

Application Number:	2024/0315	Application Type:	Full
Proposal:	Change of use of a public house into a House of Multiple Occupation (HMO) (sui-generis) including external alterations	Location:	Commercial Hotel 318A Newchurch Road Stacksteads Bacup
Report of:	Head of Planning and Building Control	Status:	For Publication
Report to:	Development Control Committee	Date:	08.10.2024
Applicant:	Fairway Building & Remedial Contractors Ltd	Determination Expiry Date:	19.09.2024 EoT agreed to 11.10.2024
Agent:	Northern Planners		

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:	Called in by Cllr Julie Adshead Insufficient parking provisions, Inadequate provisions for waste disposal, Sufficient provision for HMOs in the area, Potential for ASB.
3 or more objections received	Yes
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

That the application be approved subject to the conditions specified below.

APPLICATION DETAILS

2. SITE

The application relates to the Commercial Hotel, a former public house located on the south side of Newchurch Road at the junction with Blackwood Road in Stacksteads. The properties on the south side of Newchurch Road are predominantly in commercial use with shopfronts, although some are likely to have flats above. To the opposite side of Newchurch Road is Holy Trinity Church, a Grade II Listed Building.

The building is an end of terrace property of stone and slate construction. When viewed from Newchurch Road the property is two storey in height but to the rear is three storey, with a basement accessed by means of a private road running to the side of 304 Newchurch Road and then west behind the row of terraced properties.

The property has entrances midway down both of its frontages to the highway and includes a small section of land to the rear of the property at ground floor level and further land at lower ground floor level.

The site lies within the defined urban boundary and is a designated housing allocation (H21) in the Local Plan.

3. RELEVANT PLANNING APPLICATION HISTORY

2021/0248: Change of use of former public house / hotel into two self contained dwellings including installation of roof skylights and replacement windows.(Approved)

2015/0261: Conversion of public house and two retail units to 7 Apartments (Approved)

2011/0615: Conversion of public house & 2 shops to 4 shops with 4 one-bed flats above, including provision of 2 shopfronts & parking to rear (Approved).

4. PROPOSAL

The applicant seeks planning permission for the change of use of a public house into a House in Multiple Occupation (HMO) (sui-generis) including external alterations.

The application proposes only minor alterations to the external appearance of the building with the addition of 3 no. roof-lights to both the front and rear elevations and the addition of 2 no. windows and a door at the lower ground floor level. No other external alterations are proposed to the building.

With regards to internal alterations, some changes will be made to facilitate the use of the property as HMO which primarily involves the creation of new internal walls. Bedsits will be located on the lower ground floor and second floor of the building with bedrooms, kitchen/dining rooms, and living rooms located on the ground and first floor of the building. Communal bathrooms are also located on the upper ground floor, first floor and second floor, whilst there would be a living room on the lower ground floor.

In addition to the changes to the building itself, some minor alterations are proposed to the rear curtilage of the premises. A small bin storage area and an external staircase leading to the lower ground floor are proposed and illustrated on the Proposed Site Plan.

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

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 ENV1: High Quality Development in the Borough
 Policy HS15: Specialist housing
 Policy TR4 Parking

Other material considerations

National Planning Practice Guidance

6. CONSULTATION RESPONSES

Consultee	Response
LCC Highways	No objection subject to conditions and informatives
RBC Environmental Health	No objection subject to conditions and informatives
GMEU (Ecology)	No objection subject to conditions and informatives

7. REPRESENTATIONS

To accord with the General Development Procedure Order a site notice was posted on 21.08.2024 and neighbour letters were posted out on 14.08.2024.

There have been 4 representations made objecting to the development on the following grounds:

According to the floor plans there are 10 bedrooms and two bedsits. As per the Councils own criteria for room sizes, at least 9 of the bedrooms 11 m sq or above could accommodate 2 people (possible 19 people), but if only 1 person occupied each of the bedsits this amounts to 12 people.

As there are only 3 communal bathrooms this would far exceed the 3 persons per bathroom rule.

The two bedsits on the second floor, being less than 20.5 m would only be able to accommodate 1 occupant per room, who presumably would use the bathroom on that level, leaving only two for use by the remaining occupants.

Parking is also an issue, as there are double yellow lines to the front and side of the building.

