

Application Number:	2018/0468	Application Type:	Full
Proposal:	Change of Use of ground floor from social club to auction house, first floor from function rooms with 1no. apartment to 3no. apartments, and 1no apartment in loft space	Location:	Royal British Legion 81-83 Deardengate Haslingden
Report of:	Planning Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	6 th November 2018
Applicant:	Mr D Thompson	Determination Expiry Date:	9 November 2018
Agent:	Mr G Dearden		

Contact Officer:	Neil Birtles	Telephone:	01706-238645
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

That Planning Permission be granted subject to the conditions set out in the Report.

APPLICATION DETAILS

2. SITE

The application relates to premises to the west side of Deardengate, between its junctions with Ratcliffe Street and Coal Hey Street.

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The building has a 22m wide frontage to Deardengate, its front elevation of traditional design and stone construction. Attached to the rear elevation are flat-roofed 1 & 2-storey additions of brick construction, that abut the adopted lane running to the rear of the terrace. The building has useable floor space over 3 floors totalling more than 500sqm.

To the south side the application building abuts 85 Deardengate, premises occupied by an accountants. To the north side the application building abuts at first-floor level what appears to be residential accommodation above the newsagent/convenience store at 77 Deardengate. The passageway running between the application building and the newsagent/convenience store gives access to 7-17 Deardengate Croft, a terrace of houses, No 7 having its front door and windows facing towards, and near to, the brick additions on the rear of the application building.

To the opposite side of Deardengate are terraced properties, of traditional design and stone/slate construction, used for retail and other town centre purposes.

The application site contains a yard to the rear that is able to accommodate no more than 2 cars. It takes access from the lane to the rear and is bounded on 3 sides by the applicant's buildings. To the other side of the lane is an elevated landscaped area that wraps around a car park for residents of Deardengate Croft and houses to the west.

Short-term parking is allowed on-street immediately in front of the application building and those extending to each side. The Council has a 7-space short-stay public car park to the opposite side of Deardengate/south of New Street (approx. 25m from the application site). Coal Hey Street, an adopted lane of 4m in width and with no footways, gives access to two further short-stay public car parks owned by the Council, with 8 and 12 spaces respectively.

The properties to both sides of this part of Deardengate are identified in the Core Strategy as Secondary Shopping Frontage within Haslingden Town Centre. The application building is also within that area where designation of a Conservation Area is being proposed; the character appraisal of the area identified this and the buildings in its vicinity to all be 'Positive Unlisted Buildings of Medium Quality'.

3. RELEVANT PLANNING HISTORY

2018/0200 Conversion of Royal British Legion Club to an auction house and antiques centre, including packing office

This application sought Permission to make use of the whole of the building as an auction house and antiques centre, with no extension or external alteration of the building.

The applicant envisages that the premises would employ 10 people full-time and 2 part-time, the auction house selling general goods and toys, requiring installation of a PA system and some televisions. Parts of the building would be for the display & sale of antique goods and a packing department. The Applicant indicated that the opening hours were to be 9am till 5pm Monday till Friday and 9am till 4pm on Saturday.

Officers concluded that the use of the application building as an auction house and antiques centre is appropriate in principle for premises located within Haslingden Town Centre and the proposed Conservation Area. Nor would the proposal detract from visual amenity as no extension or external alteration of the building was proposed.

The Council's Environmental Health Unit was satisfied that use of the building for the uses proposed was not itself likely to give rise to noise or disturbance for neighbours subject to conditions to ensure :

- The hours of use operated were as proposed
- The public were not accessing/exiting the building via any doorway near to 7 Deardengate Croft
- Noise from any system of sound amplification was not audible from outside the building.

Objections to the application were received from a handful of neighbours, principally concerned about the implications of the proposal for their own access and parking.

LCC Highways recommended refusal of the application, stating :

"...there is an Auction House in Waterfoot which is generating complaints to the Highway Authority from neighbouring residents and businesses due to loading and unloading operations being carried out regularly from the adjacent highways. This is causing obstruction to passing pedestrians and vehicle movements which is resulting in a highway safety concern.

