

Application Number:	2024/0236	Application Type:	Full Planning Permission
Proposal:	Change of use from Auction House to three apartments.	Location:	13A Longholme Road Rawtenstall Rossendale BB4 7NG
Report of:	Head of Planning and Building Control	Status:	For publication
Report to:	Development Control Committee	Date:	23.07.2024
Applicant:	Mr Raj Ahmed	Determination Expiry Date:	01.08.2024
Agent:	Mr D Hancock		

Contact Officer:	Claire Bradley	Telephone:	01706 238636
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):	Yes – Agent is a Councillor

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 conditions contained in this report.

2. APPLICATION SITE

The application site is located with Rawtenstall Town Centre, to the rear of Bacup Road facing the rear of B & M's superstore.

The building is a three storey stone built property, attached to the rear of 13 Bacup Road. The side elevation adjacent to the rear of No 15 and the rear elevation are coated in render and pebble dash. The front elevation is stone.

The site is located in Rawtenstall Conservation Area.

3. RELEVANT PLANNING APPLICATION HISTORY

2018/0214: Change of use from religious building to A2 professional offices (Approved)

2019/0145: Change of use from a Mosque (D1) to Auction House with ancillary retail (sui generis) (Approved)

4. PROPOSAL

The application seeks a change of use of a vacant building (former auction house) to 3 residential units.

The apartments would be two bedroom, three person accommodation. Services for cycle storage, refuse disposal areas and an area of common circulation space, including fire escape, would be provided.

External alterations are as follows:

Front elevation to Longholme Road – The existing door and window on the left hand side of the building being amended to two entrances with the existing entrance giving access to the rear of flat 1 and the cycle store and the new entrance providing access to a staircase to the upper floors. The existing door on the right hand side of the front elevation will provide access to a staircase to the upper floors and also level access to front entrance of flat 1

End Elevation – A new window opening will be provided to a bedroom at ground floor.

Rear elevation facing the rear of 15 Bacup Road – At second floor level the windows will be reduced to restrict vision. At second floor level three openings will be reduced and the fourth blocked up entirely.

5. POLICY CONTEXT

National Planning Policy Framework

Section 2 Achieving Sustainable Development
Section 4 Decision Making
Section 5 Delivering a sufficient supply of homes

- Section 6 Building a Strong Competitive Economy
- Section 7 Ensuring the vitality of Town Centres
- Section 12 Achieving Well Designed Places
- Section 16 Conserving and Enhancing the Historic Environment

Development Plan

Local Plan Policies

- Policy SS: Spatial Strategy
- Policy SD1: Presumption in Favour of Sustainable Development
- Policy SD2: Urban Boundary and Green Belt
- Policy HS1: Meeting Rossendale’s Housing Requirement
- Policy HS8: Private Outdoor amenity space
- Policy ENV1: High Quality Development in the Borough
- Policy ENV2: Historic Environment
- Policy R1: Retail and Other Town Centre Uses
- Policy R3: Development and Change of Use in Town, District and Local Centres and Neighbourhood Parades
- Policy TR4: Parking

Other material considerations

- National Planning Practice Guidance
- Rawtenstall Conservation Area Appraisal

6. CONSULTATION RESPONSES

Consultee	Summary of response
Growth Lancashire (Conservation)	See Heritage Section below
LCC Highways	No objection subject to conditions and an informative
Environment Agency	Refer to standing advice
RBC Environmental Health	No objection subject to conditions
Rossendale Civic Trust	No comments received

7. REPRESENTATIONS

To accord with the General Development Procedure Order site notices were posted on 06.06.2024 and properties were notified by letter sent out on 30.01.2024. The application was advertised in the Rossendale Free Press on 02.02.2024

No responses have been received.

8. ASSESSMENT

The main considerations in this case are as follows:

- 1) Principle;
- 2) Heritage/Visual Amenity;
- 3) Residential Amenity;
- 4) Access, Parking and Highway Safety

Principle

The site is within Rawtenstall Town Centre behind Bacup Road, facing the back of the B & M's Superstore which faces Bocholt Way. However, it is not located within the Primary Shopping Area.

The existing use is as an Auction House which is 'sui generis'. Policy R3 allows the provision of apartments on the upper floors of buildings.

In the case of this building it is located to the rear of the main retail properties fronting Bacup Road, is currently vacant and is proposing the provision of three apartments.

Given the distance from the Primary Shopping Area and the nature of the existing building it is considered that the change of use of this property to 3 apartments would not impact on the viability and vitality of the Town Centre.