The provision of a few cycle storage racks is at best a poor attempt at getting around the complete lack of parking.

A HMO is not in keeping with this area at all.

8. ASSESSMENT

The main considerations in this case are as follows:

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

Principle

The principles of sustainability are a central thread running through planning policy. The NPPF advises that the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF refers to the need for new developments to be sited in sustainable locations readily accessible by public transport, cycle and on foot. The NPPF states an environmental objective as an overarching objective and this includes moving to a low carbon economy. The NPPF has a presumption in favour of sustainable development at its heart:

“So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development” (Para 11)

The NPPF advises that in assessing applications for development it should be ensured that

- (a) “appropriate opportunities to promote sustainable transport modes can be-or have been- taken up, given the type of development and its location*
- (b) safe and suitable access to the site can be achieved for all users.”*

The NPPF places an emphasis on sustainable travel and advises that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public

health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

The NPPF states that Planning policies and decisions should:

(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.

In this case, the application site is located within the defined urban boundary, where Policy SD2 of the Local Plan seeks to locate the majority of new development.

The application site is a Housing Allocation in the Rossendale Local Plan.

Policy HS10 in respect of specialist forms of housing states that such proposals will be supported provided that the “development is well located so that shops, public transport, community facilities and other infrastructure and services are accessible for those without a car, as appropriate to the needs and level of mobility of potential residents and staff”

Policy ENV1 requires proposals to demonstrate how the new development will connect to the wider area via public transport, walking and cycling.

The site is located in a sustainable location, immediately adjacent to a main line bus route, and within walking distance of local primary schools.

Overall, it is considered that the proposed scheme accords with the Framework and the Local Plan. Having regard to all of the above, the proposed development is acceptable in principle.

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.

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 application proposes only minor alterations to the external appearance of the building with the addition of 3 no. roof-lights to both the front and rear elevations and the addition of 2 no. windows and a door at the lower ground floor level. No other external alterations are proposed to the building.

With regards to internal alterations, some changes will be made to facilitate the use of the property as HMO which primarily involves the creation of new internal walls. Bedsits will be located on the lower ground floor and second floor of the building with bedrooms, kitchen/dining rooms, and living rooms located on the ground and first floor of the building. Communal bathrooms are also located on the upper ground floor, first floor and second floor, whilst there would be a living room on the lower ground floor.

In addition to the changes to the building itself, some minor alterations are proposed to the rear curtilage of the premises. A small bin storage area and an external staircase leading to the lower ground floor are proposed and illustrated on the Proposed Site Plan.

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

One of the key objectives of the NPPF is “a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being”

Paragraph 155 of the Rossendale Local Plan advises that “*The NPPF identifies as one of its core planning principles, that planning should “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”* Access to outdoor amenity space, particularly green space, is important for quality of life, health, biodiversity and provide play space for children and young people. It is therefore important that all residential development, including all new homes, residential care homes and other residential institutions provide outdoor amenity space for residents.

The proposed development is in accordance with the Council’s standards for Houses in Multiple Occupation.

Policy HS8 of the Local Plan states:

“All new residential development should provide adequate private outdoor amenity space. This should be in the form of gardens unless the applicant can demonstrate why this is not achievable and proposes a suitable alternative. “

The proposed accommodation provides a small area of private amenity space at the rear for residents to sit out or hang out washing and is in accordance with Policy HS8 of the Local plan.

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 application site is within a housing allocation in the Local Plan. HMOs are a form of housing, and the development is appropriate on this site in line with adopted local planning policy.

The Council have no evidence to suggest that there is a surplus of Houses in Multiple Occupation in the area, nor is there any particular evidence to suggest that the proposed development would be inappropriate on this site.

In view of the above it is considered that the proposals will safeguard the residential amenities currently enjoyed by the occupiers in the immediate vicinity and provides a suitable 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

In terms of highway safety, there is no car parking at the site. The applicant is proposing to provide cycle parking.

LCC Highways have commented as follows:

There is no existing vehicle parking with this proposal. There are parking restrictions in place – No waiting at anytime from its junction with Blackwood Road for a distance of 13m in an easterly direction.

It is recommend that a minimum of 4 bicycle spaces are provided. These may be provided in a cycle shed located within the development.