This site has a vehicle access to the rear of the premises via Coal Hey Street, which is an adopted highway, however the narrow carriageway width and lack of footway provision does not support the movement of large vehicles which are likely to be generated by this proposed use.

The public car parking area to the rear of the premises is well used and the manoeuvring of large vehicles at the rear of the premises would be a concern due to pedestrian movements between the car park and Deardengate.

To the front on Deardengate there is a parking restriction which limits waiting to 1 hour and is well used by the Town Centre uses. There is a concern that large vehicles would mount the kerb opposite [whilst goods are loaded/unloaded outside the premises]. This will cause an obstruction to pedestrians and the flow of traffic on Deardengate."

Notwithstanding the desirability of securing re-use of long-vacant premises, the proposal it was concluded that the application should be refused in-line with the advice of LCC Highways that the proposal would give rise to unacceptable detriment to highway safety.

4. PROPOSAL

The current application seeks permission for only the ground-floor of the building to be used as the auction centre (300sqm), the space above to be occupied by one 1-bedroomed flat and three 2-bedroomed flats, with no extensions to the building. The external alterations intended for the building are limited to:

- Lowering of the sills of 3 first-floor windows in the front elevation; &
- Replacement (in a slightly different position) of an existing external staircase with a new black-painted metal staircase giving access to two of the flats via existing doors that open to the roof of the existing flat-roofed 1-storey addition to the rear.

The applicant envisages that the premises would employ 4 people full-time, the auction house selling general goods and toys, requiring installation of a PA system and some televisions. The Design & Access Statement accompanying the application states :

“At ground floor, the applicant wishes to use the premises to store pre-1960’s toys and auction them using internet auctions one day per week.

During the week, using one Luton van, house clearances and people’s specialist collections will be purchased from all over the country and brought back to the premises. Here they will be sorted into saleable lots, photographed and uploaded to the web site in readiness for the weekly auction. The preferred auction time would be 10am on Saturday mornings, lasting for around 3 hours, although this time slot is not critical. Following the auctions, purchases will need packaging and posting to destinations all over the globe.

As sales are on a world-wide basis...very low attendance at the actual auction is anticipated...apart from a small number of enthusiasts.

Initially two members of staff will be needed to work on site; one to photograph the items and upload to the web site, the other to package the goods and post. The van driver and assistant will be mobile for most of the day, returning to unload probably once a day.

Over the upper floors, internal partition walls are to be constructed to sub-divide the spaces into 4 apartments. Sizing of the proposed apartments will exceed the National Space Standards 2015, requiring a two bed apartment to be 61 square metres and a one bed apartment to be 37 square metres.”

The submitted drawings show that a transit van can be accommodated in the existing gated-yard to the rear of the building.

5. POLICY CONTEXT

National

National Planning Policy Framework

- Section 2 Achieving Sustainable Development
- Section 6 Building a Strong, Competitive Economy
- Section 7 Ensuring the Vitality of Town Centres
- Section 9 Promoting Sustainable Transport
- Section 11 Making effective use of land
- Section 16 Conserving & Enhancing the Historic Environment

Development Plan Policies

Rossendale Core Strategy (2011)

- AVP6 Area Vision for Haslingden and Rising Bridge
- Policy 1 General Development Locations and Principles
- Policy 8 Transport
- Policy 9 Accessibility
- Policy 11 Retail and Other Town Centre Uses
- Policy 16 Preserving & Enhancing the Built Environment
- Policy 23 Promoting High Quality Design & Spaces
- Policy 24 Planning Application Requirements

Other Material Considerations

- RBC Proposed Conservation Areas - Consultation on Draft Local Plan (2017)
- RBC Shopfront Design Guide SPD (2012)

6. CONSULTATION RESPONSES

RBC Environmental Health	No objection subject to a Condition that the hours of use of the auction-room are limited to Saturday mornings.
LCC Highways	No objection subject to provision of satisfactory facilities for storage of waste.

