

Application Number:	2020/0203	Application Type:	Full
Proposal:	Conversion of existing building into two dwellings and erection of three new dwellings to the rear, with associated works.	Location:	Former Anacapri Restaurant Helmshore Road Helmshore Rossendale Lancashire BB4 4LU
Report of:	Planning Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	13/08/2020
Applicant:	Mr P Amatino	Determination Expiry Date:	04/09/2020
Agent:	Mrs Claire Bradley (Kirkwells Ltd)		

Contact Officer:	James Dagleish	Telephone:	01706 238643
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

Approve planning permission subject to the conditions set out in this report.

APPLICATION DETAILS

2. SITE

The site comprises the former Anacapri restaurant and its associated car park which is located to the south of Helmshore Road. Information submitted with the application suggests the building is currently vacant.

The former restaurant is a two storey building of stone and slate construction, with associated land to the side and rear. The property has a large car park area to the rear at higher level and a detached garage to the side.

The site is within the urban boundary, immediately adjacent to Countryside and is on the edge of the residential area of Helmshore. Surrounding land uses are predominantly open fields to the north east and south east, with residential properties to the north and west.

3. RELEVANT PLANNING HISTORY

2019/0587 - Conversion of existing building into two dwellings and erection of three new dwellings to the rear, with associated works (Withdrawn)

2018/0057/PREAPP - Redevelopment for residential – Pre-application Enquiry

2008/0351 - Change of use of part of parking area to rear of building to form recycling site (6no. 1100 litre bins and fencing to sides) - Approved

2007/593 - Conversion of former White Horse Public House with living accommodation over, to two terraced houses and erection of porch to side - Refused

2007/528 - Single storey extension to side to form disabled toilet and access ramp to front entrance – Approved

4. PROPOSAL

Planning permission is sought for the conversion of the existing building into two separate four-bedroom dwellings, and for the construction of three new detached five-bedroom dwellings on the land to the rear.

The proposed new-build dwellings would be two storeys in height, with additional accommodation in the roof space (served by three rear-facing pitched roofed dormers). The dwellings would be of natural coursed stone construction, with pitched blue slate roofs. They would feature dark grey UPVC window and door units, and would have natural stone flagged paths around their perimeter. Each new-build dwelling would have an integral single garage and a double-width driveway to the front formed from porous block paving. Each dwelling would have a private rear garden area.

The conversion of the existing building into two dwellings would entail:

- Re-rendering the side and rear elevations (colour off-white).
- Retention of the natural coursed stone on the front elevation.

- Insertion / modification of window openings and installation of new window and door units.
- Retention of blue slate roof.
- Formation of private rear garden areas.
- Formation of a parking and turning area to the south side of the building (surfaced with porous block paving), with six parking spaces.

Around the wider site, garden plots would be separated internally by 1.8m high timber panel fencing. However, the boundary treatment around the site perimeter and adjacent to the roads would be retained stone walling.

The application is a resubmission of earlier application 2019/0587, this time accompanied by a bat survey report.

5. POLICY CONTEXT

Policy Considerations

National

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 9 Promoting sustainable transport
- Section 12 Achieving well-designed places
- Section 15 Conserving and enhancing the natural environment
- Section 16 Conserving and enhancing the historic environment

Development Plan Policies

Rossendale Core Strategy DPD

- AVP 5 Area vision for South-West Rossendale
- Policy 1 General Development Locations and Principles
- Policy 8 Transport
- Policy 9 Accessibility
- Policy 16 Preserving and Enhancing the Built Environment
- Policy 18 Biodiversity, Geodiversity and Landscape Conservation
- Policy 19 Climate Change and Low and Zero Carbon Sources of Energy

Policy 23 Promoting High Quality Design and Spaces

Policy 24 Planning Application Requirements

Other Material Planning Considerations

National Planning Practice Guidance

National Design Guide

RBC Emerging Local Plan

Alterations and Extensions to Residential Properties SPD

6. CONSULTATION RESPONSES

Health and Safety Executive	No objection
Cadent	Information provided for applicant
Coal Authority	No objection
Ecology	No objection subject to conditions
Contaminated Land Consultant	No objection subject to conditions
LCC Lead Local Flood Authority	No comments to make on the application
LCC Public Rights of Way	No comments received
LCC Highways	No objection subject to conditions
RBC Building Control	No comments have been received
RBC Conservation Officer	No comments have been received
RBC Environmental Health	No objection subject to conditions
RBC Tree Officer	No objection subject to conditions
RBC Operations	No comments have been received
United Utilities	No comments have been received, but no objection to the previous scheme 2019/0587

7. REPRESENTATIONS

In order to publicise the application a site notice was posted on 28/01/2020 and neighbour letters were sent out on 27/01/2020. The application was also available for viewing on the Council's website.

