

<b>Application Number:</b>	2023/0285	<b>Application Type:</b>	Full
<b>Proposal:</b>	Change of use of Public House (Sui Generis) and C3 residential to form four 1-bedroom flats (C3) with associated parking, cycle storage and bin storage.	<b>Location:</b>	Jolly Sailor Booth Road Waterfoot
<b>Report of:</b>	Planning Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	05.09.2023
<b>Applicant:</b>	Mrs Helen Rawstron	<b>Determination Expiry Date:</b>	08.09.2023 (EOT added)
<b>Agent:</b>	Edmondson Design Services		

<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> Name of Member: Reason for Call-In:	No
<b>3 or more objections received</b>	Yes
<b>Other (please state):</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 the application be approved subject to the conditions specified below.

### **APPLICATION DETAILS**

## 2. SITE

The application relates to an imposing large part two storey/part single storey building located on the south side of Booth Road at the junction with Millar Barn Lane.

The property also has a cellar and a large area of amenity space to the rear.

The building is stone built, with a natural slate roof

The building is currently a vacant Public House to the ground floor and vacant residential to the first floor.

The site is located within the urban boundary.

## 3. RELEVANT PLANNING APPLICATION HISTORY

There are no previous applications.

## 4. PROPOSAL

This application seeks approval for conversion of a vacant public house with residential accommodation on the first floor to 4 no 1-bed apartments.

External changes include the removal of all the existing chimney stacks which are stated as being unsafe.

Parking for three vehicles and bin storage will be provided in the rear of the amenity area.

### **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**

##### 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 HS5: Housing Standards  
Policy HS8: Private Outdoor amenity space  
Policy ENV1: High Quality Development in the Borough  
Policy LT2: Community Facilities  
Policy TR4 Parking

### **Other material considerations**

National Planning Practice Guidance  
National Space Standards

## **5. CONSULTATION RESPONSES**

<b>Consultee</b>	<b>Response</b>
LCC Highways	No objection subject to conditions
Lancashire Fire & Rescue	No objections subject to satisfying Building Regulations
RBC Environmental Health	No objection subject to conditions

## **6. REPRESENTATIONS**

To accord with the General Development Procedure Order a site notice was posted on 05.07.2023 and neighbour letters were posted out on 30.06.2023.

20 objections have been received to the development on the following grounds:

This pub is part of the community and social life and has been for decades.  
Local community support this as a pub  
Both pubs trade well  
Car parking will affect neighbouring properties  
This pub is a successful community pub  
Competition is good for pubs  
Jolly and Boot cater for different markets  
Number of cars will create highway safety problems  
The other establishments do not provide a family based experience, and ban children.  
The financial viability has been calculated from hearsay figures and guesstimations.  
The entrance to the proposed parking is off Miller Barn Lane which is quite restricted at the point of access  
Losing the pub is contrary to Policy LT2

## **7. ASSESSMENT**

The main considerations in this case are as follows:

- 1) Principle;
- 2) Loss of Community Facility
- 3) Visual Amenity;
- 4) Neighbour Amenity;
- 5) Access, Parking and Highway Safety

## **Principle**

The Framework contains a presumption in favour of sustainable development, and as such a consideration in this case is whether the proposed scheme represents sustainable development or not. The sustainability of the site's location is a key part of such a consideration.

The site is immediately adjacent to Booth Road and is located less than 300metres from the local centre of Waterfoot. The site is located within walking distance of bus stops which are served by local bus services and express services to various town centres.

The site is located within the defined urban boundary, where the Local Plan seeks to locate the majority of new development.

Given all of the above, it is considered that the proposed development is appropriate in principle subject to compliance with Policy LT2 of the Rossendale Local Plan relating to loss of community facilities and other relevant Local Plan Policies.

## **Loss of Community Facility**

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.*

In terms of evidence the planning statement submitted with the application states as follows:

*Pubs and Clubs currently within the town centre include:*

- Ye Olde Boot & Shoe*
- Waterfoot Social Club*
- Duke of Buccleugh*

*Planning permission recently granted for 2 Micropub/bars within the town centre:*

- 11 Burnley Road East Waterfoot Rossendale BB4 9AG - Change of use from shop to sui generis drinking establishment with food offering.*
- 717 Bacup Road Waterfoot Rossendale BB4 7EU - change of use from commercial development to ground floor bar with basement storage*

*Financial viability:*

*The Jolly Sailor – along with scores of others in the Valley which have closed – has not been viable as a commercial enterprise and as such has closed. The outgoings for this pub have been averaging £5,000 a month, with the incoming between £3,000 and £3,500. The applicant/owner of The Jolly Sailor also own Ye Old Boot & Shoe, the adjacent pub. It is hoped that without having two pubs in such close proximity, that*

*they can make a successful and profitable business from the one enterprise, for years to come.*

The planning statement also includes within its conclusion as follows

*It has been demonstrated that it is no longer a financially viable option to use the building as a Public House. There are numerous other public houses, plus new small bars opening soon, in close proximity and as such, the change of use of this building would not have a materially adverse impact upon the local community in terms of the loss of a facility where people can meet and drink.*

In relation to whether or not the facility no longer serves the needs of the community, there is no evidence prior to the closure of the public house that the establishment no longer served the needs of the community. No evidence to this effect has been submitted with the application

In terms of the evidence that the application includes relating to alternative provision, there are a number of comments from contributors as follows:

*Alternative provision:*

*Ye Olde Boot & Shoe – Not a family pub, caters for a younger market*

*Waterfoot Working Mens Club – Members only*

*Duke of Buccleugh – Over 25's only*

There is a pub adjacent to the Jolly Sailor which is an alternative provision, and could be used by the clientele of the former Jolly Sailor. In addition a new owner could open the existing pub to cater for a different clientele without requiring planning permission.