7. REPRESENTATIONS

To accord with the General Development Procedure Order letters were sent to neighbours and site notices posted.

The following comments have been received :

Owner of 85 Deardengate

Object unless the parking issue can be resolved and the parking immediately adjoining our property is not affected.

Run the Accountancy office next door and had no problems whatsoever with previous occupants of Royal British Legion Club. However, since the new owner took over we have had serious parking problems, the flat tenant blocking our cars on endless occasions and blocking our rear access with a large skip and hgv tipper for well over 6 months.

I have serious concerns over parking at rear since there is already very limited parking. Although there is a public car park it has a 2/3 hour restriction and is always busy and fully occupied most times, particularly as the car park is also used by flat occupants of the Old Roebuck public house. Also the car park seems to be much busier over the past year with increased numbers as it is occupied by town shoppers, visitors, business owners and the residents. In view of this there is certainly no parking available adjacent to the premises for anyone else (and certainly not for any of the proposed additional employees/flat occupants), and there will likely be more constant obstruction caused by large delivery vehicles.

Owner of 87/89 Deardengate & residential units 87a & 89a

Object for the following Reasons :

- Close to adjoining properties
- Increase in traffic and inadequate access/parking provision
- Over development / more open space needed on the development

In amplification, it is stated :

My Residential Properties will certainly be affected - they are right next to the rear of the planned Auction hall and 2 Apartment entrances.

This building is built on to its max, the ex Snooker Hall only leaving a small gated entry where they used to deliver beer and such items.

The problem with parking we had with the Club still open was that the cobbled area to the rear was parked to obstruct us parking outside our properties. Auction with min 4 Staff and 4 flats and no parking for them.

Unless the old snooker room is taken down to make parking, or the Council release part of the green area to the rear to be used as additional parking, this application should be turned down.

Owner of 91 & 91a Deardengate

Object for the following Reasons :

- Increase in traffic

- Inadequate parking provision / loss of parking

In amplification, it is stated :

Concern as to traffic and parking, with the possibility of an extra 14 residents cars (as the beds are 3x2 bed 1x1 bed), plus 4 employees cars and a van. I presume customers will also be delivering and collecting their goods mainly in vans, giving rise to accumulating traffic with very little room to park and manoeuvre.

I see the problems of accumulating traffic now and already have trouble parking. Every day the car parks are at full capacity with shoppers/keepers and at weekends residents are at home. People will travel distances to attend Auctions giving rise to an accumulation of traffic and would have major impact on neighbouring residents and shopkeepers finding a parking space. This is also a safety issue as children play around the back and carparks, and there are many pedestrians passing through.

There could also be some noise problem - I presume a microphone would be used, giving rise to noise disturbance, with windows open in Summer this would be rather annoying for existing residents.

8. ASSESSMENT

The main considerations are as follows :

- 1) Principle; 2) Visual Amenity; 3) Neighbour Amenity; & 4) Access and Parking

Principle

That a vacant building in Haslingden Town Centre and its proposed Conservation Area is to be brought back in to use is to be welcomed. The use of the building as an auction house, with living accommodation above, is appropriate in principle.

Visual Amenity

The application proposes no extension of the building and the external alterations intended are limited.

The front elevation of the application is of 3 different builds, the central portion of it having first-floor windows of less height than the windows to each side. To lower the sills of the three first-floor windows in the centre of the front elevation, as intended, will not detract from the character and appearance of the building. A condition is recommended to ensure the use of appropriate materials. Likewise, the replacement of the external staircase to the rear will not detract from visual amenity.

Neighbour Amenity

In respect of Application 2018/200 the Council's Environmental Health Unit advised that it had no objection to the proposal, subject to the following conditions (to minimise noise and disturbance for neighbours) :

- The hours of business use are limited to 9am-5pm Monday to Friday & 9am-4pm on Saturday, as proposed by the applicant;
- The public are not accessing/exiting the auction house via any doorway near to 7 Deardengate Croft
- Noise from any system of sound amplification at the auction house is not audible from outside the building.