Consequently it is considered that in principle the proposal meets the requirements of Policies SD1, SD2 and R3 of the Local Plan.

Heritage/Visual Amenity

The site is located within Rawtenstall Conservation Area.

Section 12 of the Framework refers to the importance which Government attaches to the design of the built environment:

- *"The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities." (Para 131)*
- *"Planning policies and decisions should ensure that developments...will function well and add to the overall quality of the area...are sympathetic to local character and history, including the surrounding built environment and landscape setting." (Para 135).*

Section 16 of the Framework states local planning authorities should take account the desirability of new development making a positive contribution to local character and distinctiveness and the desirability of sustaining and enhancing the significance of heritage assets.

Paragraph 203 of the National Planning Policy Framework requires that when *determining applications affecting heritage assets local planning authorities should take account of:-*

- a) *the desirability of sustaining and enhancing the significance of those assets and putting them to viable uses consistent with their conservation;*
- b) *the positive contribution that the conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) *the desirability of new development making a positive contribution to local character and distinctiveness.*

Policies ENV1 and ENV2 of the Local Plan seek to ensure that the built and historic environment is safeguarded and enhanced and proposals take into account design, lighting and materials.

The proposal relates to the change of use of the building to three apartments, with minor external works.

Growth Lancashire have commented as follows:

“I have reviewed the application documents/submission and considered these against the relevant statutory duty(s) under the Planning (Listed Building and Conservation Areas) Act 1990, the national policy guidance contained in Chapter 16 of the NPPF and the relevant Local Plan policies (Rawtenstall Conservation Area Appraisal and Management Plan; Policy 16: Preserving and Enhancing the Built Environment, Rossendale Borough Council Core Strategy.

I consider that the proposed works to facilitate the change of use of the property to three apartments will be minor. The biggest impact will be on the rear elevation, which entails the blocking up of some openings, with blockwork finished with render. The rear elevation of buildings within a conservation area are a secondary elevation of lesser significance and in this case is only viewed from the rear access road, which overlooks a modern commercial building. Furthermore, this elevation has already experienced modern alteration with modern render.

Therefore, I do not think that the proposed work will result in any discernible level of harm or loss of significance to the heritage asset(s) identified above. As such the proposal does comply with the objectives contained in Chapter 16 of the NPPF and the Local Plan and I raise no objection from a heritage perspective.”

It is considered that the proposal would meet the statutory test ‘to preserve’ the character and appearance of Rawtenstall Conservation Area. As such, the scheme would meet with the objectives of Chapter 16 of the NPPF and accord with policy ENV 2 of the Local Plan.

Residential Amenity

Paragraph 135 of the NPPF advises that Planning policies and decisions should ensure that developments:

“Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience”

Policy ENV1 of the Local Plan states that all proposals should take account of the following:

- “c) Being sympathetic to surrounding land uses and occupiers and avoiding demonstrable harm to the amenities of the area*
- “d) The scheme will not have an unacceptable adverse impact on neighbouring development by virtue of it being overbearing or oppressive, overlooking or resulting in an unacceptable loss of light:- nor should it be adversely affected by neighbouring uses and vice versa.”*

The proposed development will not impact on the residential amenity of nearby occupiers.

Whilst the apartments would not in this case provide any private outdoor amenity space for occupants (as required by Policy HS8 of the Local Plan), such a situation would not be uncommon for apartments located in a town centre such as this. In addition, the apartments would be within relatively close proximity to several public open spaces within Rawtenstall Town Centre, and would be within walking distance of Whitaker Park.

Access, Parking and Highway Safety

The application site is located within the Town Centre, with on street public car parking and car parks close to the site. There is also access to public transport and cycle networks from the site.

A cycle store is provided a ground floor level within the development.

LCC Highways have commented as follows:

Lancashire County Council acting as the Highway Authority does not raise an objection regarding the proposed development and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Flooding

The application site is located in Flood Zone 2. A Flood Risk Assessment has been submitted alongside the application detailing flood prevention measure, means of escape in accordance with the Environment Agency's Standing Advice.

It is considered that the occupiers of the proposed development will not be in any undue risk of danger should a flood event occur and the development will not impact flooding in other areas. The Environment Agency have raised no objection.

The development is considered acceptable and in accordance with Policy ENV9 of the Rossendale Local Plan.

9. CONCLUSION

The proposal will result in the positive re-use of a town centre building that will not impact on the viability or vitality of the Town Centre. The proposals have also been assessed as having no adverse impacts on visual amenity, character of the conservation area, residential amenity, or highway safety or flood risk.

