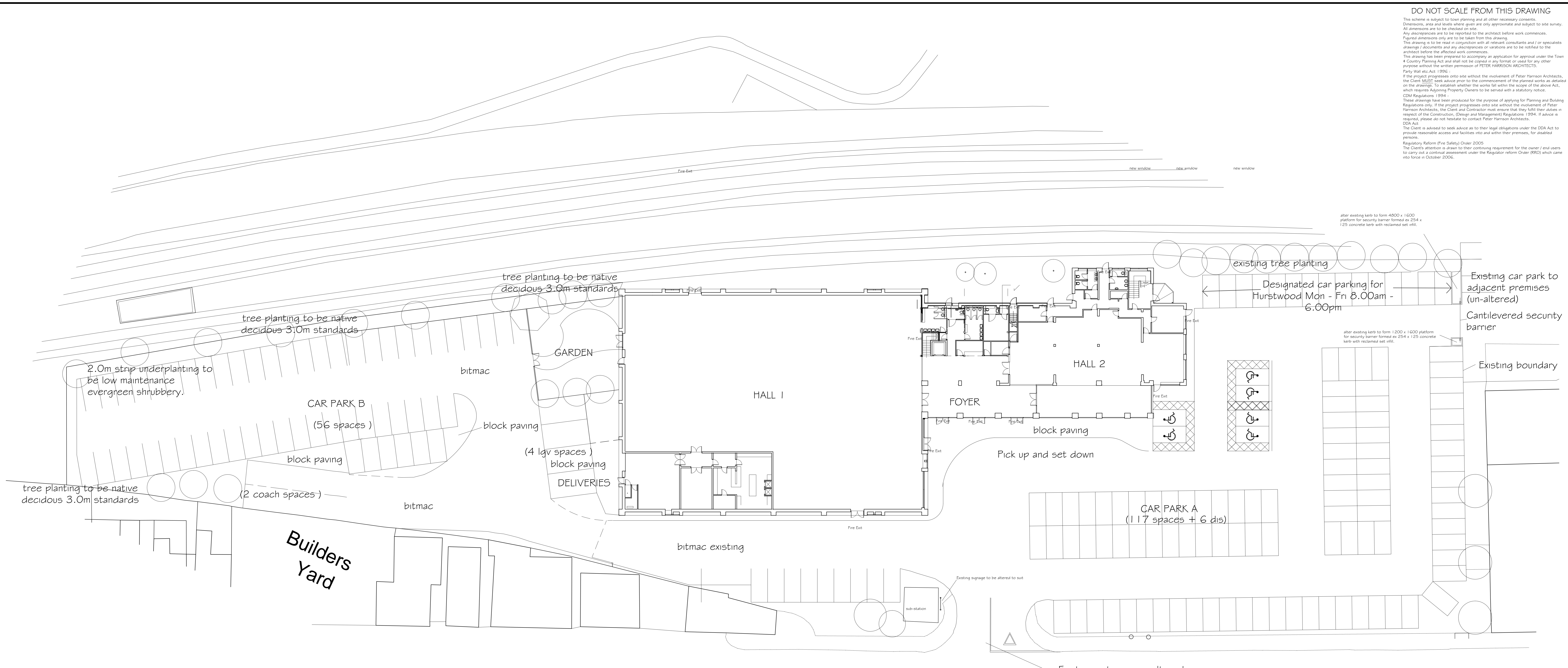
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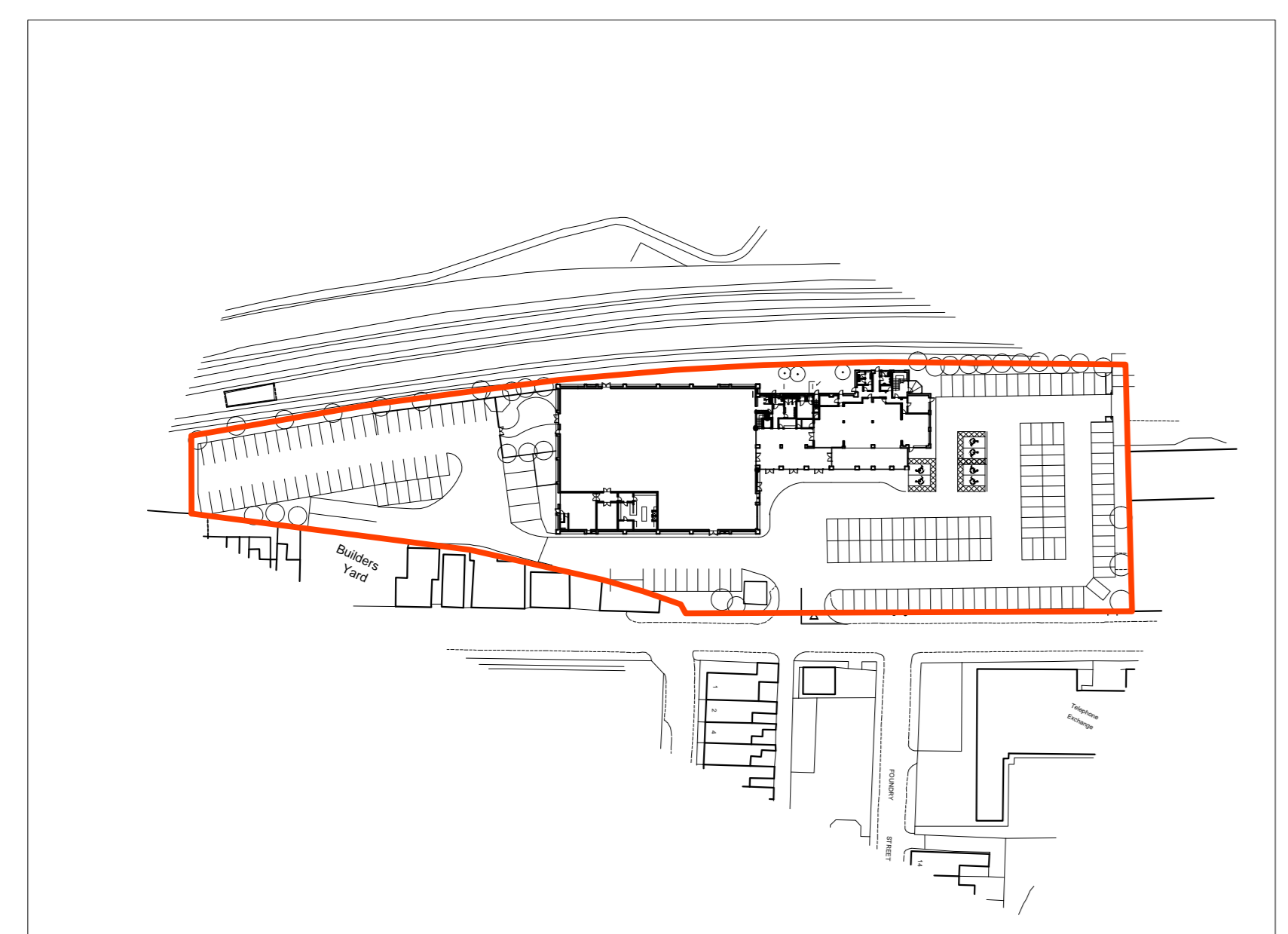
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New Hall Hey Road

SITE PLAN 1/200



LOCATION PLAN 1/1 250



AMENDMENTS		
REF	DATE	DESCRIPTION
3	May 2018	Planning amendments

PETER HARRISON ARCHITECTS
90A High Street
Lees, Oldham,
Lancashire OL4 5AA
Tel: 0161 785 9045

PROJECT
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at
Former Winners Discount Megastore
New Hall Hey Road
Rawtenstall, Rossendale,
Lancashire BB4 6AJ

TITLE
Proposed site plan
location plan

DATE
Apr 2018

DRAWN
gxxff

SCALE
1:200 @ A0

DRG No
277 1A/3005B