Waste storage (ref. proposed site plan) is provided at rear of building.

There is no objection to the proposal in principle subject to the comments being noted and conditions being applied to any formal planning approval.

The proposed development is in accordance with the Rossendale Local Plan and the NPPF in terms of highway access, safety and parking.

Ecology

A Preliminary Roost Assessment was carried out on the property.

This report concluded that:

One Nocturnal Bat Survey is required on the building between May and August (inclusive) following guidance from Collins (2023). If bats are identified roosting within the building, a further two surveys would be required to characterise the roost and a European Protected Species License (EPSL) will be required and with up-to-date surveys from the survey season prior to the application submission.

A further Nocturnal Assessment was carried out. The results of this were

Common and widespread species were identified utilising the site for commuting, comprising common pipistrelle, mainly in association with the treeline to the southeast of the site. No bats were observed emerging from the building, and no bats were observed within proximity to any potential roost features.

With the conclusions and recommendations being:

No further surveys, or a Natural England bat licence are required for the proposed works to proceed on B1 and W1. In the unlikely instance that any bats are located within the building during the works, works should cease, and a suitably qualified ecologist should be contacted.

The Council's ecology consultant has no objections to the proposed development subject to conditions and informatives.

There is no impact on protected species and the proposal is in accordance with Policy ENV4 of the Rossendale Local Plan.

9. CONCLUSION

There is no detrimental impact on visual amenity, neighbour amenity, highway safety or ecology from the proposed development. The development is considered acceptable and in accordance with the Rossendale Local Plan and the NPPF.

10. RECOMMENDATION

That planning permission be approved 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 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 and documents, unless otherwise required by the conditions below:

Drawing No: 24NP506_01_001 - Location Plan received 25.07.2024
Drawing No: 24NP506_01_002 - Existing Site Plan received 25.07.2024
Drawing No: 24NP506_01_004 - Existing Elevations received 25.07.2024
Drawing No: 24NP506_01_005 - Proposed Elevations received 25.07.2024
Drawing No: 24NP506_01_006 - Existing Floor Plans received 25.07.2024
Drawing No: 24NP506_01_007 - Proposed Floor Plans received 25.07.2024
Drawing: Stair Bike Ramp received 13.09.2024
Drawing No: 24NP506_01_003 - Proposed Site Plan received 13.09.2024

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

3. 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.
 - Measures to protect vulnerable road users (pedestrians and cyclists).
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
 - 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.

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 and to minimise the impact of construction on residents and pedestrians during the construction phases.

4. Space shall be provided for a minimum of 4 bicycles to be stored within the development as detailed on the approved plans prior to first occupation of the building.

Reason: To allow for the promotion of sustainable forms of transport and aid social inclusion.

5. 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 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.

6. Any vegetation clearance including trees, shrubs and undergrowth (eg bramble) should avoid the bird nesting / breeding season (March- August inclusive) unless it has first been demonstrated (through the submission of a suitable report prepared by a qualified ecologist to the Local Planning Authority) that there is no nesting activity present.

Reason: To ensure that there is no harm to nesting birds which are protected by the Wildlife and Countryside Act 1981.

7.

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 developer should be aware that any works on, or immediately adjacent to the adopted highway network, would require the appropriate permits from LCC's Highway Regulation Team, who would need a minimum of 12 weeks' notice to arrange the necessary permits. They can be contacted on lhsstreetworks@lancashire.gov.uk or on 01772 533433.
3. Construction phase:
Noise: Take all practicable steps to prevent the noise from the site activities giving rise to a nuisance.
Dust: Take all practicable steps to prevent any dust from the site activities giving rise to a nuisance.
Fumes: Take all practicable steps to prevent any fumes from site plant/vehicles/activities giving rise to a nuisance.
No burning of materials shall take place at the site, unless otherwise agreed in writing by the Local Planning Authority.
4. The applicant should note that should the residential element be privately let: The property must meet minimum standards under the Housing Act 2004 and be free from unacceptable hazards (Housing, Health and Safety Rating Scheme). In addition the applicant must note that should the property be let in multiple occupation, additional regulations apply. Also, Larger HMO's (5 or more people) may require a HMO licence. Rossendale Borough Councils standards for licensable HMOs can be found on the council's website. This information contains information on amenity standards, kitchen and bathrooms requirements per ratio of occupants, minimum bedroom sizes and fire safety requirements. Consultation with Lancashire Fire and Rescue Service is advised prior to any conversion.
5. LACORS Fire Safety Guidance has also been adopted as a minimum standard for fire safety. This guidance contains the requirements expected for Fire alarm systems and emergency escape windows.