In terms of financial viability, the application has included a single paragraph with no evidence to substantiate the statements within the paragraph relating to income and outgoings. In addition, no evidence of any marketing exercise taking place has been submitted with the application.

However, as only one of the criteria needs to be satisfied under the policy wording, the fact that there is a public house adjacent to the application site is sufficient to justify the loss of a community facility and therefore the proposal is in accordance with Policy LT2 of the Rossendale Local Plan.

### **Visual Amenity**

Policy ENV1 of the Local Plan seeks to promote high quality design in the Borough, and includes a varied set of criteria with which development proposals need to comply.

Paragraph 130 of the Framework states that planning decisions should ensure that developments:

*“a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*

*b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*

*c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

*d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*

*e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*

*f) 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.”*

The proposed development includes the removal of all of the chimney stacks on the building, the reasons stated being as they are unsafe and no longer required. The chimney stacks are tall, slender structures and whilst they are prominent and visible in the streetscene, as the building is not a heritage asset, a refusal of planning permission purely on the loss of the chimney stacks would be unreasonable.

There are no other changes to the external elevations of the building.

In terms of the outdoor space which is proposed as car parking, following removal of the raised decking, if there are stone setts in situ, they will be retained. If not porous paving will be used to surface the area. This is acceptable in terms of visual amenity

The proposal is in accordance with the NPPF and Policy ENV1 of the Rossendale Local Plan in respect of visual amenity.

### **Neighbour Amenity**

Policy ENV1 (c) requires development to be *sympathetic to surrounding land uses, avoiding demonstrable harm to the amenities of a local area*; and (d) states that *the scheme will not have an unacceptable adverse impact on neighbouring development by virtue of it being over-bearing 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 provide 4 flats in close proximity to an existing public house. However, there are existing dwellings that are closer to the public house. There have been no objections from Environmental Health to the proposed development.

In terms of the amenity of the future occupiers, there are 4no. 1 bed, 2 person flats. The national space standards state a total Gross Internal Area of 51.5 sq metres including storage. All four proposed flats satisfy the nationally described space standards.

The scheme is considered acceptable in terms of neighbour / residential amenity.

In view of the above it is considered that the proposals will safeguard the residential amenities currently enjoyed by the occupiers of the neighbouring properties to the side, front and rear, and provides a suitable neighbour amenity for future occupiers. It is therefore considered that the proposal satisfies the requirements of Policies ENV1, and ENV6 of the Rossendale Local Plan in neighbour amenity terms.

### **Highway Safety**

The application provides three parking spaces to the rear of the building accessed from Millar Barn Lane, where there is an existing vehicular crossing.

It is not envisaged that the proposals will give rise to any undue highway safety concerns.

The Highway Authority have no objections to the proposed development, subject to conditions.

## **8. CONCLUSION**

The application has addressed the loss of the community facility and there is no detrimental impact on visual amenity, neighbour amenity, or highway safety from the proposed development. The development is now considered acceptable and in accordance with the Rossendale Local Plan and the NPPF.

## **9. RECOMMENDATION**

That planning permission be approved subject to the following conditions.

## **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 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:

Location Plan received 19.06.2023

Drawing No 2023-27-01 A – Existing site plan, block plan, layouts and elevations received 19.06.2023

Drawing No 2023-27-02C – Proposed site plan, block plan, layouts and elevations received 28.06.2023

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

3. Construction works shall not take place outside the following hours-  
Monday to Friday 08:00 to 18:00  
Saturday 08:00 to 13:00  
Construction works shall not take place on Sundays or Bank or Public Holidays.

Access and egress for construction deliveries shall only be accepted between the hours of (9.30am) and (2.30pm) Monday - Friday, to avoid peak traffic on the surrounding highway network.

*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.*

4. No materials shall be used on the elevations of the proposed development other than those referred to on the approved plans.

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

5. Prior to first occupation secure cycle storage suitable for 4 bicycles shall be provided within the boundaries of the site.

*Reason: To promote sustainable transport as a travel option, encourage healthy communities and reduce carbon emissions.*

6. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to, and approved in writing by the local planning authority. The approved plan / statement shall provide:
  - 24 Hour emergency contact number.
  - Details of the parking of vehicles of site operatives and visitors.
  - Details of loading and unloading of plant and materials.
  - Arrangements for turning of vehicles within the site.
  - Measures to protect vulnerable road users (pedestrians and cyclists).
  - Wheel washing facilities.
  - Measures to deal with dirt, debris, mud, or loose material deposited on the highway because of construction.
  - Measures to control the emission of dust and dirt during construction.
  - Details of a scheme for recycling/disposing of waste resulting from demolition and construction works.
  - Construction vehicle routing.

