

Application Number:	2019/0139	Application Type:	Full
Proposal:	Part conversion and refurbishment resulting in one A1 retail unit & five C1 residential units, entailing external alterations including rooflights, demolition of outbuilding/covered loading-bay, and provision of parking area and bin store	Location:	21-23 Burnley Road East Waterfoot
Report of:	Planning Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	18 June 2019
Applicant:	Mr T Rigby	Determination Expiry Date:	21 June 2019
Agent:	James Campbell Associates		

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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	Yes
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

Approval, subject to the Conditions set out in Section 11 of the report.

2. SITE

The application relates to vacant commercial premises on the end of a terrace on the corner of Burnley Road East (B6238) and Booth Street.

The whole of the plot is presently occupied by buildings. Fronting Burnley Road East is a 2-storey building; this elevation of traditional design and stone/slate construction, containing a shopfront that runs half the width of the front elevation, with external roller-shutters and a fascia board bearing the name 'BL Discount'. Bounding the 3.5m wide private road running to the rear is a flat-roofed 1-storey storage building; it has the appearance of a garage, its door facing Booth Street. Linking these two buildings is a canopied loading area; it too has a door facing Booth Street.

The attached building (No 19) is occupied by a funeral directors, whilst to the opposite side of the main road are a tanning shop & a vacant shop. To the opposite side of Booth Street and the private road running to the rear are houses with their side elevation facing towards the application site.

Double-yellow lines preclude parking on the corner of Burnley Road East/Booth Street, but not in front of the shopfront of the application building or the doors to the rear storage building & canopied loading area.

The terrace the application building forms part of, and the properties to the other side of Burnley Road East and Booth Street, are within Waterfoot Shopping Area, as defined by Policy 11 of the Council's Adopted Core Strategy. Parts of the application building are within Flood Zones 2 & 3 as identified by the Environment Agency. The site is within the Urban Boundary according to the Adopted Rossendale Core Strategy (2011).

3. RELEVANT PLANNING HISTORY

None.

4. PROPOSAL

Permission is sought to convert a substantial part of the 2-storey building to residential use, retaining adjacent to the funeral directors a ground-floor retail unit of 45 sq m, approximately half the floor area of the existing retail unit.

As amended, the scheme proposes:

- for that half of the existing shopfront adjacent to the funeral directors, removal of the roller-shutters & timber-surround and installation of a new frame and fascia-board, reflecting those of the funeral directors shopfront; &
- for that half of the existing shopfront furthest from the funeral directors, removal of the roller-shutter & timber-surround and installation of a domestic-scale window with coursed natural stone surround, reflecting the scale and form of the other windows in the front elevation of the application building.

The Design & Access Statement described the works to create residential accommodation as follows:

"The ground floor plan provides two one-bedroom flats alongside the ground floor retail space. Each flat provides opening-plan living and kitchen areas with a large double bedroom and bathroom.

First floor comprises of one single-bedroom flat and another two-bedroom flat...Lastly, the second floor looks to provide a large loft flat with vaulted ceilings offering three large bedrooms and open plan kitchen lounge area.

Windows and doors are to be upgraded where required using the existing fenestrations in addition to opening-up previously blocked openings. New openings are to be kept to a minimum and where they are made the new windows/doors are to fit seamlessly with the existing character of the building.

The second floor is based within the roof space - openings at this floor are a combination of velux roof lights and sloping & vertical roof windows in order to both maximise the light entering the second floor and to provide an alternative means of escape.”

The rear store and canopied loading bay area is to be removed in order to provide an area for bin-storage and parking for 4 vehicles, these spaces to be accessed from the private road running to the rear.

5. POLICY CONTEXT

National

National Planning Policy Framework

- Section 2 Achieving Sustainable Development
- Section 5 Delivering a Sufficient Supply of Homes
- 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 12 Achieving Well-Designed Places
- Section 14 Meeting the Challenges of Climate Change, etc

Development Plan Policies

Rossendale Core Strategy (2011)

- AVP3 Area Vision for Waterfoot, etc
- Policy 1 General Development Locations and Principles
- Policy 2 Meeting Rossendale's Housing Requirement
- Policy 3 Distribution of Additional Housing
- Policy 8 Transport (inc Appendix 1 Parking Standards)
- Policy 11 Retail & Other Town Centre Uses
- Policy 19 Climate Change
- Policy 23 Promoting High Quality Designed Spaces
- Policy 24 Planning Application Requirements

Other Material Considerations

- DCLG Technical Housing Standards - Nationally Described Space Standards (2015)
- RBC Shopfront Design Guide SPD (2012)

6. CONSULTATION RESPONSES

RBC Environmental Health

No comments.

LCC Highways

No objection.

7. REPRESENTATIONS

To accord with the General Development Procedure Order letters were sent to neighbours.