6. Note on submitted scheme: Although the bedroom sizes are adequate for 2 occupants, a maximum of 5 people are only allowed to occupy the ground floor and another 5 people to occupy the first floor. If occupying 6 to 10 people, then another bathroom will be required on both the floors.
7. Applications for HMO licences must be submitted and accepted prior to any occupation.
8. Ensure that all party walls are sound proofed in accordance with the approved document E of the Building regulations.

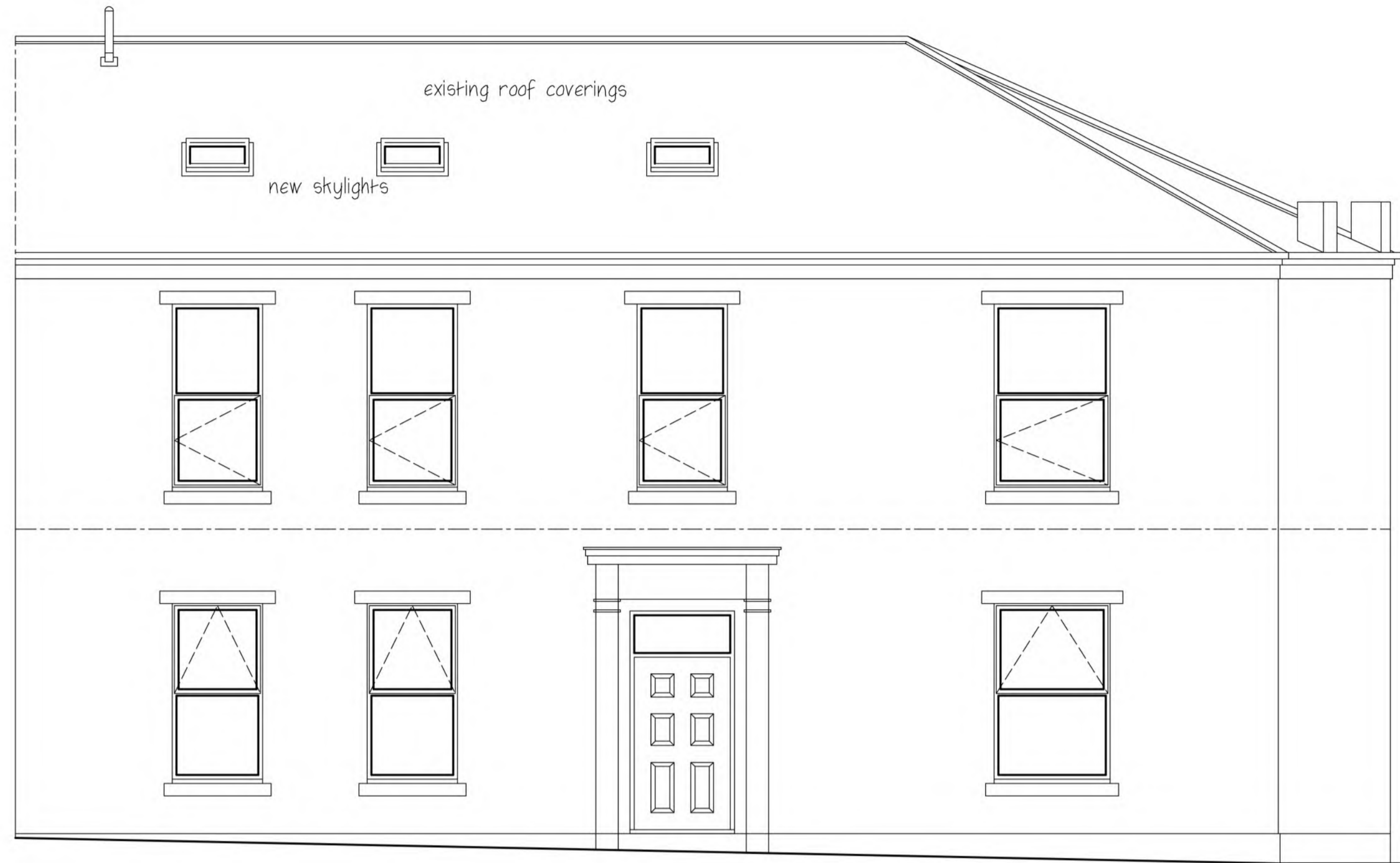


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Project Title: Commercial Hotel, Stacksteads			
Title: Proposed Site Plan	Date: May 2024	Client:	
Drawing No.: 24NP506/01/003		Sheet:	Rev:
Scale: 1:200 @ A4	Format: PDF	1	A

Proposed Front Elevation (North)



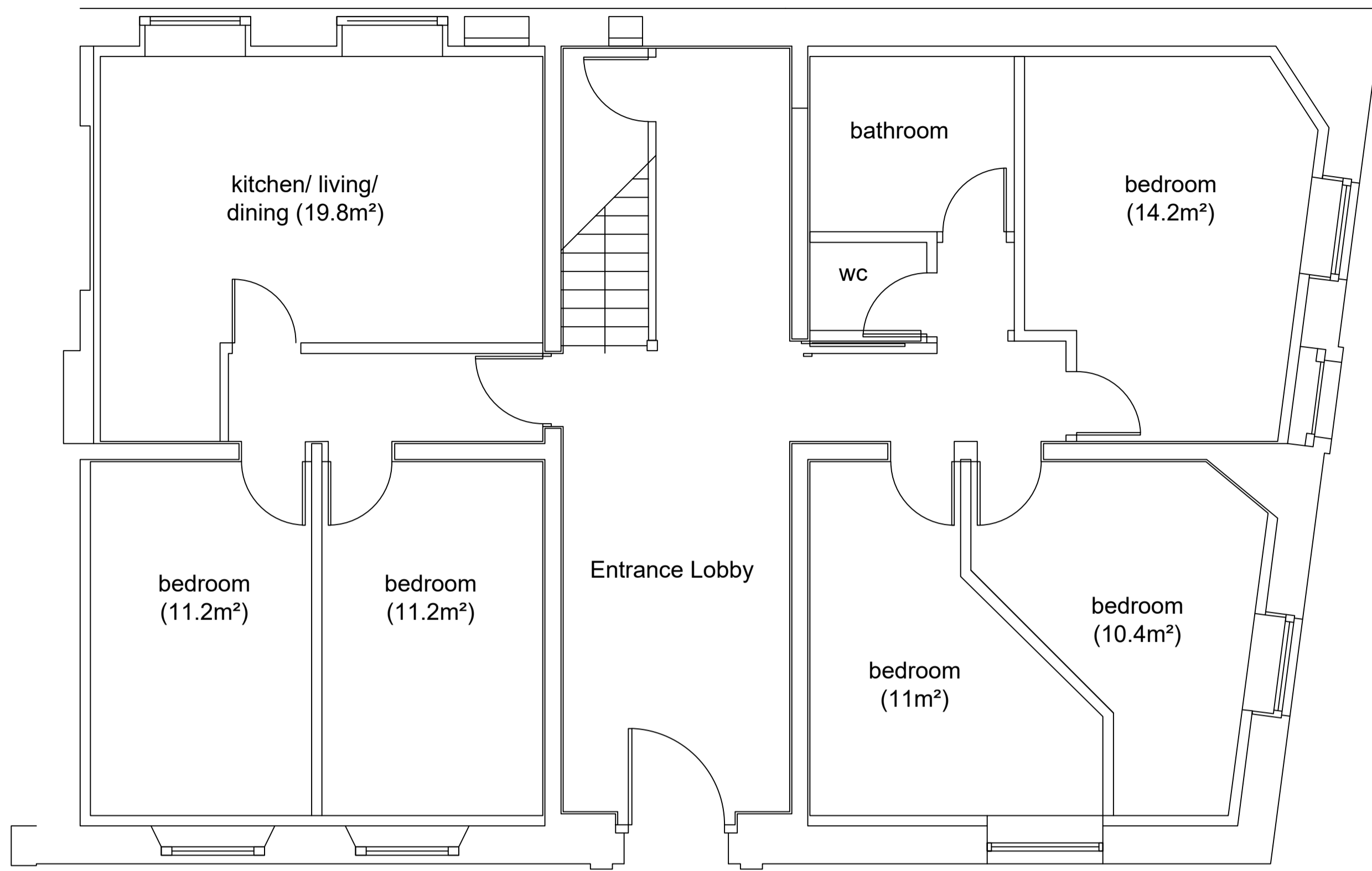
Proposed Elevation (South)



