

|                            |  |                                   |  |
|----------------------------|--|-----------------------------------|--|
| <b>Application Number:</b> | 2022/0587  | <b>Application Type:</b>          | Full Planning Permission                                   |
| <b>Proposal:</b>           | Change of use from Sui Generis to Residential House and Parking and Garden Space | <b>Location:</b>                  | 1 Helmshore Road<br>Haslingden<br>Rossendale<br>Lancashire |
| <b>Report of:</b>          | Head of Planning and Building Control  | <b>Status:</b>                    | For Publication  |
| <b>Report to:</b>          | Development Control Committee  | <b>Date:</b>                      | 21/03/2023   |
| <b>Applicant:</b>          | Mr Omar Juma   | <b>Determination Expiry Date:</b> | 07/03/2023 EOT<br>agreed to 24/03/2023                     |
| <b>Agent:</b>              | Davenport and Flinn Architects   |                                   |  |

|                         |                                     |                   |                     |
|-------------------------|-------------------------------------|-------------------|---------------------|
| <b>Contact Officer:</b> | <b>Claire Bradley</b>               | <b>Telephone:</b> | <b>01706 238636</b> |
| <b>Email:</b>           | <b>planning@rossendalebc.gov.uk</b> |                   |                     |

|   |                          |
|---|--------------------------|
| <b>REASON FOR REPORTING</b>                                     |                          |
| <b>Outside Officer Scheme of Delegation</b>                     | No                       |
| <b>Member Call-In</b><br>Name of Member:<br>Reason for Call-In: | No                       |
| <b>3 or more objections received</b>                            | No                       |
| <b>Other (please state):</b>                                    | Yes – Council Owned Land |

## 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 with Conditions.

## 2. APPLICATION SITE

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, bedrooms and bathroom at first floor level. Planning permission has previously been granted for a change of use from Public House (sui generis) to Offices (Class E (g), erection of loggia, external alterations and alterations to vehicular entrance.

The site lies within the designated urban boundary and within 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. The Bay Horse is the second of its name; the first was located on York Avenue. The current Bay Horse received a transferred licence from the York Avenue premises around 1858/9. It lies within Character Area 5: Public Buildings/Spaces and Individual houses.

## 3. RELEVANT PLANNING APPLICATION HISTORY

2022/0086 - Change of use from Public House (sui generis) to Offices (Class E (g), erection of loggia, external alterations and alterations to vehicular entrance: Approved with conditions

## 4. PROPOSAL

The proposal is to convert the building into a single dwelling. There will be pedestrian access from Helmshore Road and an access from the rear where car parking for 2 vehicles, including a turning area will be provided.

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 replacement of the existing windows, with timber sliding sash windows.

## 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 9  | Promoting Sustainable Transport                   |
| Section 11 | Making Effective Use of Land                      |
| 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

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. CONSULTATION RESPONSES**

| <b>Consultee</b>                 | <b>Summary of response</b>  |
|----------------------------------|---|
| Highway Authority                | The Highway Development Control Section does not raise an objection regarding the proposed development at the above location, subject to the following comments, conditions and informative note being applied to any formal planning approval granted.   |
| Tree Consultant                  | No arboricultural documents have been provided. From the site plans and photos in the documents provided there are a number of mature trees on site. On the proposed plan there is evidence that changes will be made within the tree area and the wall between the property and the trees. An Arboricultural impact assessment and method statement will be required to show the impact of parking with the RPA of trees.. |
| RBC Property Services            | Rossendale Borough Council has no objections to the application for planning permission.  |
| RBC Environmental Health         | No objections. Suggest conditions in relation to construction   |
| Growth Lancashire (Conservation) | No objections see detailed comments in Heritage section of the report.  |

## **7. REPRESENTATIONS**

To accord with the General Development Procedure Order neighbour letters were posted out to surrounding properties on 10/01/2023 and a site notice was posted next

to the site on 12/01/2023. A notice advertising the proposals was published in the Rossendale Free Press on 13/01/2023.

No comments were 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
- 5) Trees

### **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.*

This was addressed in the previous application where permission was granted for a change of use to managed office space. The applicant 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.

It was advised that at the time there were 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 was and still is adequate local provision of public houses and the principle of the loss of this particular one has already been accepted and would be in accordance with Policy LT2 of the Local Plan and the principle of the proposed use as a single dwelling would be acceptable.

## **Heritage/Visual Amenity**

Growth Lancashire (consultee for Heritage matters) provided the following advice:

*Haslingden Conservation Area is centred on its commercial core and historic streetscape along Deardengate and Manchester Road, which includes an extensive variety of buildings and key views. The principal building material in the Conservation Area is stone from local quarries, with many of the earlier vernacular buildings having watershot coursing. Some brick buildings can be found throughout, though these are few in comparison.*

*On the Conservation Area map, the view along Grane Road towards no.1 Helmshore Road is noted as being of significance. The building is also noted as making a positive contribution to the Haslingden Conservation Area. It is located in Character Area 5 of the Haslingden Conservation Area: Public Buildings/Spaces & Individual Housing.*

*As there are limited alterations to the principal elevations of the building, I feel that the scheme will largely be acceptable and will cause no harm to the character and appearance of the Haslingden Conservation Area. The plans include the introduction of double glazed timber sliding sash windows. Whilst it would be more appropriate for the windows to be single glazed, as the existing windows are not original to the property, I do not feel that the use of double glazing within sashes will cause any discernible harm and that the reinstatement of boarded up windows will be an improvement.*

They considered 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 timber sliding sash windows is acceptable. This would suit the character of the existing building and be a benefit to the building and 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.