In respect of the current application the Design & Access Statement has clarified that auctions will be held weekly, starting on the Saturday morning and to last around 3 hours. The Council's Environmental Health Officer has asked that this also be the subject of a condition.

Access and Parking

Neighbours objections to Application 2018/200 related, for the most part, to concerns about the implications of the proposal for their own access and parking. This application was refused for highway safety reasons on the advice of LCC Highways.

With respect to the current application the main concerns of the three objectors relate to access and parking issues.

Having regard to the reduction in the space to be occupied by the auction house, and additional information that has been provided about how it will operate, LCC Highways does not object to the current proposal.

In amplification, it has stated :

“The proposal is for the redevelopment of the vacant British legion building into an auction house and 4 apartments.

With the exception of parking in the rear yard for 1 vehicle (indicated as being associated with the auction business) the development does not propose any off street parking provision. However, due to the town centre location, this would be acceptable. There are public car parks available in the vicinity of the development.

When the site was visited there was a skip outside the yard and there was plenty of space on the car park to the rear. In reviewing this application, I was mindful of the former use of the building and the potential to affect parking demand in the area. Taking each of the elements in turn, the auction house will operate during the day - in my experience these events do not occur each and every day, and the effect on the local parking will therefore be infrequent. It will be in competition for the existing daytime parking availability but that could be said of any redevelopment of this building. The existing local residential properties will, however, benefit from the removal of the evening demand which the former club presented. The proposed residential element will produce a peak demand after work, off set against the demand expected from a continued use as a club.

No details have been submitted regarding the location and storage of the refuse bins associated with the various elements of the development. Whilst there appears to be adequate space within the rear yard, 2 of the apartments do not have a direct access to the rear and under such circumstances there is for convenience. To avoid the likelihood that bin storage will take place on Deardengate this matter needs to be addressed.

Subject to the satisfactory resolution of the above issue I would raise no objection to the proposal on highway grounds.”

Conditions are recommended to ensure that the rear yard is kept available for the parking of a vehicle and proper arrangements are made for the storage and disposal of waste.

9. SUMMARY REASON FOR APPROVAL

The proposed uses are acceptable in principle for premises located in Haslingden Town Centre and, subject to the Conditions, the development is not considered likely to unduly detract from visual and neighbour amenity or highway safety. The proposal is considered to accord with the

10. RECOMMENDATION

Approval

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 unless otherwise required by the conditions below.

Title	Drwg No	Date Recd
Location Plan	DT1-00	12 / 07 / 18
Proposed Ground Floor Plan	DT1-04	04 / 07 / 18
Proposed 1 st & 2 nd Floor Plans	DT1-05	04 / 07 / 18
Proposed Elevations	DT1-06	04 / 07 / 18

Reason : To define the permission and in the interests of the proper development of the site.

3. The auction house hereby permitted shall not operate outside the hours of 9am-5pm Monday to Friday and 9am-4pm on Saturday. Furthermore, auctions open to visiting members of the public shall begin only on Saturday mornings and shall last no more than 3 hours.

Reason : In the interests of neighbour amenity and highway safety.

4. Prior to first use of the auction house the area for parking of a van shown on Drwg No DT1-04 shall be made available and thereafter kept freely available for parking of a goods vehicle.

Reason : In the interests of highway safety.

5. The public shall not access/exit the auction house via any doorway near to 7 Deardengate Croft and the noise from any system of sound amplification at the auction house shall not be audible from outside the building.

Reason : In the interests of neighbour amenity.

6. Prior to installation of any new external doors or window-frames details of their design, materials and colour shall first be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason : In the interests of visual amenity.

7. Prior to first use of any of the apartments hereby permitted the facilities for the storage of refuse of residents shall be provided, in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

Reason : To avoid bin storage on Deardengate, in the interests of highway safety.

INFORMATIVES

1. Prior to erection of signage the applicant is advised to check that it benefits from deemed advertisement consent or seek the necessary advertisement consent from the Council.
2. 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. 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.