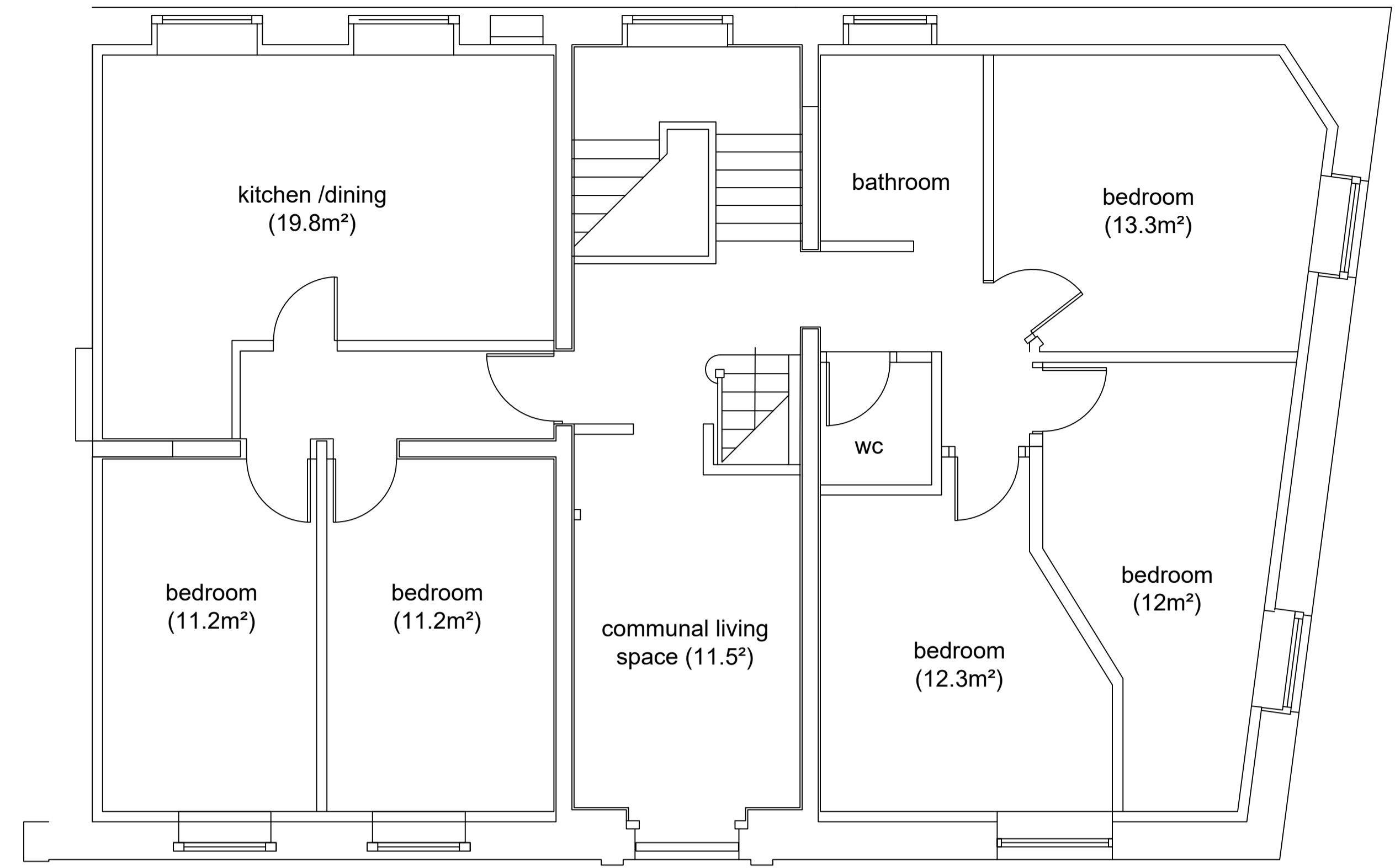
Proposed Side Elevation (West)