## **Residential 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”*

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.*”

As a dwelling the proposal will be sympathetic to the surrounding land uses, which on Grane Road is dwellings. 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 or offices to a dwelling 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 was a public house which had 4no off-street car parking spaces within its curtilage. The change use of the site to offices retained the 4no parking space. This proposal results in a four bedroom dwelling and the provision is two parking spaces, with a turning area.

The proposed site plan indicates gates set back to allow vehicles to pull clear of the carriageway while waiting for the gates to be opened when entering the site The proposal is considered acceptable on grounds of Highway Safety and parking.

The alterations on Grane Road, to create kerbed radii at the site access will need to be carried out under a separate 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.

In addition, the land is owned by the Council and permission will be required from RBC as landowner before any works to trees can be carried out.

It is considered that there will be no impact on the trees from this development.

### **Ecology**

Greater Manchester Ecology Unit have advised within the previous application 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 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:

Application form signed and dated 22/11/2023

Location Plan received 24/11/2023

Drawing 6453-01 Existing Layouts received 24/11/2023

Drawing 6453-10 Proposed Plans and Elevations including window detail received 24/11/2023

Drawing 6453-11 Proposed site Plan received 24/11/2023

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

3. Prior to the first occupation of the building a scheme for the enhancement of the biodiversity of the site shall be submitted to and approved in writing by the Council and shall be implemented in full before the house is first occupied.

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

4. Prior to the first occupation of the building further details of the proposed timber gates shall submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

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

5. No part of the development hereby approved shall be occupied until all the highway works have been constructed and completed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority. Works shall include, but not be exclusive to, the construction of the access to an appropriate standard, including a minimum width of 4.5m, radius kerbs and buff coloured tactile paved dropped pedestrian crossings both sides of the access.

Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

6. The proposed development should not be brought into use unless and until the parking area shown on the approved plans has been constructed, laid out and surfaced in bound porous materials. The parking area shall thereafter always remain available for the parking of domestic vehicles associated with the dwelling, and the manoeuvring area maintained free from obstruction for the lifetime of the development.

Reason: In order to ensure satisfactory levels of off-road parking are achieved within the site to prevent parking on the highway to the detriment of highway safety.

7. Prior to first occupation of the approved development an electric vehicle charging point shall be provided in accordance with a scheme to be approved by the Local Planning Authority. Charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicle currently available.

Reason: To ensure that the development provides the infrastructure for sustainable forms of transport.

8. Prior to first occupation of the approved development secure, covered cycle storage for at least two cycles shall be provided in accordance with a scheme to be approved by the Local Planning Authority and permanently maintained thereafter.

Reason: To ensure that the development provides the infrastructure to support sustainable forms of transport.

9. Construction works shall not be permitted outside the following hours-  
Monday to Friday 08:00 to 18:00  
Saturday 08:00 to 13:00  
Construction shall not take place on Sundays or Bank or Public Holidays.  
Access and egress for delivery vehicles shall be restricted to the working hours indicated above.

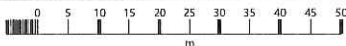
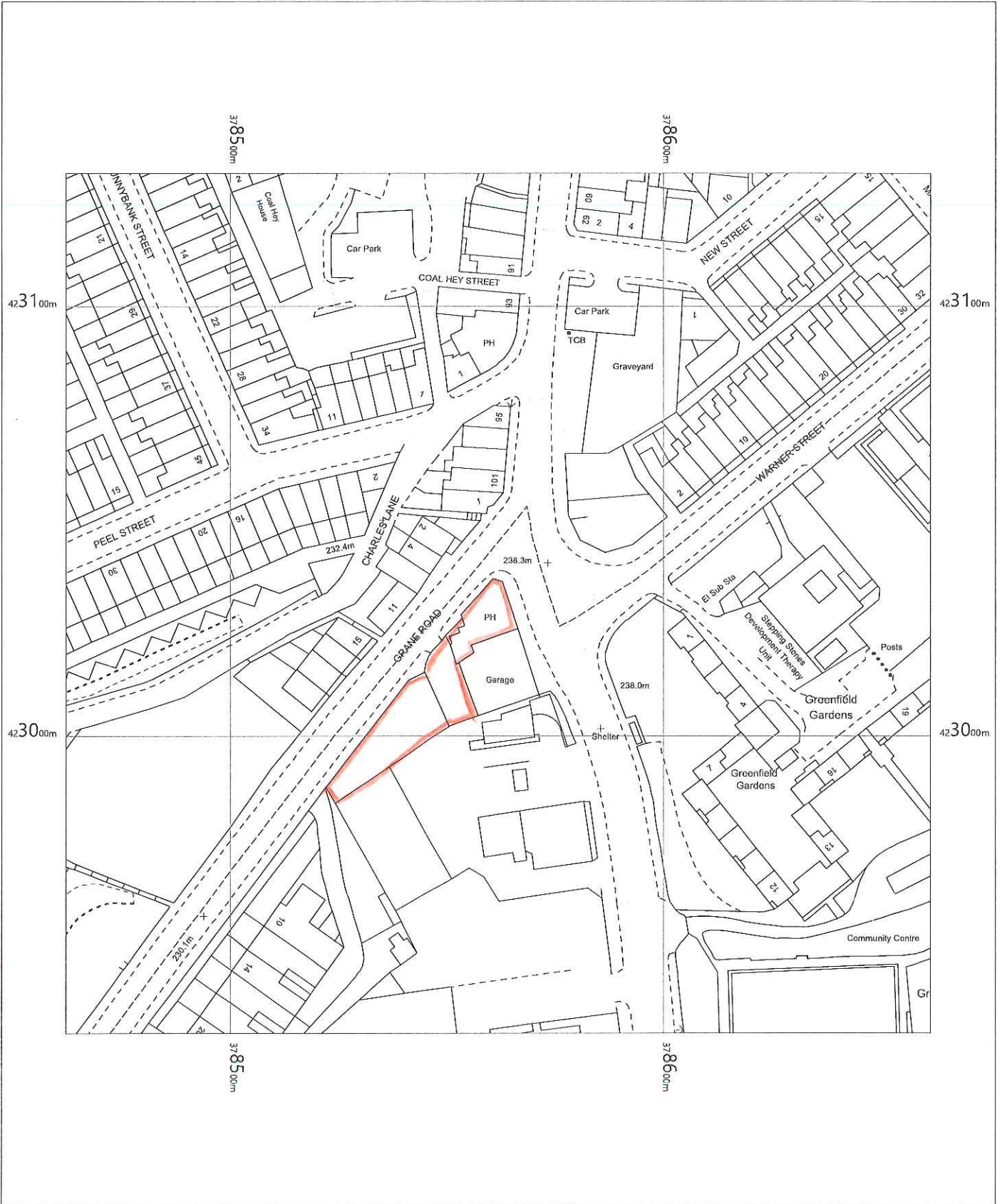
Reason- to ensure that site working only takes place during normal working hours in order to restrict the times during which any disturbance and nuisance may arise.