On this basis it is considered that the proposal is in accordance with the Rossendale Local Plan and the NPPF.

10 RECOMMENDATION

That planning permission is granted subject to the following conditions:

11. 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:

Application Form received 21.06.2024
Location Plan received 04.06.2024
Drawing No: 16015 1 Existing plans received 04.06.2024
Drawing No: 16015 2 Existing Elevations received 04.06.2024
Drawing No: 16015 3 Proposed layouts received 04.06.2024
Drawing No: 16015 4 Proposed Elevations received 04.06.2024
Design and Access Statement received 04.06.2024
Heritage Statement received 04.06.2024
Revised Flood Risk Assessment received 08.07.2024

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

3. No materials shall be used on the elevations of the proposed development other than those referred to on the application form.

Reason: In the interests of visual amenity of the area and ensuring that the appearance of the development is acceptable.

4. Prior to commencement of development, a detailed design for the ramp on Longholme Road shall be submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be constructed in accordance with the approved details (see informative note).

Reason: In the interests of highway safety.

5. Prior to first occupation of any of the apartments, a secure covered cycle store for at least 3 bicycles shall be provided and shall be maintained thereafter for that purpose.

Reason: In the interests of highway safety.

6. Refuse receptacles shall only be stored on the highway on collection days.

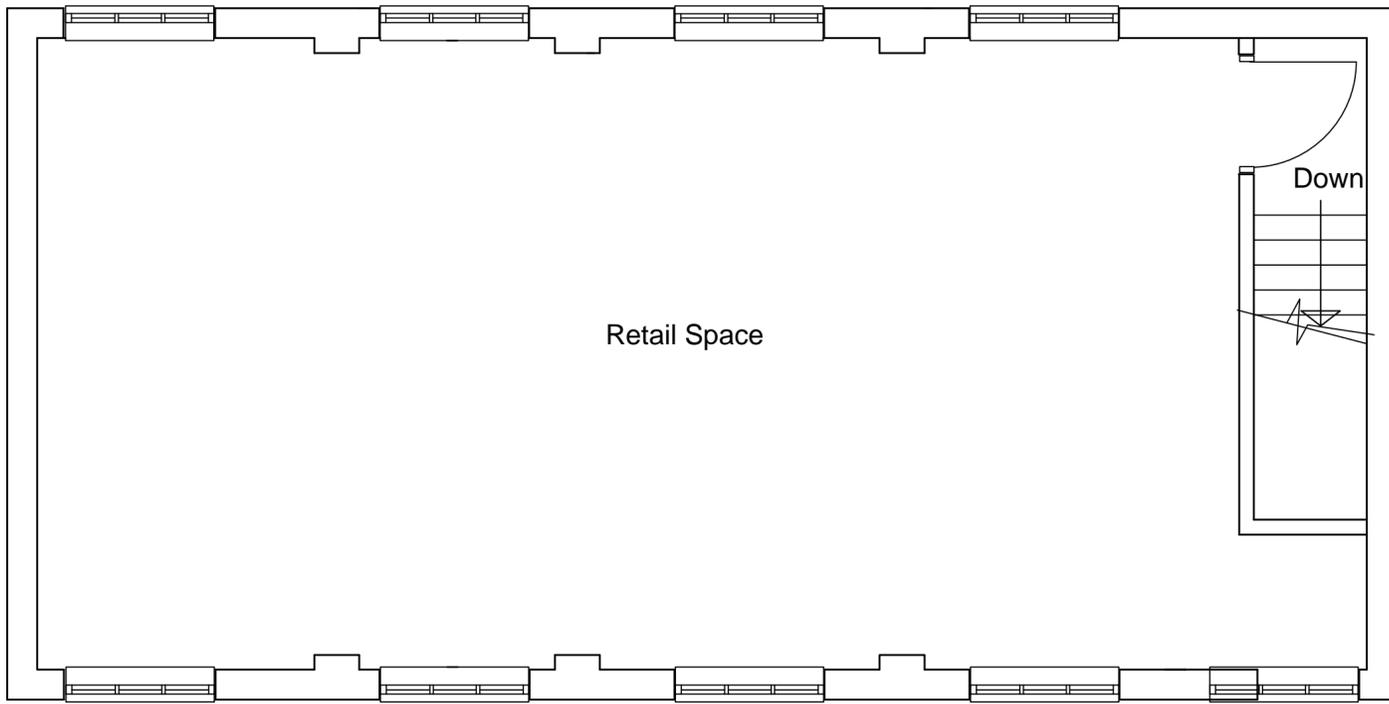
Reason: In the interests of highway safety.