The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period for the development.

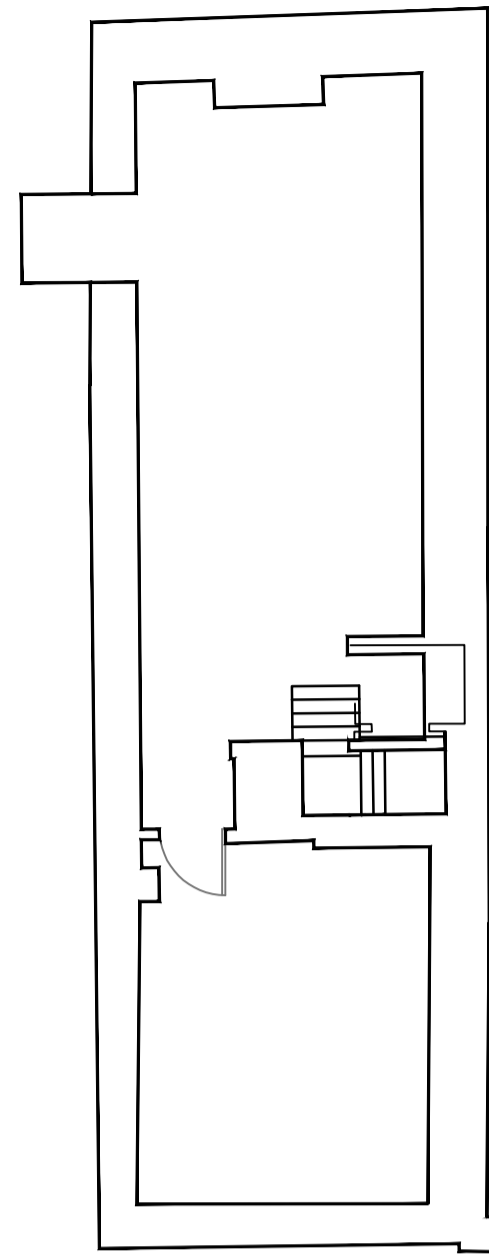
*Reason: In the interests of the safe operation of the adopted highway during the demolition and construction phases.*

## **11. INFORMATIVES**

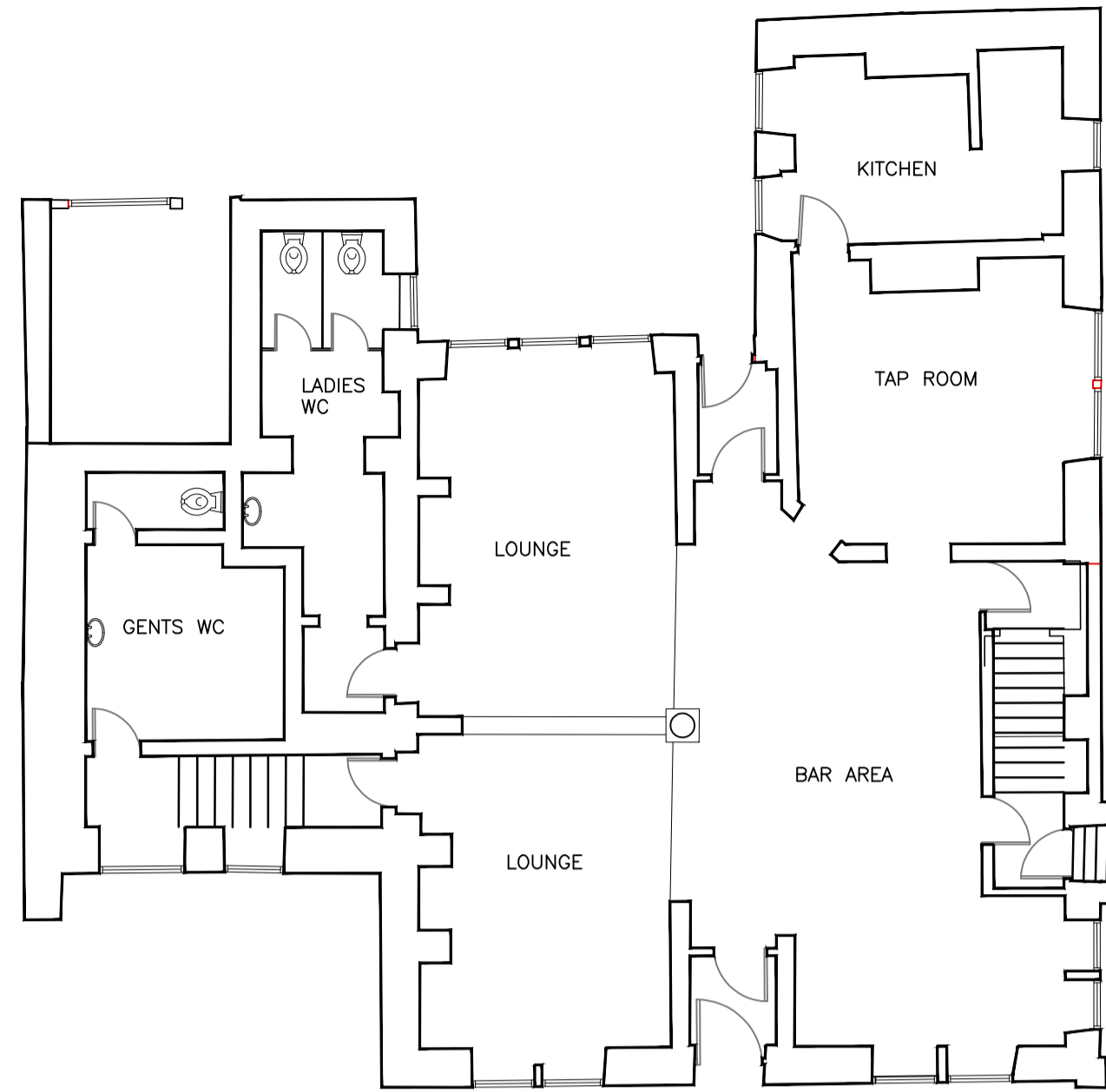
1. The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.