## 12. INFORMATIVES

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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.
5. The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as the Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to, the construction of the access to an appropriate standard, including a minimum width of 4.5m, radius kerbs and buff coloured tactile paved dropped pedestrian crossings both sides of the access. The applicant should contact the county council for further information by telephoning the Development Control Section (Area East) on 0300 123 6780 or by email on [developeras@lancashire.gov.uk](mailto:developeras@lancashire.gov.uk) , in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.

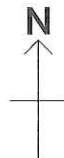


1 Helmshore Road,  
 Haslingden,  
 Rossendale,  
 Lancashire,  
 BB4 4BG

OS MasterMap 1250/2500/10000 scale  
 Wednesday, January 26, 2022, ID: BW1-01015351  
[www.blackwellmapping.co.uk](http://www.blackwellmapping.co.uk)

1:1250 scale print at A4, Centre: 378562 E, 423031 N

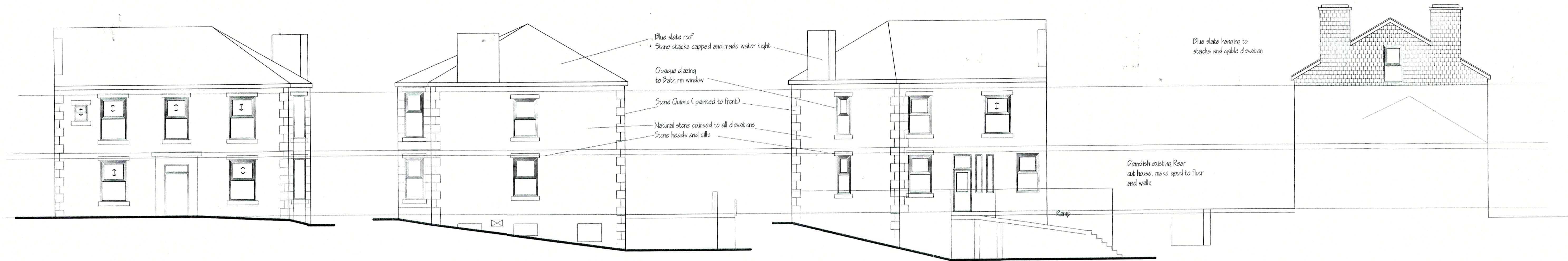
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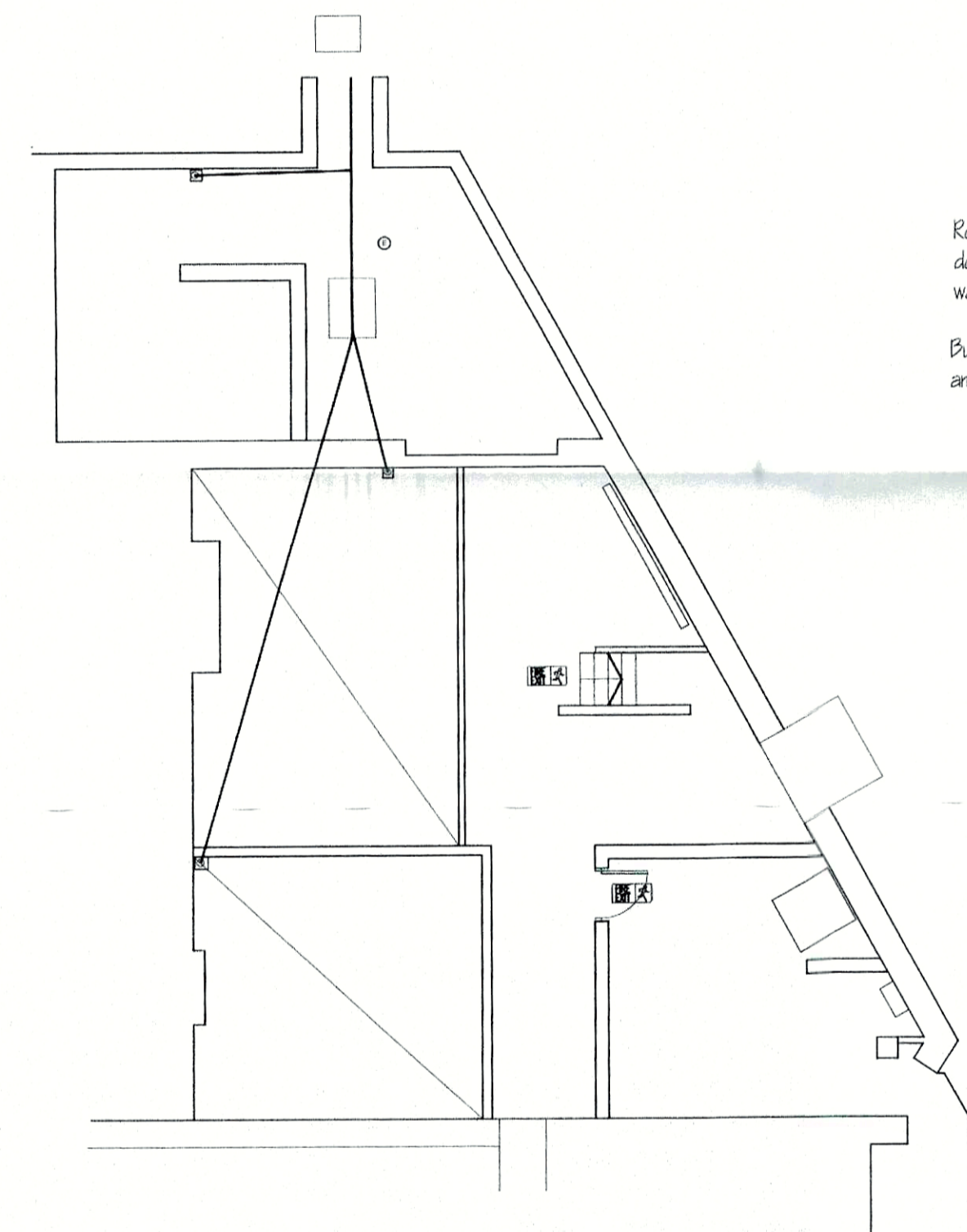