7. The development hereby proposed shall be carried out in accordance with the Flood Risk Assessment submitted on 08.07.2024

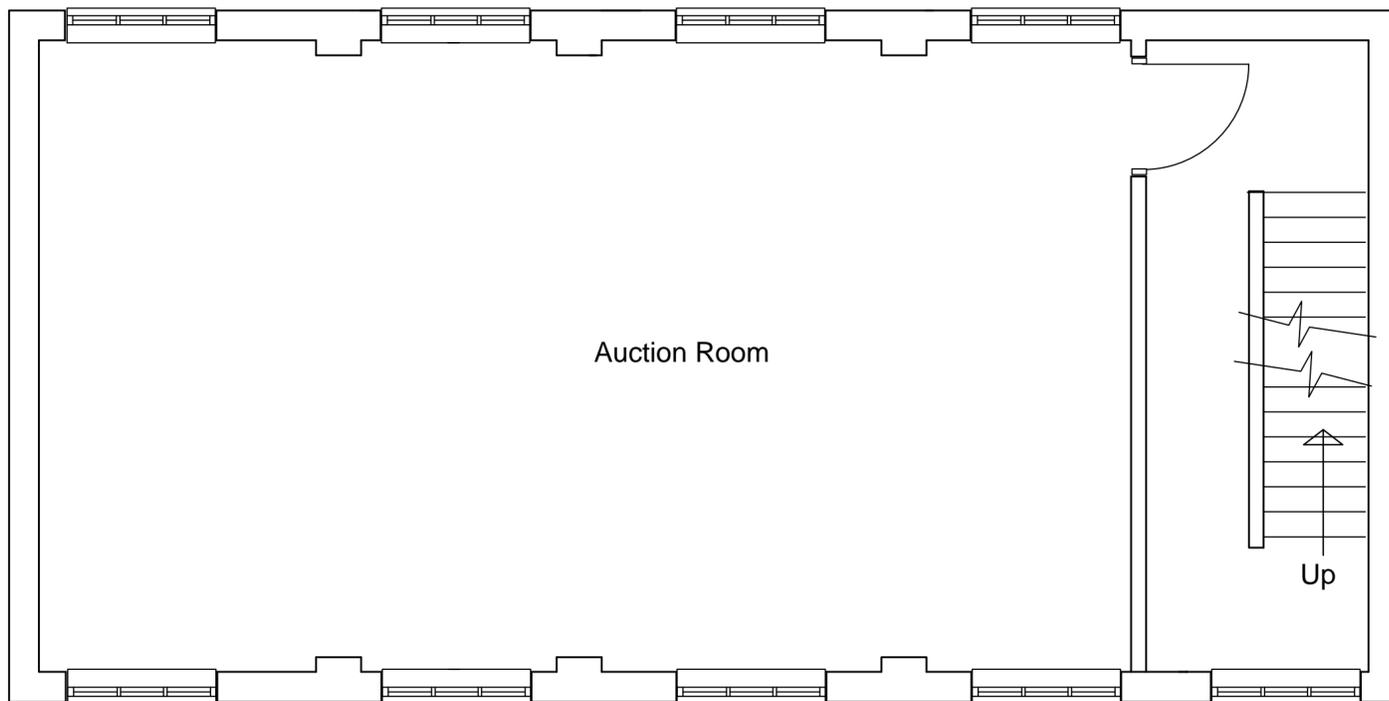
Reason: To ensure there is no danger from flood risk.

