

<b>Application Number:</b>	2011/453	<b>Application Type:</b>	Full
<b>Proposal:</b>	Change of Use from Library & Council Offices to Tea Rooms, with associated shop & 3 external grilles	<b>Location:</b>	Bridge End House, Bacup Road, Waterfoot
<b>Report of:</b>	Planning Unit Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	15 November 2011
<b>Applicant:</b>	Mrs T Harrison	<b>Determination Expiry Date:</b>	24 November 2011
<b>Agent:</b>	Hartley Planning & Development Associates Ltd		

<b>Contact Officer:</b>	Rebecca Taylor	<b>Telephone:</b>	01706-238640
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**REASON FOR REPORTING**

Tick Box

Outside Officer Scheme of Delegation

**Member Call-In**

Name of Member:

Reason for Call-In:

3 or more objections :

Council Owned Site

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.

	<b>RECOMMENDATION(S)</b>
	Approval, subject to the conditions detailed in Section 9 of the report.

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## APPLICATION DETAILS

### 1. SITE

The application relates to a large detached stone-built property, with extensive grounds, which is situated just to the east of the primary shopping area of Waterfoot, as identified in the Council's Core Strategy. Owned by the Council, and previously used for offices and a library, it is currently vacant.

The building faces towards Bacup Road, but is set well back from the main road, behind a row of mature cherry trees. To the east side of the building is a car park accessed via Millar Barn Lane, a narrow road serving a number of properties.

To the west side of the application site is a public car park, with mature beech trees on the boundary. To the east side is a residential property and, to the opposite side of Millar Barn Lane, other residential properties and a public car park. To the rear are largely commercial premises.

### 2. RELEVANT PLANNING HISTORY

1989/668 Change of use to Offices and Library  
Approved

### 3. THE PROPOSAL

The application seeks permission for change of use of the premises from library and council offices to tea rooms, with a large kitchen at ground floor and a smaller kitchen at first floor, and an associated shop and a reading room.

The building has a total floor area of approximately 272sq m, the ground floor shop to be of approximately 25.5sq m and the first floor reading room of 23sq m.

The only external alteration to the building being proposed is the installation of two grilles in the east elevation and one in the north elevation, one in the north elevation and one in the east elevation measure 1m x 1m in total and the second in the east elevation measures 0.6m x 0.6m and assist with ventilation of ground floor rooms.

The application is accompanied by a landscape plan showing the trees within the grounds. The applicant has indicated that they would wish to remove a holly tree touching the building and a fir tree to the front of the building, but there is no intention to fell the boundary trees (although pruning of the beeches is being considered).

### 4. POLICY CONTEXT

#### National

PPS1 Sustainable Development  
PPS4 Economic Development  
PPG13 Transport  
PPG24 Noise

#### Development Plan

### RBC Core Strategy DPD (2011)

AVP3	Waterfoot, Lumb, Cowpe and Water
Policy 1	General Development Locations and Principals
Policy 8	Transport
Policy 9	Accessibility
Policy 10	Provision for Employment
Policy 13	Protecting Key Local Retail
Policy 24	Planning Application Requirements

### Regional Spatial Strategy for the North West of England (2008)

DP1-9	Spatial Principles
RDF1	Spatial Priorities
RT2	Managing Travel Demand
RT4	Management of the Highway Network
EM1	Environmental Assets

### Rossendale District Local Plan (1995)

DS1	Urban Boundary
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### Other Considerations

Draft National Planning Policy Framework (2011)

RBC Hot Food Takeaway Policy (2011)

### National

PPS1	Sustainable Development
PPS3	Housing
PPG13	Transport

## 5. CONSULTATION RESPONSES

### RBC (Environmental Health)

No objection. The ventilation system proposed for the kitchens is appropriate to a day-time use but has not been demonstrated to be adequate to avoid noise disturbance for nearby residents at other times. Accordingly, it recommended a condition to restrict the operating hours of the tea room.

The Agent was requested that the hours condition permit use of the premises between 07:00-19:30. The Environmental Health has no objection to permission being granted on this basis.

### LCC (Highways)

No Objection, having regard to accessibility of the premises and the two nearby public car parks.

It is requested that the private car park immediately adjacent to the building is appropriately marked out, with 2 disabled spaces and signs, and not less than two secure cycle spaces also be provided on site.

## 6. REPRESENTATIONS

To accord with the General Development Procedure Order 2 site notices were posted on 06/10/11 and 30 neighbours were notified by way of letter on 29/09/11.

No neighbour comments received

## 7. ASSESSMENT

The main considerations of the application are: 1) Principle; 2) Visual Amenity; 3) Neighbour Amenity; & 4) Access/Parking.