FRONT ELEVATION

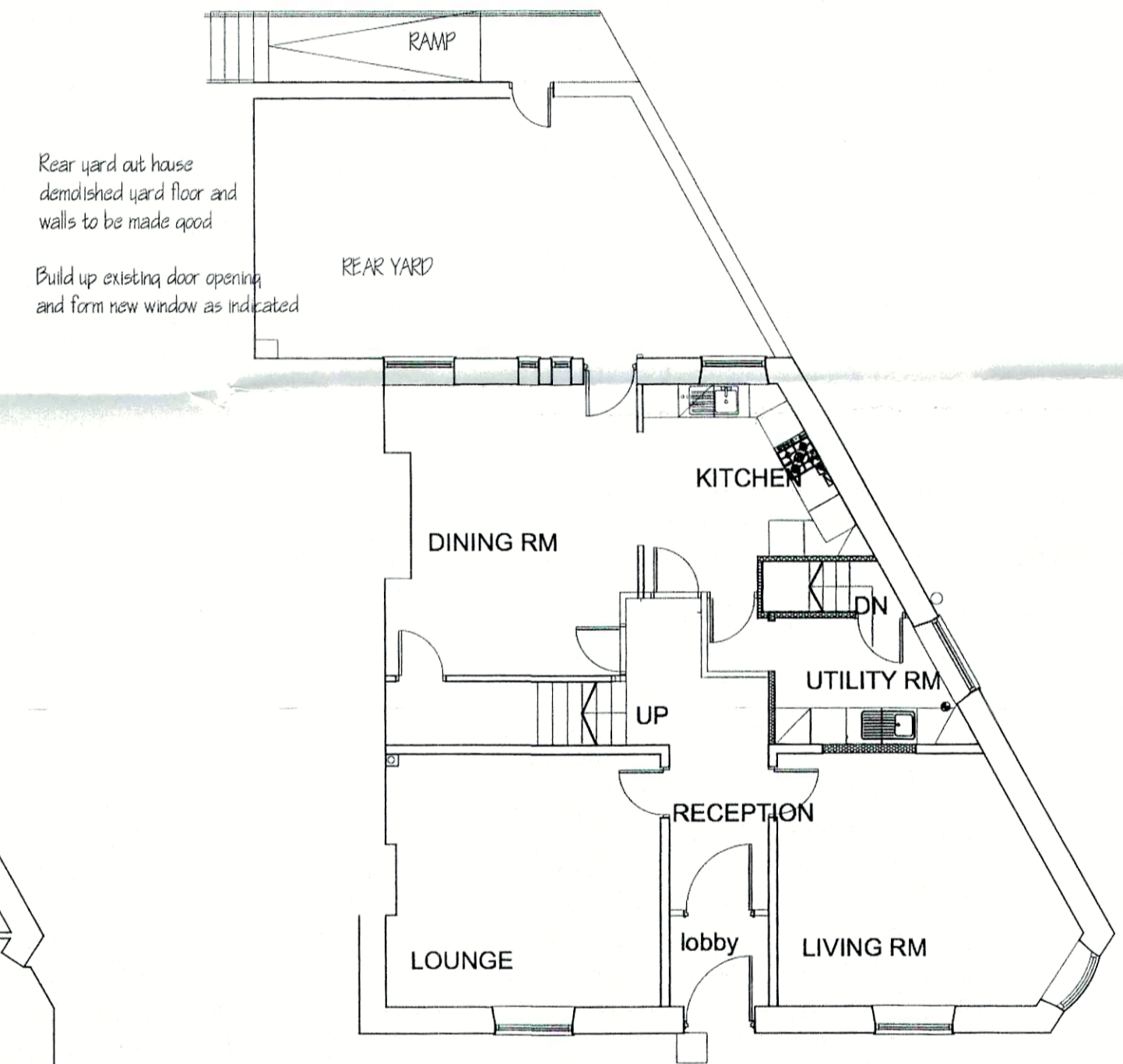
GABLE ELEVATION

REAR ELEVATION

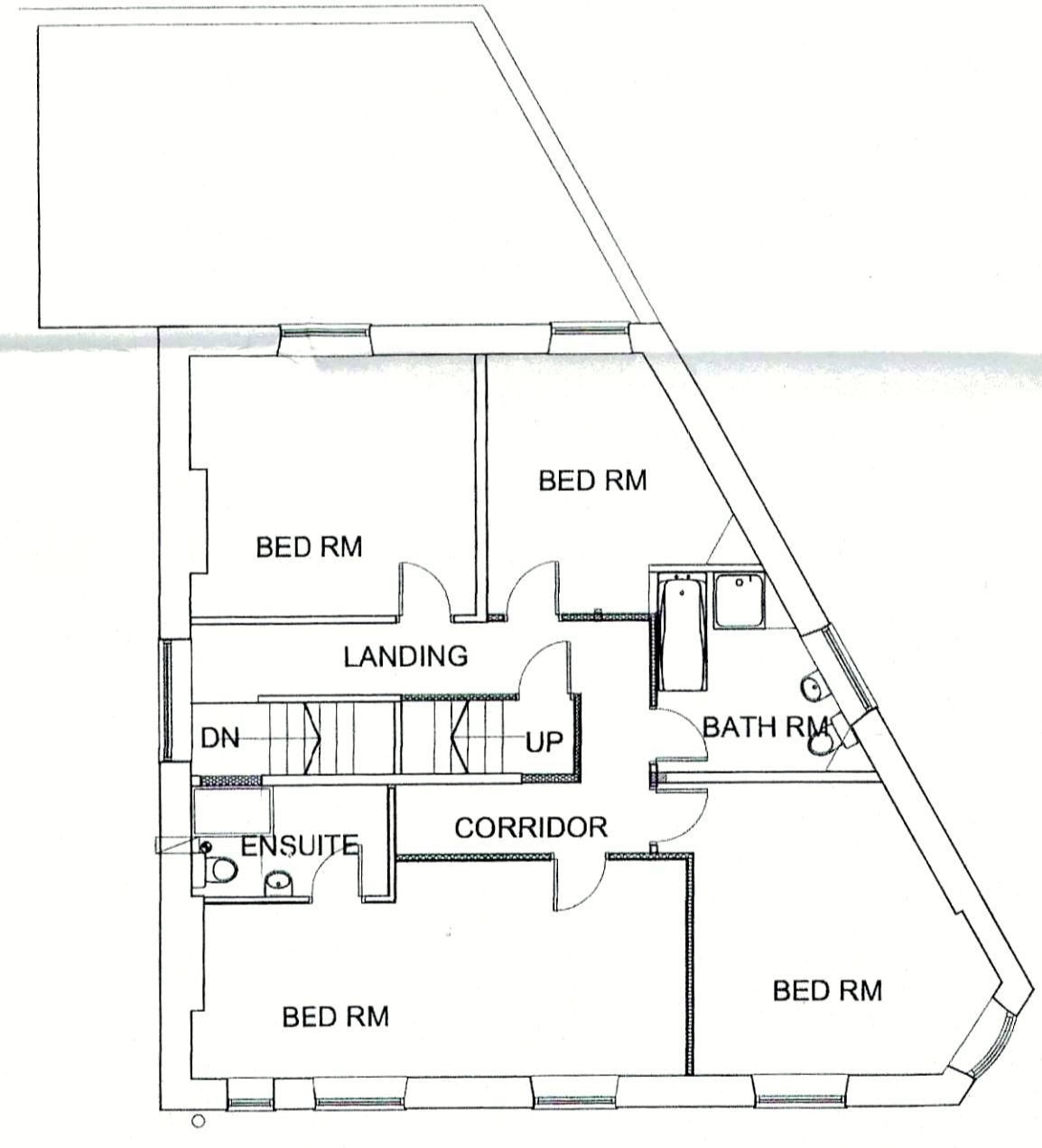