12. INFORMATIVES

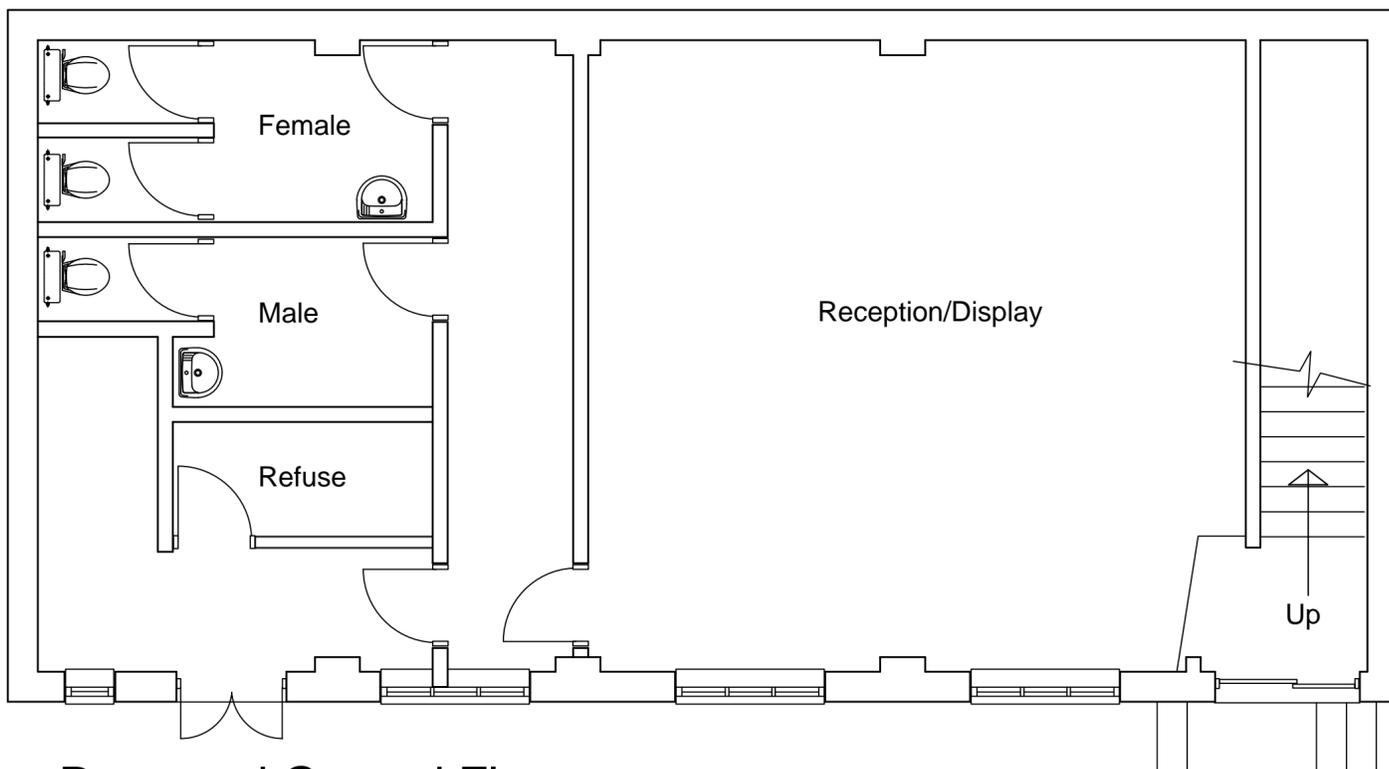
1. The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.
2. This permission does not entitle the applicant to place a ramp on the highway without first making an application and securing a license under the Highways Act 1980 from Lancashire County Council. There is an annual fee of £470.00.