### Principle

Policy 10 of the RBC Submitted Core Strategy States that;

*The Council will continue to encourage the retention and growth of its indigenous companies...It is expected that new sites will be needed to meet demand in the Rawtenstall area and the Bacup, Waterfoot and Stacksteads Corridor [the location of this site]*

It goes on to state;

*The re-use and retention of suitable buildings, including those in rural areas, for appropriate employment generating uses will be supported where;*

- It assists diversification of the existing employment base, or*
- It supports the creation or growth of a local business, or*
- It retains buildings of significant architectural, historic or artistic interest, or*
- It contributes to a wider regeneration initiative, and in all cases*
- The proposal promotes the enhancement of the environment and accessibility provision, minimises transport impacts and makes best use of the existing space*

It is desirable to secure a re-use of this attractive building fronting a main road, and the proposed use is appropriate in principle adjacent to the primary shopping area in Waterfoot. I am satisfied that the proposal will not adversely affect the vitality and viability of Waterfoot town centre.

### Visual Amenity

With the exception of the installation of three ventilation fans there would be no external alterations to the building. The vents are sufficiently low and modest in size they will not adversely impact upon the character and appearance of the building.

The mature trees along the frontage with Bacup Road and the boundary with the public car park to the west side are of sufficient public visual amenity value I consider it appropriate to condition any permission to ensure they are not hermed. There is no objection to removal of the holly and fir tree the applicant proposes.

### Neighbour Amenity

The proposal does not entail alteration or extension of the building in a manner likely to result in detriment for any neighbour.

Likewise, I concur with the view of the Environmental Health Unit that the proposed use is not likely to cause unacceptable detriment for neighbours so long as the hours of operation are limited to between 07:00-19:30, as agreed with the applicant.

### Access/Parking

On-site parking does not meet the parking standards outlined in Appendix one of the RBC Core strategy. There are two nearby public car parks and accessibility of Waterfoot town

centre is good. It is my opinion that there is sufficient parking provision to ensure there would not be significant highway safety issues as a result of the development.

LCC (Highways) does not object to the proposal, having regard to the proximity of the premises to Waterfoot town centre, its bus services and public car parks. Its recommendations in relation to the need to better provide for the parking needs of disabled people and cyclists can be conditioned.

The scheme is considered acceptable in terms of access/parking.

## 8. SUMMARY REASON FOR APPROVAL

The proposed development is appropriate in principle in the Urban Boundary and is not considered likely to detract to an unacceptable extent from the vitality & viability of Waterfoot Town Centre, visual and neighbour amenity or highway safety. It is considered that the development is in accordance with PPS1/PPS4, Policies RT2/RT4/EM1 of the Regional Spatial Strategy and Policies 1, 8, 9, 10 & 24 of the RBC Core Strategy.

## 9. 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 approved plans and supporting information all date stamped 29/09/2011, unless otherwise required by the conditions below or otherwise first agreed in writing by the Local Planning Authority. No external flue/ventilation system (other than the 3 grilles shown on the approved drawings) or external shutters shall be provided without submission and approval of an application for planning permission for them.  
Reason : To ensure the development complies with the approved plans and for the avoidance of doubt.
3. Prior to commencement of development (including any works to trees) a scheme shall be submitted to and approved in writing by the Local Planning Authority of the protection to be afforded to all trees (other than the holly and fir indicated on the approved drawings) and for any works of pruning proposed in respect of those trees.  
Reason : To avoid harm to trees that make a positive contribution to public visual amenity, in accordance with Policies 1 & 18 of the RBC Core Strategy.
4. Notwithstanding the provisions of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, or any amendment or revocation and re-enactment of it, no change of use of the building, or extension of the retail area beyond the 25.5 sq m shown on the approved drawings, shall occur without first applying for and obtaining planning permission for it.  
Reason : To safeguard the vitality and viability of the primary shopping area of Waterfoot, in accordance with Policies 1 & 11 of the RBC Core Strategy.
5. Notwithstanding what is shown on the submitted drawing, prior to the first use of the premises as hereby permitted the existing car parking area shall be marked out and signed (including two disabled parking spaces) and not less than 2 secure cycle spaces provided on the site, in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority.

Reason : In the interests of highway safety and sustainability, in accordance with Policies PPS1/PPG13, Policies RDF2/RT2/RT4/EM1 of the Regional Spatial Strategy and Policies 8 & 9 of the RBC Core Strategy.

6. The premises shall not be used for the use hereby permitted except between the hours of 07:00 am and 07:30 pm Monday to Sunday.

Reason: To safeguard the amenities residential neighbours could reasonably expect to enjoy, in accordance with Policies 1 & 24 of the RBC Core Strategy.

7. Any construction works associated with the development hereby approved 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 construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.

Reason: To safeguard the amenities of neighbours, in accordance with Policy 24 of the RBC Core Strategy.