175 objections have been received, raising the following points in summary:

- Harm to visual amenity
- Harm to neighbour amenity
- Flood risk and harm to culverts
- Harm to highway safety
- Inadequate infrastructure
- Loss of community facility
- Loss of potential business
- Contrary to planning policy
- Inappropriate development

- Disturbance to residents
- Harm to ecology
- Unsuitable development for the area
- Overdevelopment
- Not an appropriate design
- Harm to tourism
- Loss of historic / social building
- Pressure on local services
- Not sustainable development
- Inadequate parking
- No need for new houses to be built

8. ASSESSMENT

The main issues for consideration in this instance are:

- a) Principle
- b) Visual Amenity
- c) Neighbour Amenity
- d) Access, Parking and Highway Safety
- e) Ecology

Principle

The site is located within the urban boundary, where Policy 1 of the Core Strategy seeks to locate the majority of new development.

The Council cannot currently demonstrate a five-year supply of deliverable housing sites based on Full Objectively Assessed Need (FOAN), and therefore certain Core Strategy policies concerned with the supply of housing cannot be considered up-to-date (in line with paragraph 11 of the Framework). Notwithstanding this, Policy 1 directs new development to the Urban Boundary (the site is within this area) and requires individual planning applications to make the best use of under-used, vacant and derelict land and buildings.

Policy 7 of the Core Strategy resists the loss of social infrastructure / community facilities that require a change of use application. It states that the following factors will be considered when assessing applications:

- The availability of alternatives within 15 minutes travelling time by non-car modes
- The financial viability of the existing use
- The results of marketing the site for existing or other community uses for a minimum period of six months
- Whether it is possible for the community facility to be retained in the same locality, but combined with another use
- Significance of loss on the local community

However, in this case the existing vacant building was previously used as a restaurant, which is not a category of use which Policy 7 specifically seeks to protect. The submitted information contends that a restaurant should not be considered as being a form of *social infrastructure* as restaurants tend to provide diners with a more private experience with less chance (and less intention) of social interaction than the more open and social atmosphere typical of a public house.

The submitted planning statement also highlights the following alternative provision for restaurants (and indeed public houses) within 15 minutes walking distance of the application site:

- *Station Hotel, 505 Helmshore Rd, Helmshore, Rossendale BB4 4JR – located 5 minutes walking time from the application site surrounded by residential properties.*
- *Robin Hood Inn, 280 Holcombe Rd, Rossendale BB4 4NP - located 8 minutes walking time from the application site surrounded by residential properties.*
- *Sunnybank Social Club, 515 Helmshore Rd, Helmshore, Rossendale BB4 4LQ - located 5 minutes walking time from the application site surrounded by residential properties.*
- *The Cotton House, 533 Helmshore Rd, Helmshore, Rossendale BB4 4LQ - located 5 minutes walking time from the application site surrounded by residential properties.*

A final consideration is that a restaurant (Use Class A3) could potentially change to a retail unit (A1) or a professional services unit (A2) without the need for full planning permission, whereas a public house (A4) could not change use without planning permission. As such, any social benefits provided by the existing lawful use of the building as a restaurant could theoretically be lost in any case without the need for planning permission.

Having regard to all of the above, it is considered that the development is acceptable in principle.

Visual Amenity

The proposed new-build dwellings would be of high quality design, and would use appropriate high quality facing materials (natural coursed stone and natural slate). It is considered that their scale would not be excessive having regard to the character of the site and the surrounding area. The retention (and where necessary re-building) of existing stone walls around the site is positive.

The proposed conversion works on the existing building are sympathetic to the building's character and respect its style and fenestration.

The applicant has agreed to the use of grey timber units on the front elevation of the building to match the existing grey timber windows to be retained on that elevation. Also, they have agreed that the proposed rear windows will be grey UPVC units to match the colour of those on the front, with the existing white UPVC units on the rear also being sprayed grey in colour to match.

It is considered necessary to include a condition requiring the submission of samples of the proposed facing stone, roofing slates, render and block paving prior to the commencement of development to ensure a high quality finish to the development.

Subject to the above it is considered that the development will be of an appropriate design and scale for this locality. As such it will reasonably accord with the requirements of Section 12 of the Framework and Policies 1, 18, 23 and 24 of the Core Strategy in this regard.

