

<b>Application Number:</b>	2022/0086	<b>Application Type:</b>	Full
<b>Proposal:</b>	Change of use from Public House (sui generis) to Offices (Class E (g), erection of loggia, external alterations and alterations to vehicular entrance.	<b>Location:</b>	The Bay Horse Helmshore Road Haslingden Rossendale Lancashire BB4 4BG
<b>Report of:</b>	Planning Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	June 2022
<b>Applicant:</b>	Mr Omar Juma	<b>Determination Expiry Date:</b>	18 <sup>th</sup> April 2022
<b>Agent:</b>	Mr John Flinn, Davenport and Flinn Ltd.		

<b>Contact Officer:</b>	<b>Caroline Callow</b>	<b>Telephone:</b>	<b>01706 252432</b>
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<b>REASON FOR REPORTING</b>	
<b>Outside Officer Scheme of Delegation</b>	<b>Yes In part Council owned land</b>
<b>Member Call-In</b> Name of Member: Reason for Call-In:	<b>No</b>
<b>3 or more objections received</b>	<b>No</b>
<b>Other (please state):</b>	<b>No</b>

## 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 AND SURROUNDING AREA

The application site relates to a vacant public house with a parking area accessed from Grane Road and an area of open space with trees. It is located on the junction of Helmshore Road and Grane Road. It is immediately to the north of an existing garage and service station.

The building ceased to be a viable public house approximately 2 years ago and was purchased for development approximately 15 months ago. There is a bar area, cellar and bedrooms and bathroom at first floor level.

The site lies within the designated urban boundary and within Character Area 5: Public Buildings/Spaces and Individual houses forming part of the Haslingden Conservation Area. The building is identified as making a positive contribution to the Conservation Area and as a potential candidate for local listing.

### **3. RELEVANT PLANNING HISTORY**

None

### **4. PROPOSAL**

The proposal is to convert the building into offices. There will be pedestrian access from Helmshore Road and a rear access from the rear where car parking for 4 vehicles, including one suitable for people with disabilities will be provided. The proposed use is as managed offices with a receptionist. It is expected that they will be computer based, administration type uses. The attic will be used for occasional office storage.

The rear yard will have a widened entrance. The existing gates will be removed and replaced with an extension to the existing wall and replacement timber gates will be set back to allow vehicles to wait off the road while the gates are opened.

The proposal also includes the erection of a small loggia at the rear and replacement of the existing windows. Following discussions with the applicant it is now proposed that these will be timber sliding sash windows.

The hours of opening are proposed to be Monday- Friday 07:30 to 21:00hrs, Saturday 07:30 to 18:00hrs and Sundays and Bank Holidays 07:30 to 15:00hrs.

### **5. POLICY CONTEXT**

#### National Planning Policy Framework

- Section 2 Achieving Sustainable Development
- Section 4 Decision Making
- Section 6 Building a Strong, Competitive Economy
- Section 9 Promoting Sustainable Transport
- Section 11 Making Effective Use of Land
- Section 12 Achieving Well Designed Places

#### Development Plan

#### Rossendale Local Plan 2019-2036

SS Spatial strategy

ENV1 High quality Development in the Borough  
ENV2 Historic Environment  
ENV3 Landscape character and Quality  
ENV4 Biodiversity, Geodiversity and Ecological Networks  
LT2: Community Facilities  
TR4 Parking

### **Other material considerations**

National Planning Practice Guidance  
Haslingden Conservation Area Appraisal

## **6. REPRESENTATIONS**

To accord with the General Development Procedure Order neighbour letters were sent out to surrounding properties on 25<sup>th</sup> February 2022 and a site notice was posted next to the site on 25<sup>th</sup> February 2022. A notice advertising the proposals was published in the Rossendale Free Press on 4<sup>th</sup> March 2022.

No representations have been received.

## **7. CONSULTATION RESPONSES**

Trees	Concerns about proposed work to trees
LCC Highways	Concern about application as submitted
Property Services	No objection
Environmental Health	No comments
Ecology	No objections

## **8. ASSESSMENT**

The main considerations in this case are as follows:

1) Principle; 2) Heritage/Visual Amenity; 3) Conservation Area 4) Neighbour Amenity; 5) Access, Parking and Highway Safety; 6) Trees 7) Ecology

### Principle

The application site is located within the defined urban boundary.

Policy LT2 of the Local Plan advises that:

Development proposing the change of use or loss of any premises including public houses will be permitted where it can be demonstrated that:

- a) *The facility no longer serves the local needs of the community in which it is located; or*
- b) *Adequate alternative provision has been made, or is already available, in the settlement or local area; or*
- c) *The use is no longer financially viable and a marketing exercise has taken place to demonstrate this.*

The applicant has advised that the disused public house was closed by Daniel Thwaites in 2019 as being uneconomic to run. Thwaites Brewery undertook a full assessment of the viability of the premises and decided their way forward was to sell.

He has advised that there are 10 other public houses in the vicinity:

The Grey Mare, Grane Road  
The Holden Arms, Grane Road  
Robin Hood Inn, Holcombe Road  
The Woolpack, Manchester Road  
Sunny Bank Club, Helmshore Road  
The Rose and Crown, Manchester Road  
The Griffin Inn, Hud Rake  
The Station, Helmshore Road  
The Black Bull, Blackburn Road  
The Commercial, Manchester Road.

It is considered that there is adequate local provision of public houses and the loss of this particular one would be in accordance with Policy LT2 of the Local Plan and the principle of the proposed use as offices would be acceptable.