The following comments have been received:

17 Burnley Road East

Objection to conversion of the ground-floor to flats but not to the flats above:

- Burnley Road East is the main shopping street for Waterfoot and has need for more, not less, larger shops.

1 Booth Street

Object for the following reasons:

- Close to adjoining properties
- Increase in traffic
- Loss of parking / Inadequate parking provision
- Loss of privacy

In amplification:

I am not objecting to the modernisation of the building but to 5 apartments with only 4 parking spaces. Booth St is already full to capacity for parking on a normal day but when the auction is on at the Con Club cars are left all over, with a total lack of consideration for residents. Also my privacy would be affected, being overlooked in my private bedroom.

4 Woodlea Road

Object for the following reasons:

- My shared yard adjoins this property in question.
- Ever expanding towns need shops thus I object to a change of use or such a small shop replacing a bigger one.
- The parking area shown is big enough for 3 cars, not 4, and the bin storage area is of inadequate size.
- Five flats and one shop - that's six potentially, more like twelve cars.
- Parking is already absolutely chaos, more so on Monday and Friday evenings because of the auction opposite, when cars are double parked, on pavements, yellow lines, etc. There is also a park and a high school nearby, thus endangering children crossing between cars, etc. Shop owners plus customers also park approx 30 cars. There are six major car parks within 200 yards however people don't park in them because its more convenient to park outside my house and my other neighbours within Woodlea Road and Holt Street.

8. ASSESSMENT

The main considerations in determining the application are:

- 1) Principle; 2) Visual Amenity; 3) Neighbour Amenity; 4) Access/Parking; & 5) Flood Risk

Principle

Policy 11 of the Core Strategy states that "*Retail development, together with other town centre uses, including offices, leisure, arts, culture and tourist facilities, will be focused within the defined town and local centres*". The policy goes on to state 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 Core Strategy seeks to ensure the greatest amount of new housing takes place within the Urban Boundary of Rawtenstall, with the majority of other housing in the settlements of Bacup and Haslingden, but does not preclude any new housing in Waterfoot. Furthermore, the Council cannot presently demonstrate that it has a 5-year supply of available housing land. The NPPF states that where the Development Plan is absent, silent or relevant policies are out-of-date, permission should be granted to proposals for new housing unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

As defined by Policy 11, Waterfoot town centre radiates out along 3 road frontages from the mini-roundabout at the junction of Bacup Road and Burnley Road East. It includes the application building, which is 135m north of the mini-roundabout and 110m from the northern boundary of the town centre. The existing shop unit occupies approximately half the ground-floor of the application building and is presently vacant - as are other retail units within the town centre, including some of the units within Victoria Parade (65m to the south), a Listed Building much in need of being brought back into retail use.

The proposal will result in the floor area of the existing retail unit being halved (to approximately 45sqm). It is not considered that the loss of this retail floor space will not have significant adverse impact on the vitality of Waterfoot town centre.

The proposed creation of 5 flats in a location so near to town centre facilities and a ‘quality’ bus route is to be welcomed and will make a small, but useful contribution towards meeting the Borough’s housing requirements.

Accordingly, there is considered to be no objection in principle to the proposal.

Visual Amenity

The existing shopfront possesses external roller-shutters and is showing its age. For the retail unit being retained the proposal entails removal of external roller-shutters and installation of a new shopfront matching broadly in appearance that of the attached funeral directors. Conversion of the rest of the building to residential use will entail for the front elevation, replacement of the other half of the existing shopfront with a domestic-scale window and 3 combined window/rooflights to illuminate the flat in the roof-space. For the gable of the building, facing Booth Street the only change is to a ground-floor window which is to become a door. For the rear elevation of the building the principal change arises from removal of the flat-roofed 1-storey storage building and canopied loading bay area.

The proposal will result in a shopfront of improved appearance. The other external alterations will not appear unduly prominent or intrusive so long as appropriate materials are used. A condition to ensure this is the case is recommended.

Neighbour Amenity

There will be no loss of light/outlook/privacy for any neighbours.

Implementation of the proposed scheme will result in removal, rather than addition, to the building on the site.

Access/Parking

Neighbours have expressed concern that the proposal will exacerbate existing problems they experience as a result of traffic and lack of off-street parking at their own and neighbouring properties.

The applicant is proposing to remove the flat-roofed 1-storey storage building and canopied loading bay area to the rear in order to provide bin-storage and 4 off-street parking spaces for future occupiers.

LCC Highways has no objection to the proposal. It has advised:

“The proposal is to carry out alterations to an existing building to provide an element of retail use as well as 5 residential flats. The proposal will provide 4 parking spaces to the rear of the property. Based on the parking standards the development should have a parking provision for 7 vehicles.

However a relaxation of this level can be accepted due to the proximity of the proposed development to public transport and local amenities.”

Therefore, having regard to the comments from LCC Highways and the proposed parking provision, your officers do not consider that the proposed development would have an unacceptable impact on highway safety or on street parking in the vicinity of the site.