Neighbour Amenity

The proposal has been assessed by the Council's Environmental Health Officer, who has not objected, subject to conditions controlling hours of construction and deliveries.

The proposed site plan shows a 20m separation between new dwellings and the dwelling at 'The View' on Alden Road.

Having regard to the proposed siting, orientation and design of the scheme, it is not considered that the proposed dwellings will have an unduly harmful impact on the privacy, outlook, daylight or other amenities enjoyed by residents of other nearby properties.

The development is considered acceptable in terms of neighbour amenity.

Landscaping

The application is not accompanied by a sufficiently detailed landscaping scheme although the submitted Proposed Site Plan provides an indication of where planting and lawns will be located.

The Council's Tree / Landscaping Officer has no objection to the submitted scheme, subject to the inclusion of a condition requiring the submission, approval and implementation of an appropriately detailed scheme of landscaping and planting.

Ecology

The Council's ecology consultant has no objection to the proposed development, subject to conditions requiring adherence to precautionary measures to protect bats, and the implementation of a suitable scheme of planting to maximise the biodiversity gain potential of the site.

Subject to the above, the scheme is considered acceptable in terms of ecology.

Access, Parking and Highway Safety

The Local Highway Authority has been consulted on the application, and has raised no objection subject to conditions including:

- Submission of a detailed construction method statement
- The existing verge/footway and kerbing of the vehicular crossing and along the Holcombe Road frontage to the site shall be reinstated as part of the development.
- Submission of a scheme for the construction of the site access and the off-site works of highway improvement.
- For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site.
- All garage facilities shall have facility of an electrical supply suitable for charging an electric motor vehicle.
- All garages to be kept available for parking cars, and not converted.

Subject to the conditions requested by the Local Highway Authority, the scheme is considered acceptable in terms of access, parking and highway safety.

9. SUMMARY REASON FOR APPROVAL

The proposed development is acceptable in principle and, subject to conditions, will not unacceptably affect visual or neighbour amenity or highway safety. As such, the proposal accords with the National Planning Policy Framework and Policies 1, 7, 8, 9, 16, 18, 23 and 24 of the Core Strategy DPD.

10. 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:

- Submitted application form.
- Location and Block Plans (1380-17A)
- Proposed Site Plan Drainage (1380-18A)
- Site Plan Proposed (1380-19)
- Tree Retention Plan (09954/001 REV.0)
- Proposed Access Layout (J1145 ACCESS FIG. 1)
- Floor Plans New Dwelling (1380-11B)
- Elevations New Dwelling (1380-12B)
- Proposed Floor Plans Restaurant (1380-13B)
- Proposed Elevations Restaurant (1380-14B)
- Street Scene (1380-15B)
- Proposed Site Plan Landscaping (1380-16A)

Reason: To ensure the development complies with the approved plans and submitted details.

3. No development shall take place until full details (including sample panels made available on site for inspection) of the following have been submitted to and approved in writing by the Local Planning Authority:

- Natural coursed stone to be used on the elevations
- Natural blue slates to be used on the roofs
- Porous block paving

The development shall thereafter be implemented in strict accordance with the approved details.

Reason: In the interests of securing a high quality finish to the development.

4. No development shall take place until a detailed scheme of landscaping and planting (including details of species, numbers and locations of trees / shrubs / plants to be planted, and any measures to be incorporated into the development to maximise biodiversity / habitat potential) has been submitted to and approved in writing by the Local Planning Authority.

The approved scheme of landscaping and planting shall be implemented in full for each plot prior to the first occupation of the dwelling on that plot. Any plants / trees / shrubs that become diseased, damaged or die within the first five years of planting shall be replaced in the following planting season by new healthy specimens of the same species.

Reason: In the interests of visual amenity and maximising the opportunity for biodiversity net gain.

5. Construction works shall not be permitted outside the following hours:

- Monday to Friday: 08:00 to 18:00
- Saturday: 08:00 to 13:00

No construction works shall take place on Sundays or Bank Holidays.

Access and egress for construction delivery vehicles shall also be restricted to the working hours indicated above.

Reason: In the interests of neighbour amenity.

6. Notwithstanding any information submitted with the application, no development shall take place until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The submitted report shall include:

- i) Where potential risks are identified by the Preliminary Risk Assessment, a Phase 2 Site Investigation report shall also be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The investigation shall address the nature, degree and distribution of land contamination on site and shall include an identification and assessment of the risk to receptors focusing primarily on risks to human health, groundwater and the wider environment; and
- ii) Should unacceptable risks be identified the applicant shall also submit and agree with the Local Planning Authority in writing a contaminated land remediation strategy prior to commencement of development.