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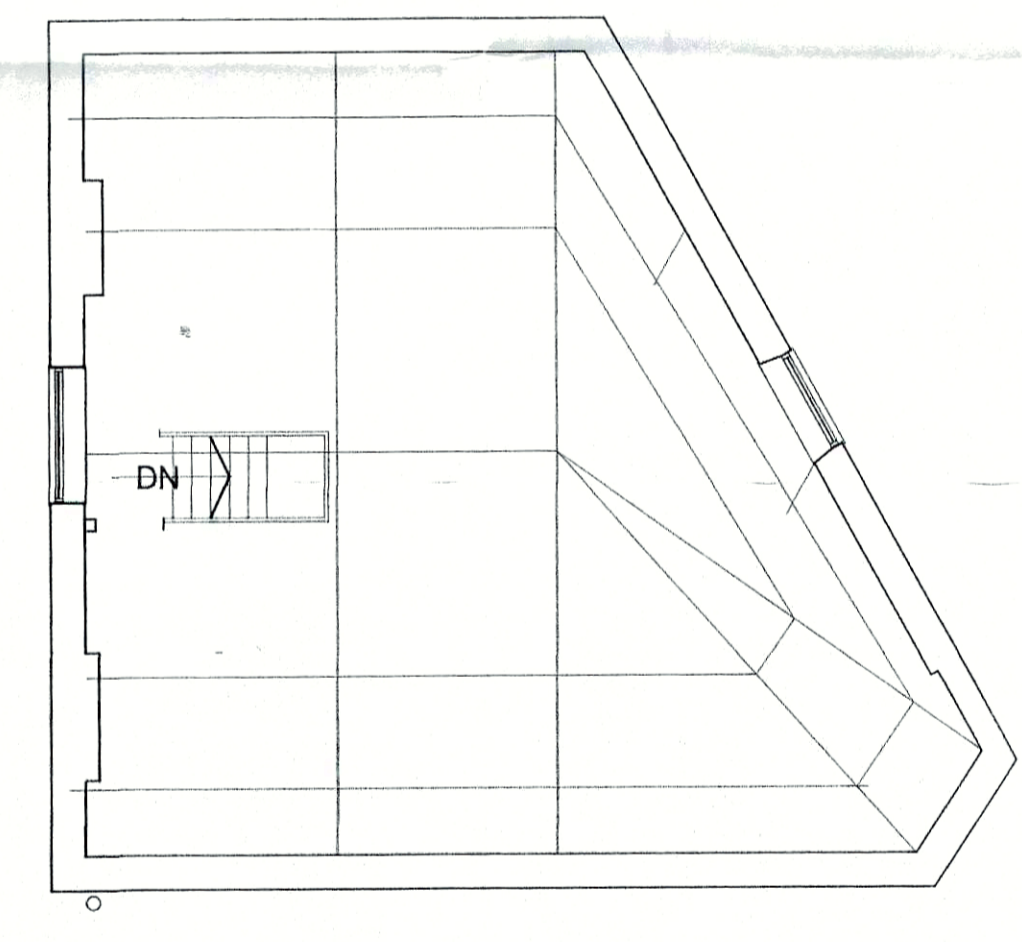
BASEMENT PLAN