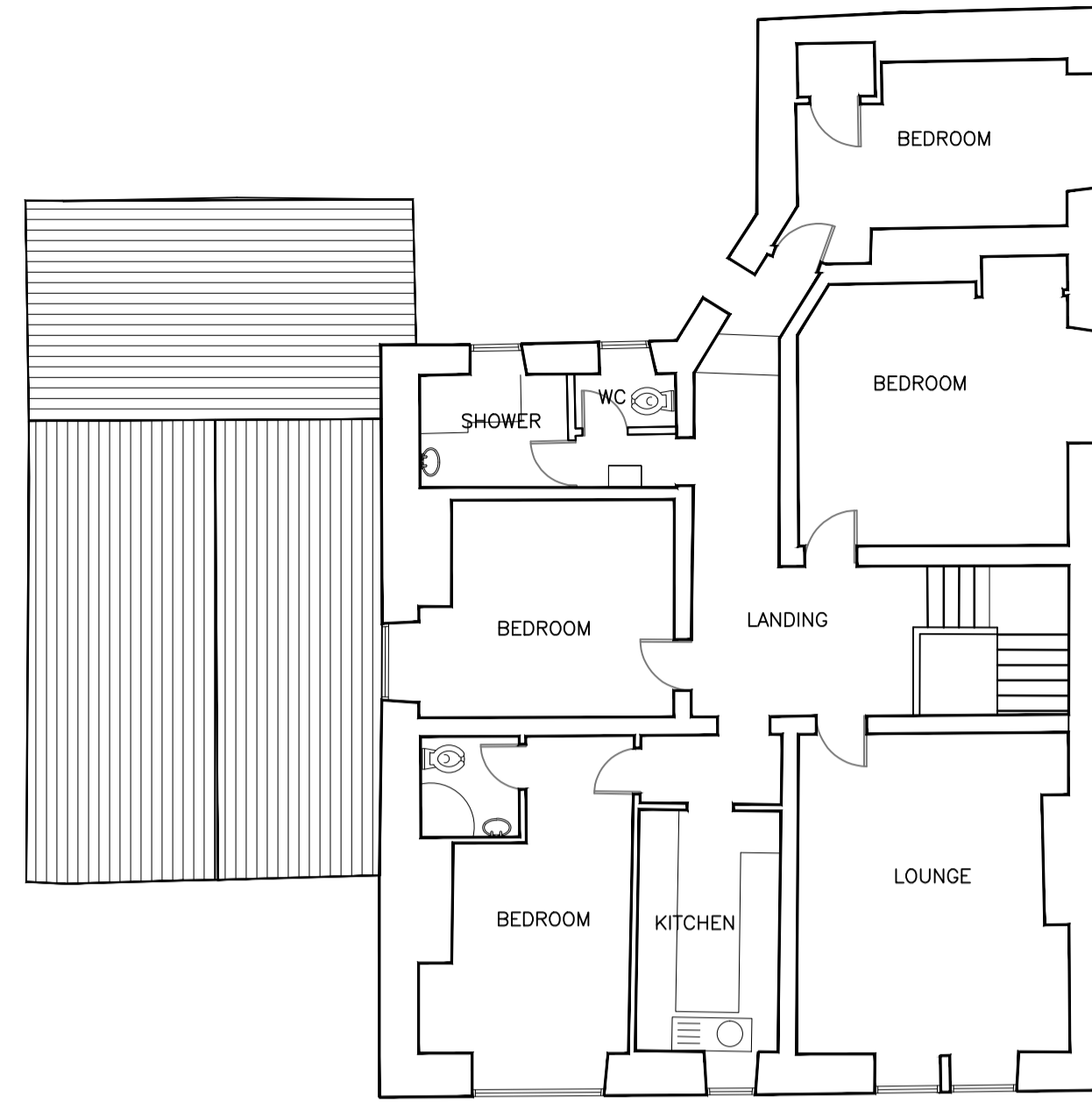
2. There must be no reversing into or from the live highway at any time – all vehicles entering the site must do so in a forward gear, and turn around in the site before exiting in a forward gear onto the operational public highway.
3. There must be no storage of materials in the public highway at any time.