Proposed Second Floor



First Floor Proposed



Proposed Ground Floor

Drawing
Existing Plans

Address
13a Longholme Road
Rawtenstall

Client

Dwg No
16015.1

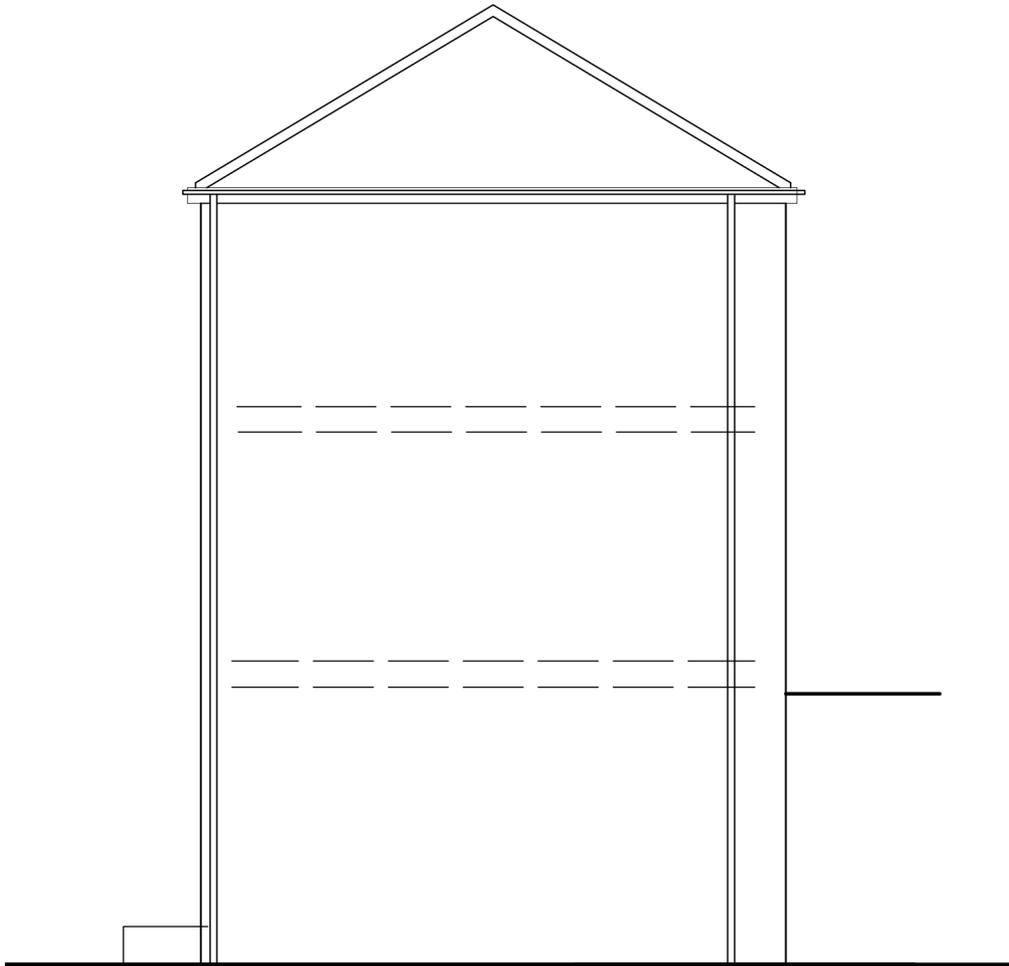
Scale
1.50

DJ Hancock Design
22 Croft Street
OL13 9DB

Tel 01706 563502
Mob 07599 008 791



Existing and Proposed Front Elevation



Existing End Elevation



Drawing
Existing Elevations

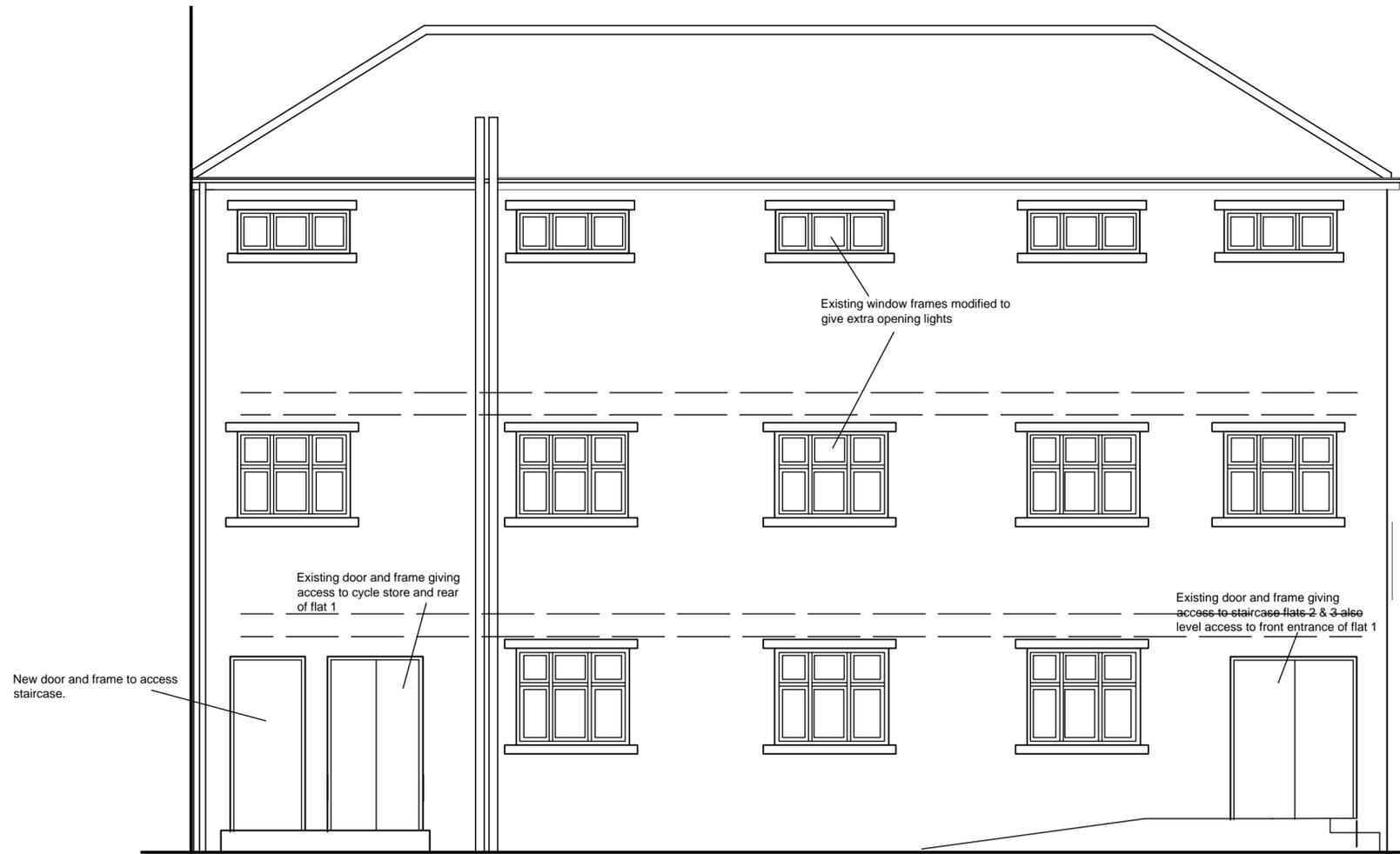
Address