Flood Risk

The Environment Agency has identified as Flood Zone 3 that part of the application building to be occupied by the proposed retail unit and the part of the site presently occupied by the 1-storey storage building to the rear - as too are all the retail units extending down Burnley Road East as far as Whitewell Brook and all the terraces of houses down Booth Street/Holt Street/Woodlea Road. The rest of the application building on the application site are within Flood Zone 2 - as too is a terrace and many of the more recently constructed houses on Schofield Street.

The proposal entails retention of the part of the existing 2-storey building within Flood Zone 3 as a retail unit but; demolition of the 1-storey storage building to the rear will result in a reduction in the total amount of building within Flood Zone 3. Environment Agency advice is that there is no objection to the other part of the existing 2-storey building being converted to residential use, it being in Flood Zone 2, so long as the ground-floor levels are no lower than the existing floor levels. A condition is recommended to ensure this will be the case.

10. SUMMARY REASON FOR APPROVAL

The Council is satisfied that the proposal will make a small but useful contribution to meeting the Borough’s housing requirements in a sustainable location and will not have significant adverse impact on the vitality of Waterfoot town centre or flood risk. Subject to the conditions, the proposal will not unduly detract from visual and neighbour amenity or highway safety. Consideration has been given to the National Planning Policy Framework and Policies AVP3 / 1 / 8 / 11 / 19 / 23 of the Council’s adopted Core Strategy (2011).

11. 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 hereby permitted shall be carried out in accordance with the following drawings, unless otherwise required by the conditions below:

<u>Drawing Title</u>	<u>Drwg No</u>	<u>Date Rec'd</u>
Location Plan	-	03 / 04 / 19
Proposed Site Plan	19.1940.7A	25 / 04 / 19
Proposed Floor Plans	19.1940.4B	25 / 04 / 19
Proposed Elevations	19.1940.5B	28 / 05 / 19

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development.

- 3) Any demolition/construction works associated with the development hereby permitted 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 works shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.

Reason: To safeguard the amenities of neighbours.

- 4) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide details of :

- i) The siting & form of cabins and security hoardings
- ii) The location for loading/unloading and storage of construction plant and materials
- iii) The parking for vehicles of site operatives and visitors
- iv) Hours at which vehicles will be arriving and departing
- v) Wheel washing facilities
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of demolition/construction waste (& avoid the need for on-site fires).

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

- 5) The ground-floor levels of the resulting building shall be no lower than the existing floor levels and flood resistance & resilience measures shall be incorporated in accordance with the DCLG publication '*Improving the flood performance of New Buildings*' (May 2007).

Reason: to mitigate the likelihood of flooding and its impact, in accordance with Environment Agency advice as parts of the application site are within Flood Zones 2 & 3.

- 6) No development shall take place until a Noise Impact Assessment Report (compiled by an appropriately qualified person/organisation) has been submitted to and approved in writing by the Local Planning Authority.

If the report does not demonstrate that the construction of the existing floors/ceilings/walls is adequate to prevent an unacceptable degree of noise disturbance to residents from adjacent commercial uses, it shall be accompanied by a scheme of mitigation (including full details of the construction of any proposed stud walls / insulation / other measures) sufficient to achieve an adequate reduction in noise levels to avoid undue noise disturbance for residents. The submitted scheme shall include details and figures of the exact reduction in noise transmission that will be achieved.

Prior to first use of any of the flats hereby permitted, a verification report (compiled by an appropriately qualified person/organisation) shall be submitted to and approved in writing by the Local Planning Authority. The verification report shall validate that all mitigation / insulation / other works forming part of the approved scheme have been completed and that they achieve the level of noise reduction agreed.

The approved scheme of mitigation shall be retained for the lifetime of the development.

Reason: Insufficient information has been submitted with the application to demonstrate that the occupiers of the proposed flats will not experience unacceptable noise disturbance.

- 7) The new shopfront and new window in the front elevation shall be surrounded by natural coursed stone of a size/colour/surface-finish/pointing to match the stonework/sills/lintels around the existing openings in the front elevation of the building. The new shopfront shall not have an external roller-shutter or grille.

Reason: In the interests of visual amenity.

- 8) Prior to first occupation of the shop or any of the flats hereby permitted:

- a. the bin-storage facility indicated on Drwg No 19.1940.7A shall be provided; &
- b. the parking spaces indicated on Drwg No 19.1940.7A shall be provided with a hard, permeable surface (that avoids surface-water run-off to highways).

These facilities shall thereafter be kept freely available for use as such.

Reason: In the interests of highway safety.

- 9) Prior to occupation of the shop or flats, a boundary treatment plan showing the changes to be made to the existing boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented prior to first occupation of either the shop or flats.

Reason: Insufficient detail has been submitted with the application, in the interests of neighbour amenity.