Existing Basement (1:100)



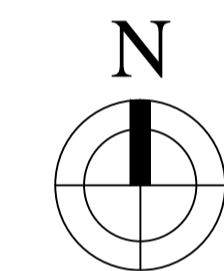
Existing Ground Floor Plan (1:100)



Existing First Floor Plan (1:100)



Existing Block Plan (1:200)



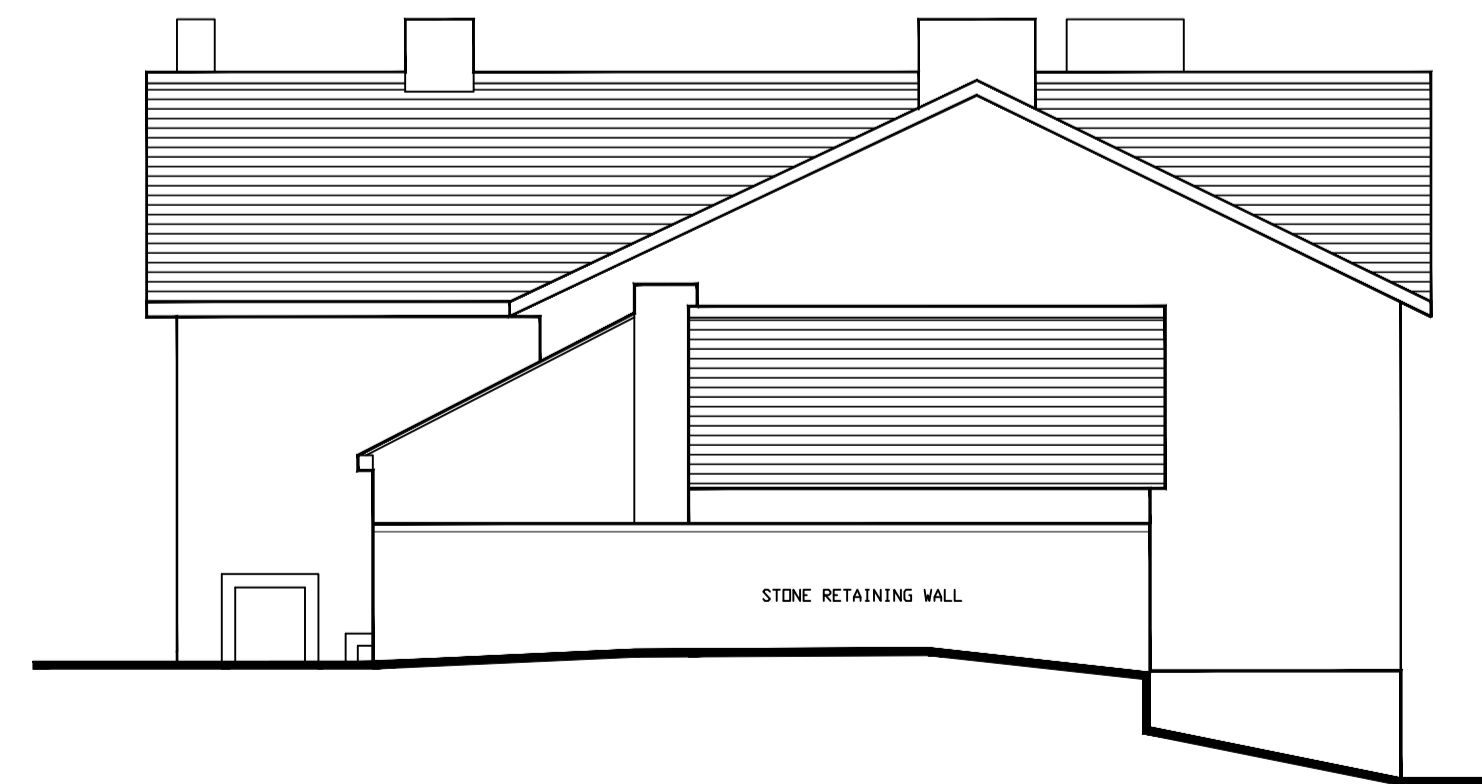
Existing Northern Elevation (Booth Road) (1:100)



Existing Western Elevation (Millar Barn Lane) (1:100)



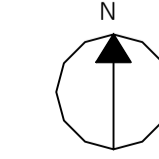
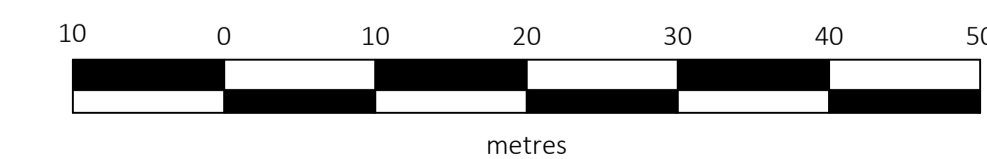
Existing Southern Elevation (Rear Courtyard) (1:100)



Existing Eastern Elevation (1:100)