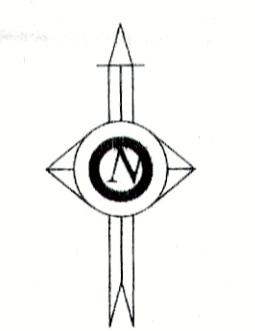
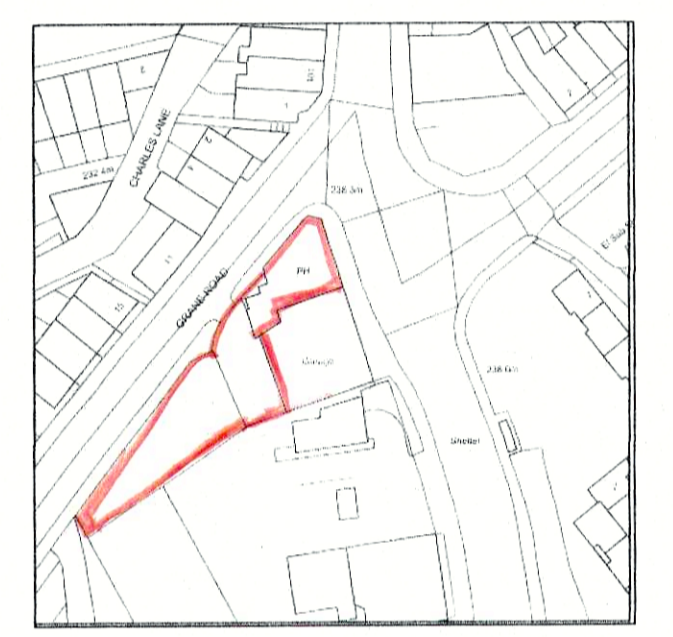
GROUND FLOOR PLAN