#### Heritage/Visual Amenity

The Council have sought the advice of Growth Lancashire who have advised that: The Bay Horse is located in Character Area 5 of the Haslingden Conservation Area; an area characterised by high quality 20th century buildings. The Bay Horse is prominently located on a street corner and noted in the Conservation Area Appraisal as a location for key linear views down Grane Road. The building is identified as being a building which makes a positive contribution to the Conservation Area.

They consider that for the most part the works to refurbish the property and incorporate a new sustainable use is likely to help sustain the significance of the building. They considered that the use of UPVC windows would not be a positive intervention. The applicant has now amended the proposal to show the use of timber sliding sash windows. This would suit the character of the existing building and be a benefit to the building and the Conservation Area.

Growth Lancashire raised no objections to the proposed loggia to the rear as this elevation is much changed and the loggia will be of limited visibility in the Conservation Area.

The revisions to the access and loss of the existing gated entrance will involve some loss of original detail. Whilst this work is regrettable, the harm to the character of the Conservation Area, as a whole, would be minimal and likely outweighed by the other benefits generated by the proposed Change of use and the reinstatement of traditional sliding sash windows. On this basis it is considered that the proposal would accord with the guidance contained in Chapter 16 of the NPPF and would meet the statutory duty 'to preserve'. and would not harm the character and appearance of the Haslingden Conservation Area.

#### Neighbour Amenity

Paragraph 130 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”*

- *Does not significantly harm the outlook of neighbouring properties;*
- *Does not significantly reduce the amount of daylight and sunlight enjoyed by neighbouring properties;*

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

*“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 proposal will not impact on the amenity enjoyed by neighbouring residential properties in respect of light and outlook and the change of use from a public house to offices is likely to reduce the potential for noise and disturbance and the proposal would therefore be in accordance with Policy ENV1 of the Local Plan and Paragraph 130 of the NPPF.

### Access, Parking and Highway Safety

The site is an existing public house which is currently not functional. When it was functional, it had 4no off-street car parking spaces within its curtilage. The current proposal is to change use of the site to offices with the existing 4no parking spaces retained. The gross internal floor area (gfa) of the building is not proposed to change, therefore although the 4no spaces are less than required by the current local authority parking standard, considering that the proposed use as offices requires less off-street parking than the existing use as a pub, the 4no spaces will be accepted.

The applicant has submitted amended the plans to increase the size of the parking spaces to meet the Council’s Guidelines and has increased the set back of the proposed gates to allow vehicles to pull clear of the carriageway while waiting for the gates to be opened when entering the site The proposal is therefore now considered acceptable on grounds of Highway Safety and parking.

The alterations on Grane Road, to create a kerbed radii at the site access will need to be carried out under a S278 agreement with Lancashire County Council.

### Trees

The Council’s Arboricultural Advisor has indicated that there are three Sycamore trees marked on the proposed plan to be retained and described in the design and access statement as needing to be pollarded. Pollarding is a specific arboricultural practice which can only be used in certain situations without damaging the tree’s viability, appearance and structural integrity. All four Sycamore are worthy of retention. The Ash are poor and their removal is acceptable as is the removal of the leaning Rowan. The four Sycamore (not three as described in the application) should be retained and need nothing more than a crown lift and a light thin. The fourth at the south west end of the area needs the Ivy which is climbing it to be severed at ground level. The applicant has been advised of this and has indicated that they will be retained.

### Ecology

Greater Manchester Ecology Unit have advised that the building on the site was assessed as having negligible potential to support roosting bats and no evidence of bats was found in the building. Reasonable survey effort appears to have been used to demonstrate that no bats are currently roosting in the building proposed for conversion. However, all species of bats and their

roosts receive legal protection, and bats are mobile in their habitats and can colonise new roosts, even in unlikely places.

Opportunities to enhance the building for wildlife, such as bats should also be considered, in line with national planning guidelines which state that opportunities to improve biodiversity in and around developments should be integrated as part of their design (NPPF section 175d). This is also required by Policies ENV1 and ENV4 and can be addressed by way of a condition.

## 9. CONCLUSION

The proposal to bring back the existing building into use is welcomed. The reinstatement of timber sliding sash windows would be of positive benefit to this prominent building and the Haslingden Conservation Area. The proposal will be in accordance with Policies LT2, ENV1 and ENV2 of the Rossendale Local Plan 2019-2022.

## 10. RECOMMENDATION

That planning permission be granted subject to:

- a) The Conditions set out below.

## 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 the requirements of Section 91 of the Town and Country Planning Act 1990.

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

Drawing Title	Drwg No	Date Rec'd
Proposed Plans & Elevations	6453 2 Rev B	04.05.22
Window Fenestration	6453 04	04.05.22
Wall loggia details	6453 3	23.02.22

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

3. Notwithstanding the details of the submitted plans the proposed loggia shall be constructed of timber.

Reason: To ensure a satisfactory appearance to the development.

4. Prior to the first occupation of the building a scheme for the enhancement of the biodiversity of the site shall be submitted and approved in writing by the Council and thereafter implemented.

Reason: To ensure the enhancement of the biodiversity of the site and in accordance with Policies ENV1 and ENV4 of the Rossendale Local Plan.

5. Prior to the first occupation of the building further details of the proposed timber gates shall submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development within the Haslingden Conservation Area.

## 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. The applicant is advised that any works or use on land owned by Rossendale Borough Council is subject to prior agreement with the Council by formal licence or lease.

3. Work that will impact on habitats where nesting birds may be present (for example demolition of a building or works to trees and other vegetation including undergrowth like bramble), should not be undertaken in the main bird nesting season (March – August) unless suitable checks for active bird nests have been undertaken.

4. The applicant is reminded that should they find any protected species on or near the site during the development, work should cease and a suitably experienced ecologist employed to advise how best to safeguard the species.