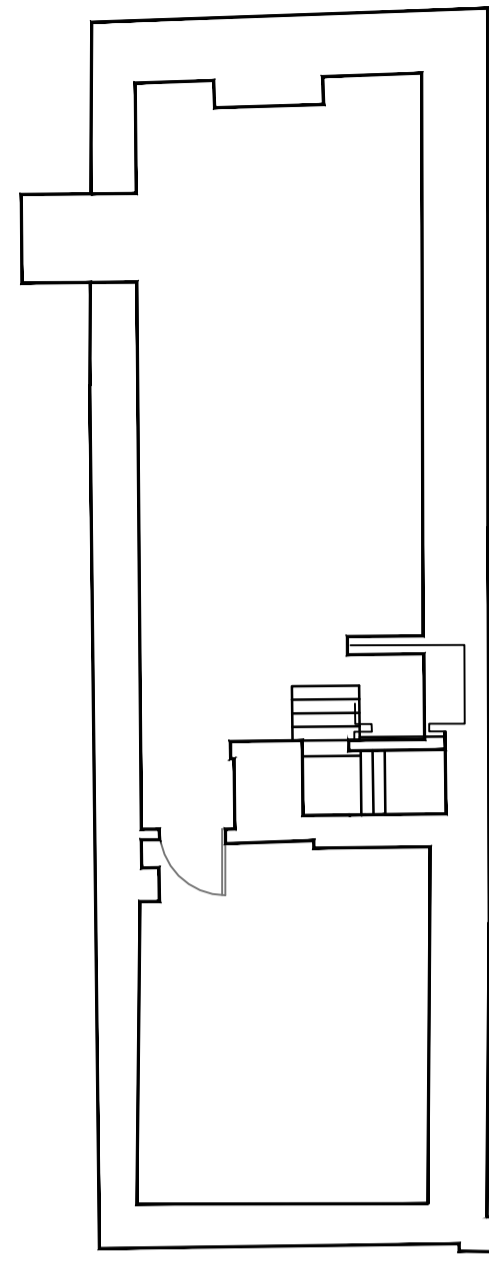


Existing Site Plan (1:500)



Client			
Helen Rawstron			
Project			
Change of use of Public House to 4 apartments at The Jolly Sailor, Booth Road, Waterfoot, BB4 9BD			
Job No.	Area	File Ref	
2023/27			
Title			
Existing & Elevations			
2023/27-01			rev. A
Date	Drn.	Scale	Checked
25.05.23	B. Edmondson	AS Noted@A1	
20 Fernhill Drive Stacksteads, Bacup Lancashire OL13 8JS tel 01706 870944 mob: 07528809176 e: info@eds20.co.uk			