13a Longholme Road
Rawtenstall

Client

Dwg No
16015.2

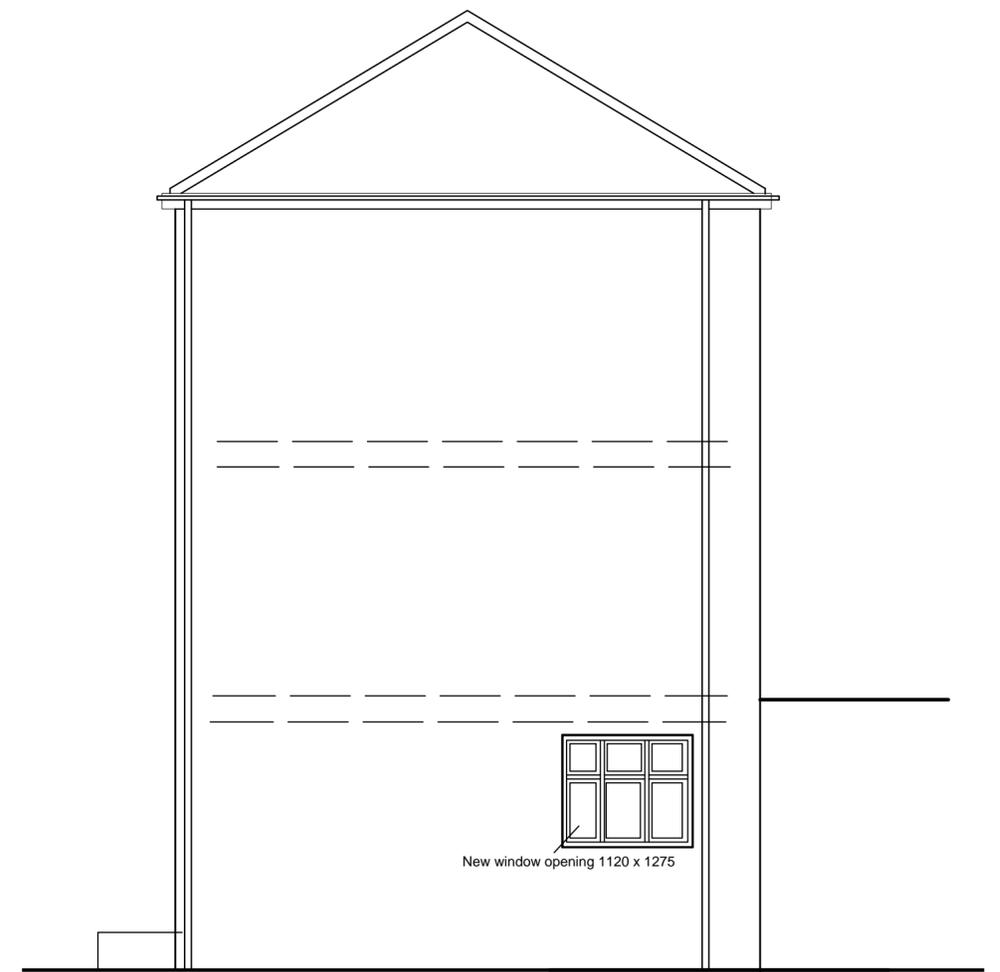
Scale
1:50

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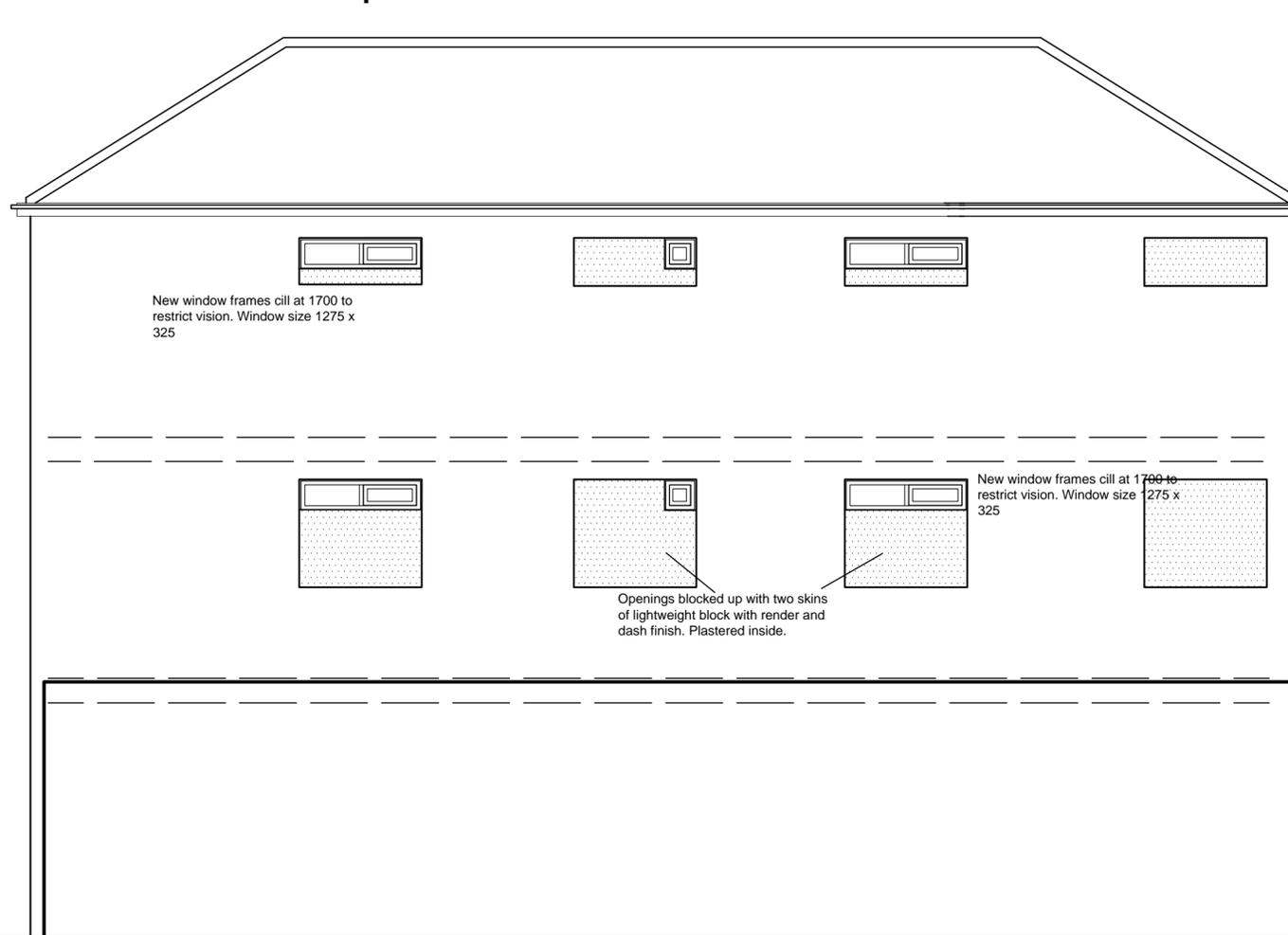
Staircase Entrance
Cycle Store and flat 1 rear entrance

Proposed Front Elevation



New window opening 1120 x 1275

Proposed End Elevation



New window frames cill at 1700 to restrict vision. Window size 1275 x 325

New window frames cill at 1700 to restrict vision. Window size 1275 x 325

Openings blocked up with two skins of lightweight block with render and dash finish. Plastered inside.

Proposed Rear Elevation

Drawing
Proposed Floor Elevations

Address
13a Longholme Road
Rawtenstall

Client

Dwg No
16015.4

Scale
1:50

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Water Street & Park
New Hall City School Park
Historic Railway
Landscape

Litter