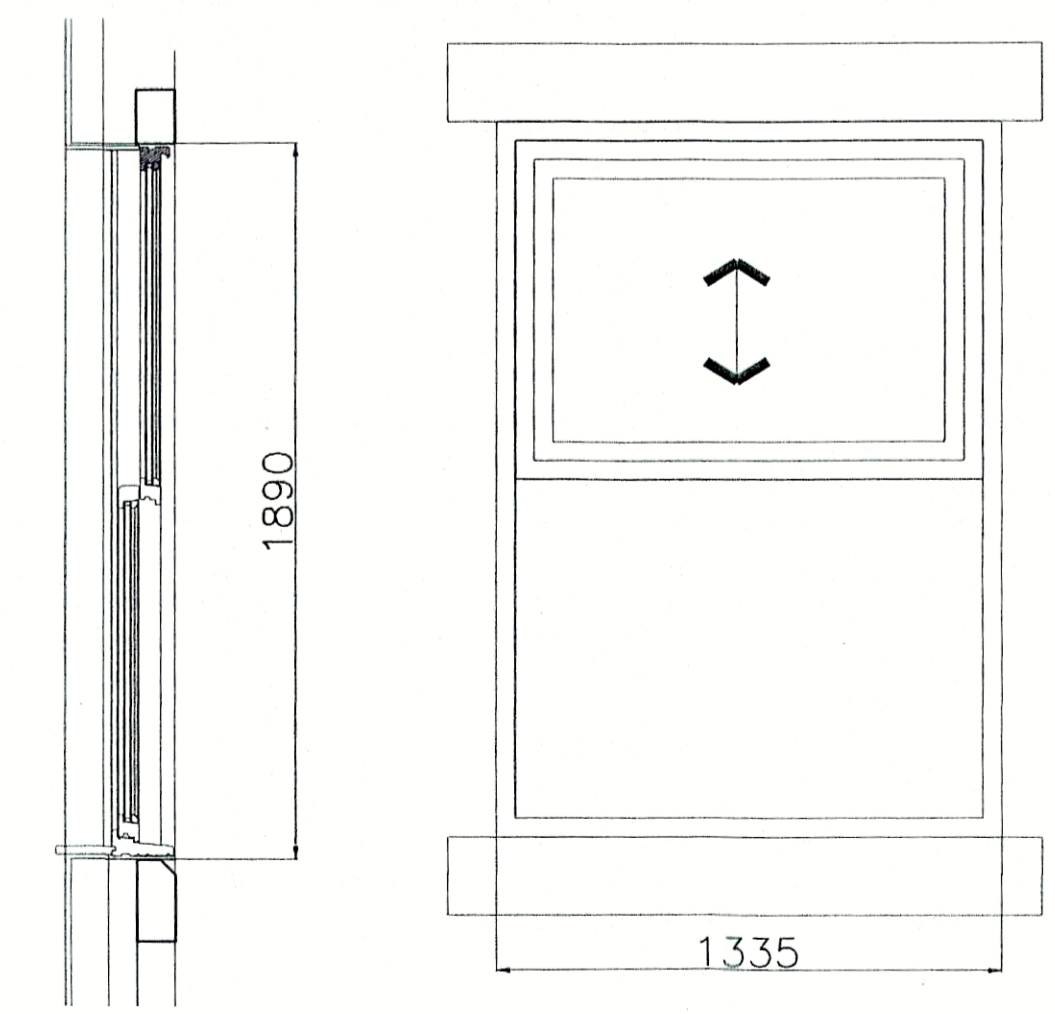
FIRST FLOOR PLAN



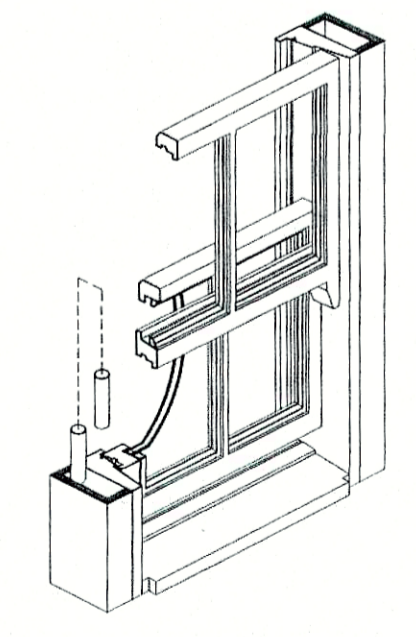
LOFT PLAN



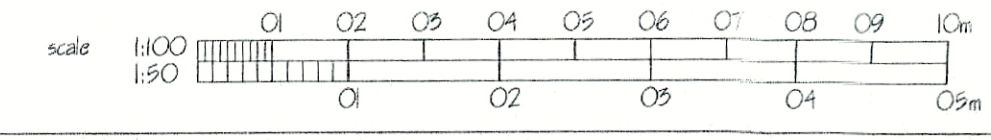
LOCATION PLAN  
scale 1:1250



TYPICAL SASH WINDOW DETAIL scale 1:20



ISO TYPICAL DETAIL

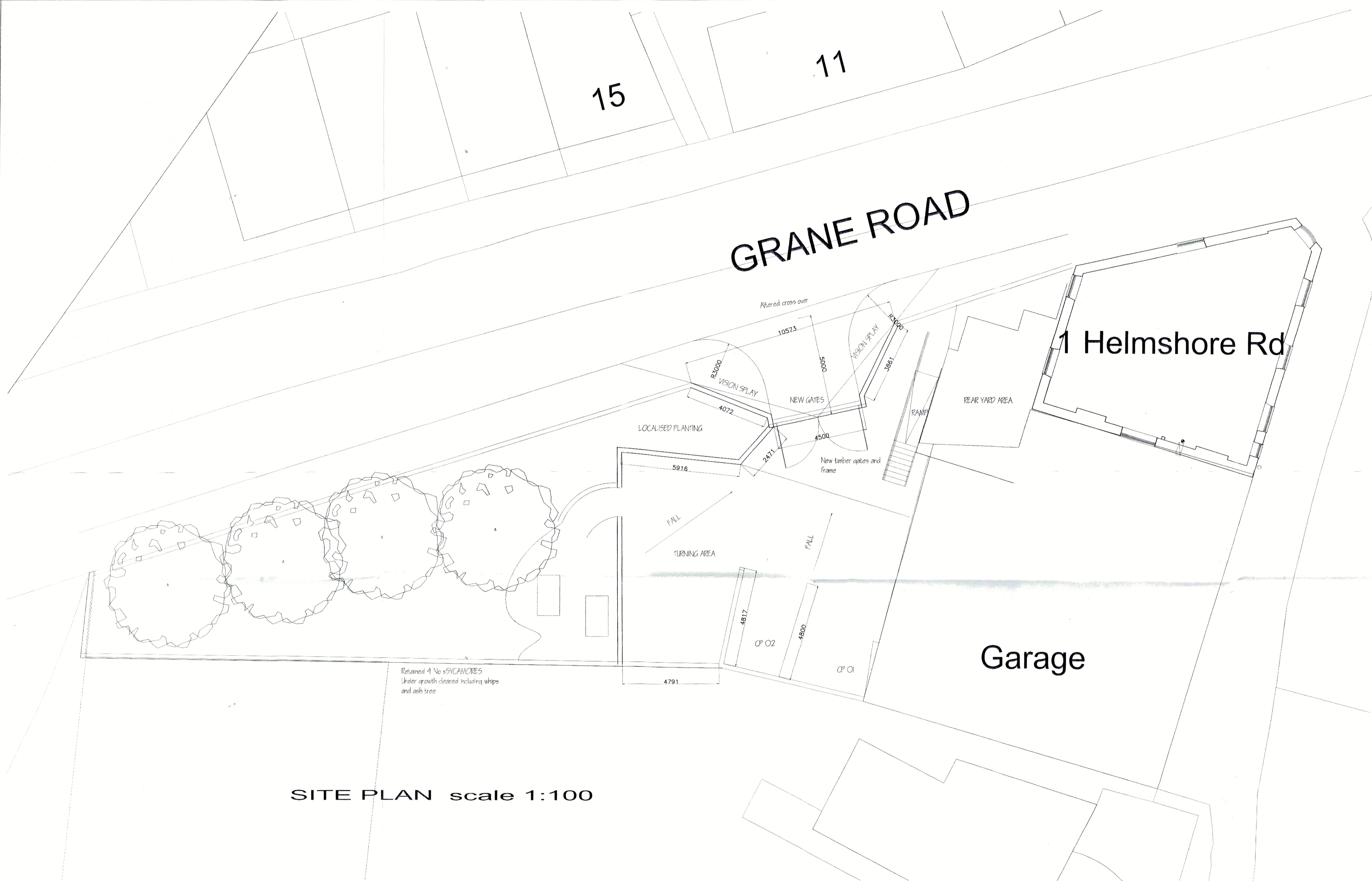


ALL DIMENSIONS TO BE CHECKED ON SITE  
PRIOR TO ORDERING OR ERECTING MATERIALS  
DO NOT SCALE.

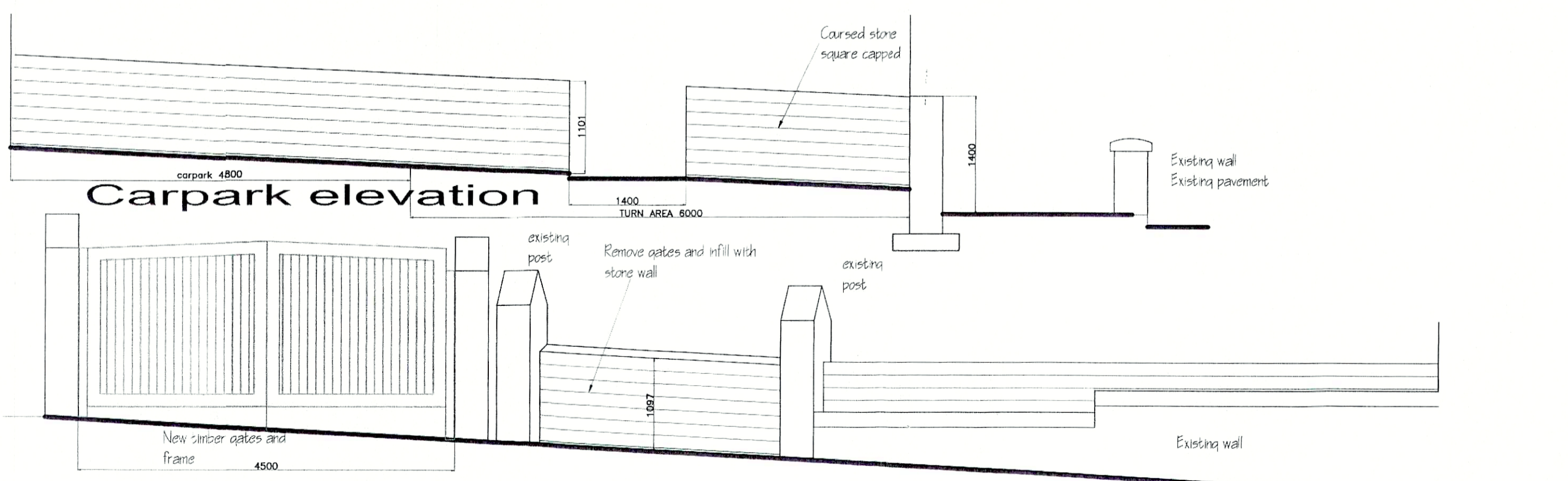
**Davenport and Flinn Ltd**  
Architects, Planning & Design Consultants  
3A Hammett Street, Hyde, SK14 2EX  
Tel No. 0161-368-3064

Drawing Title  
**PROPOSED PLANS / ELEVATIONS**  
Project Title  
**CHANGE OF USE TO 4 BED DWELLING  
1 HELMESHORE RD, HASLINGDEN  
LANGS, BB4 4BG  
for SPS INVESTMENT COMPANY**

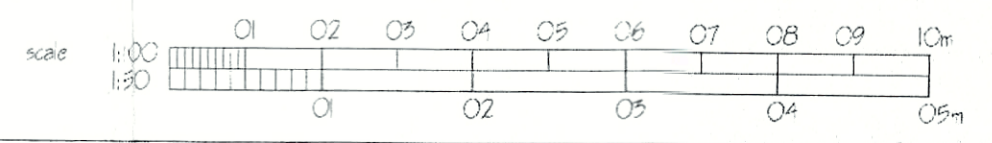
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| DATE     | SCALE      |
| NOV 2022 | 1:100 @ A1 |



SITE PLAN scale 1:100



Grane Rd ELEVATION



|   |                       |
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| ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO ORDERING OR ERECTING MATERIALS DO NOT SCALE.  |                       |
| <b>Davenport and Flinn Ltd</b><br>Architects, Planning & Design Consultants<br>3A Hammett Street, Hyde, SK14 2EX<br>Tel No. 0161-368-3064   |                       |
| Drawing Title<br><b>PROPOSED SITE PLAN</b>  |                       |
| Project Title<br><b>CHANGE OF USE TO 4 BED DWELLING<br/>                 1 HELMSHORE RD, HASLINGDEN<br/>                 LANCS, BB4 4BG<br/>                 for SPS INVESTMENT COMPANY</b> |                       |
| REV.  | DRG. NO.<br>6453 - 11 |
| DATE<br>NOV 2022  | SCALE<br>1:100 @ A1   |