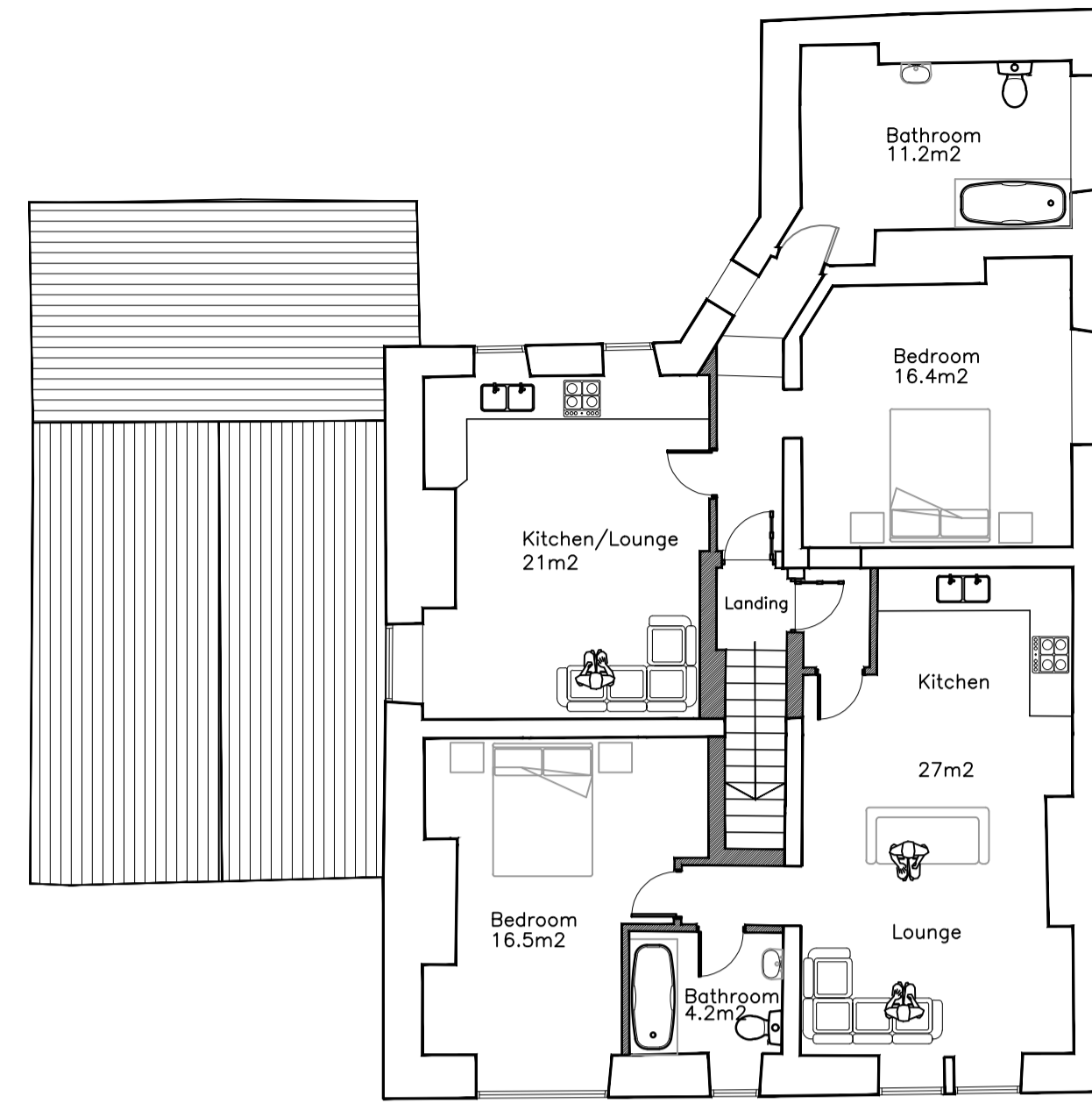
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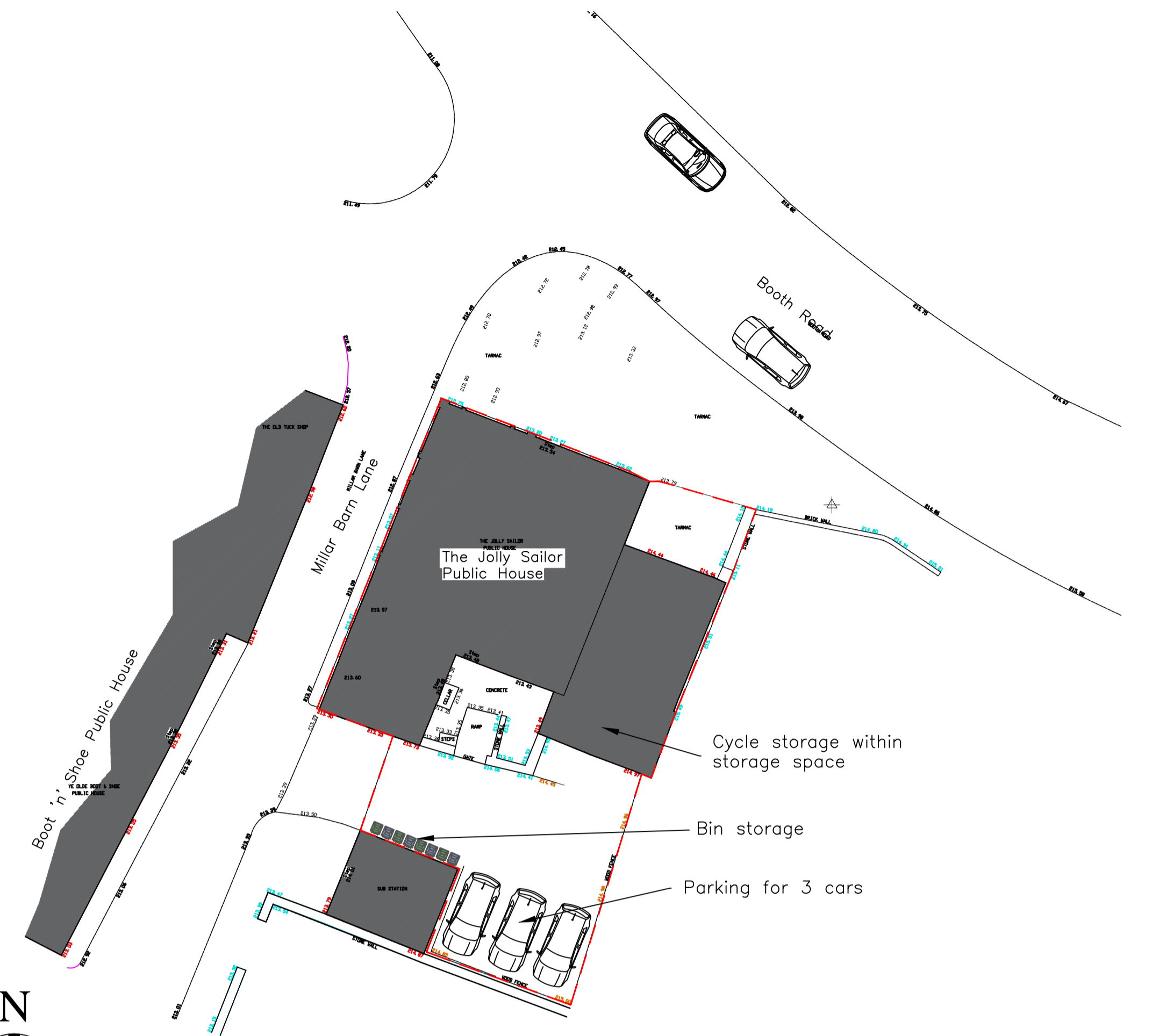
Proposed Basement (1:100)



Proposed Ground Floor Plan (1:100)



Proposed First Floor Plan (1:100)



Proposed Block Plan (1:200)



Proposed Northern Elevation (Booth Road) (1:100)