The development shall thereafter be carried out in full accordance with the duly approved remediation strategy or such varied remediation strategy as may be agreed in writing with the Local Planning Authority.

Reason: To mitigate hazards posed by land contamination, and to prevent pollution.

7. Pursuant to condition 6 and prior to first occupation of any part of the development a verification report, which validates that all remedial works undertaken on site were completed in accordance with those agreed with the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To mitigate hazards posed by land contamination, and to prevent pollution.

8. 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 for:

- The parking of vehicles of site operatives and visitors
- The loading and unloading of plant and materials
- The storage of plant and materials used in constructing the development
- The erection and maintenance of security hoarding
- Details of working hours
- HGV delivery times and routeing to / from the site
- Contact details for the site manager

Reason: In the interests of highway safety.

9. As part of the development, the existing verge/footway and kerbing of the vehicular crossing and along the Holcombe Road frontage to the site shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads concurrent with the formation of the new access/within.

Reason: To maintain the proper construction of the highway.

10. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.

11. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason: To prevent stones and mud being carried onto the public highway to the detriment of road safety.

12. All garage facilities shall have facility of an electrical supply suitable for charging an electric motor vehicle.

Reason: In order to promote sustainable transport as a travel option and reduce thereby carbon emissions.

13. The garage(s) hereby approved shall be kept available for the parking of vehicles ancillary to the enjoyment of the household(s) and shall not be used for any use that would preclude the ability for their use for the parking of private motor vehicles, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order amending or revoking and re-enacting that order.

Reason: To ensure that adequate parking provision is retained on site.

14. The recommendations contained in Section 10.0.2 of the submitted Bat Survey Report (May 2020) shall be implemented in full as part of the development.

Reason: To safeguard any bats unexpectedly using the building as a roost.

15. Prior to occupation of any dwelling, full details of the proposed arrangements for future management and maintenance of any communal areas and areas of landscaping within the development shall be submitted to and approved by the Local Planning Authority. The communal

areas shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and maintenance company has been established.

Reason: To ensure that the communal areas serving the development and landscaped areas are maintained to an acceptable standard in the interest of residential / highway safety.

11. INFORMATIVES

1. Standard approval informative.

2. During the period of construction, should contamination be found on site that has not been previously identified, no further works shall be undertaken in the affected area. Prior to further works being carried out in the affected area, the contamination shall be reported to the Local Planning Authority within a maximum of 5 days from the discovery, a further contaminated land assessment shall be carried out, appropriate mitigation identified and agreed in writing by the Local Planning Authority. The development shall be undertaken in accordance with the agreed mitigation scheme.

3. The applicant is advised that they have a duty to adhere to the regulations of Part 2A of the Environmental Protection Act 1990, the National Planning Policy Framework 2018 and the current Building Control Regulations with regards to contaminated land. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

4. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the Environment Directorate for further information by telephoning the Developer Support Section (Area South) on 0300 123 6780, or writing to Developer Support Section, Lancashire County Council, Environment Directorate, Cuerden Mill Depot, Cuerden Way, Cuerden, PR5 6BJ or email lhscustomerservice@lancashire.gov.uk

5. Before proceeding with the scheme preparation the Developer should consult with the Environment Director for detailed requirements relating to land arrangements, design, assessment, construction and maintenance of all existing or new highway structures included in, or affected by, the proposed scheme. For this purpose the term highway structure shall include:

- Any bridge or culvert having a span of 1.5 metres or greater, or having a waterway opening cross sectional area exceeding 2.2 square metres {Note: span refers to the distance between centre of supports and not the clear distance between supports},
- Any retaining wall supporting the highway (including and supporting land which provides support to the highway),
- Any retaining wall supporting land or property alongside the highway.

The term 'highway' shall include footpaths and bridleways.

6. The revised proposals retain a 2m wide strip of footway along Holcombe Road with the remaining width enclosed within a dwarf wall. This arrangement whilst being acceptable would require the applicant to seek a formal stopping up order for the area of highway enclosed within

the wall. The applicant should contact the Local Highway Authority in this regard prior to commencement of any development.

7. The applicant is reminded that, under the Wildlife and Countryside Act 1981 as amended it is an offence to remove, damage, or destroy the nest of a wild bird, while the nest is in use or being built. Planning consent does not provide a defence against prosecution under this act. If a bird's nest is suspected work should cease immediately and a suitably experienced ecologist employed to assess how best to safeguard the nest(s).