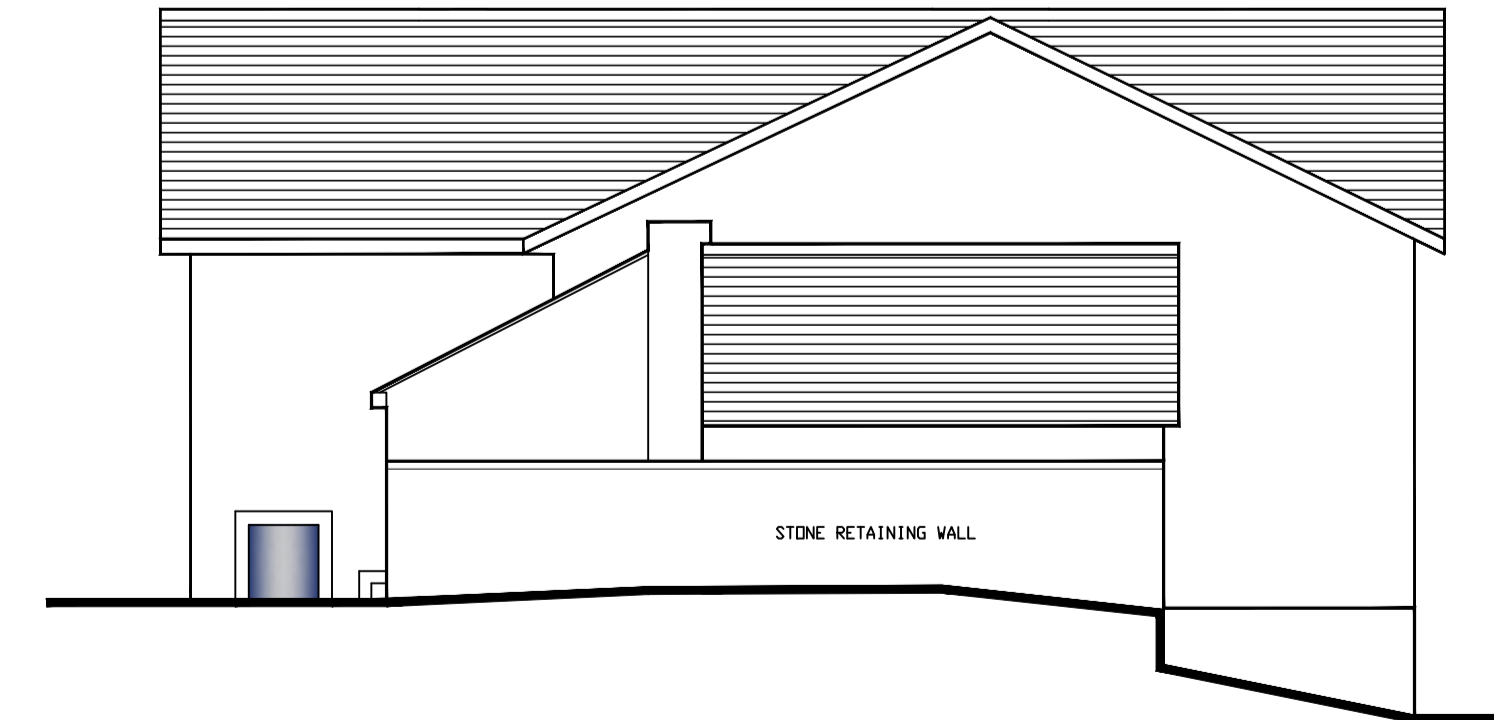


Proposed Western Elevation (Miller Barn Lane) (1:100)

Note:  
No external changes other than removal of chimney stacks due to them being un-safe and currently leaning



Proposed Southern Elevation (Rear Courtyard) (1:100)



Proposed Eastern Elevation (1:100)



Site Plan (1:500)

Client			
Helen Rawstron			
Project			
Change of use of Public House to 4 apartments at The Jolly Sailor, Booth Road, Waterfoot, BB4 9BD			
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25.05.23	B. Edmondson	AS Noted@A1	
20 Fernhill Drive Stacksteads, Bacup Lancashire OL13 8JS tel 01706 870944 mob: 07528809176 e: info@eds20.co.uk			

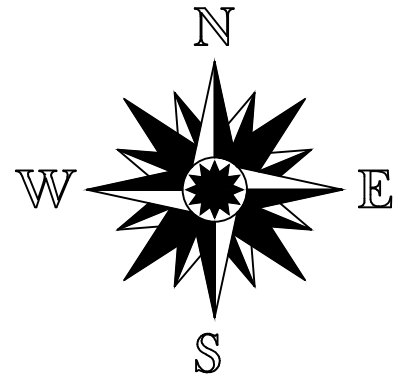
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Project: The Jolly Sailor PH, 23 Booth Road, Waterfoot BB4 9BQ

Project No.: 2023-27

Title: OS Site Plan

Scale: 1:1250@A4



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JOLLY SAILOR

20

LIVE SPORT  
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JOLLY SAILOR

JOLLY SAILOR

JOLLY SAILOR

JOLLY SAILOR

JOLLY SAILOR

MILLAR BARRACKS



HELEN ST







CASK ALES  
Home Cooked  
**FOOD**  
Saturday  
LIVE BANDS

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JOLLY SAILOR

LIVE  
SPORT  
SHOWN HERE

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JOLLY SAILOR

JOLLY SAILOR

Bacup and  
Rawtenstall  
Grammar School

20

The Old  
Tuck  
Shop