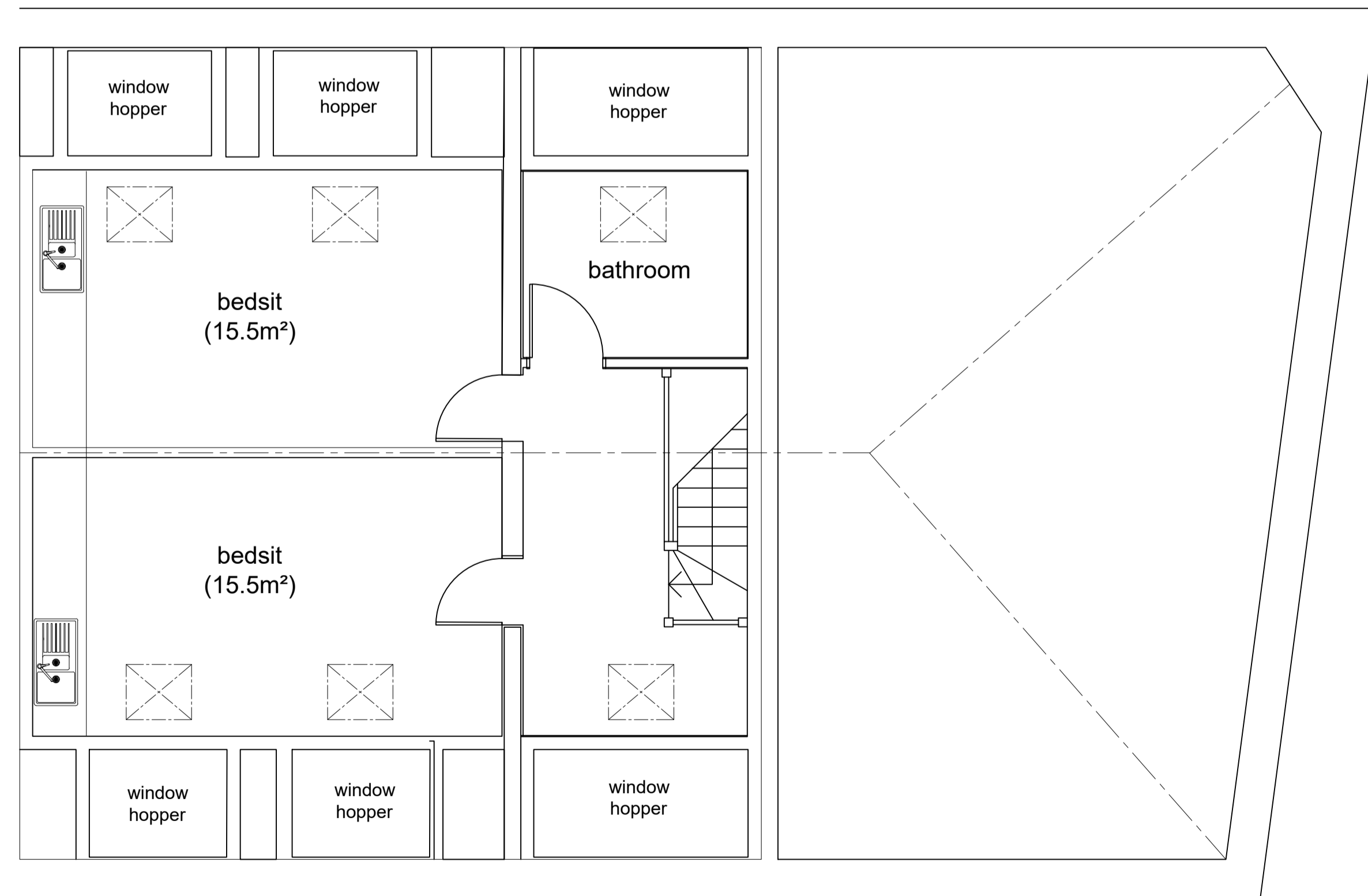
Proposed Ground Floor Plan (1:50)



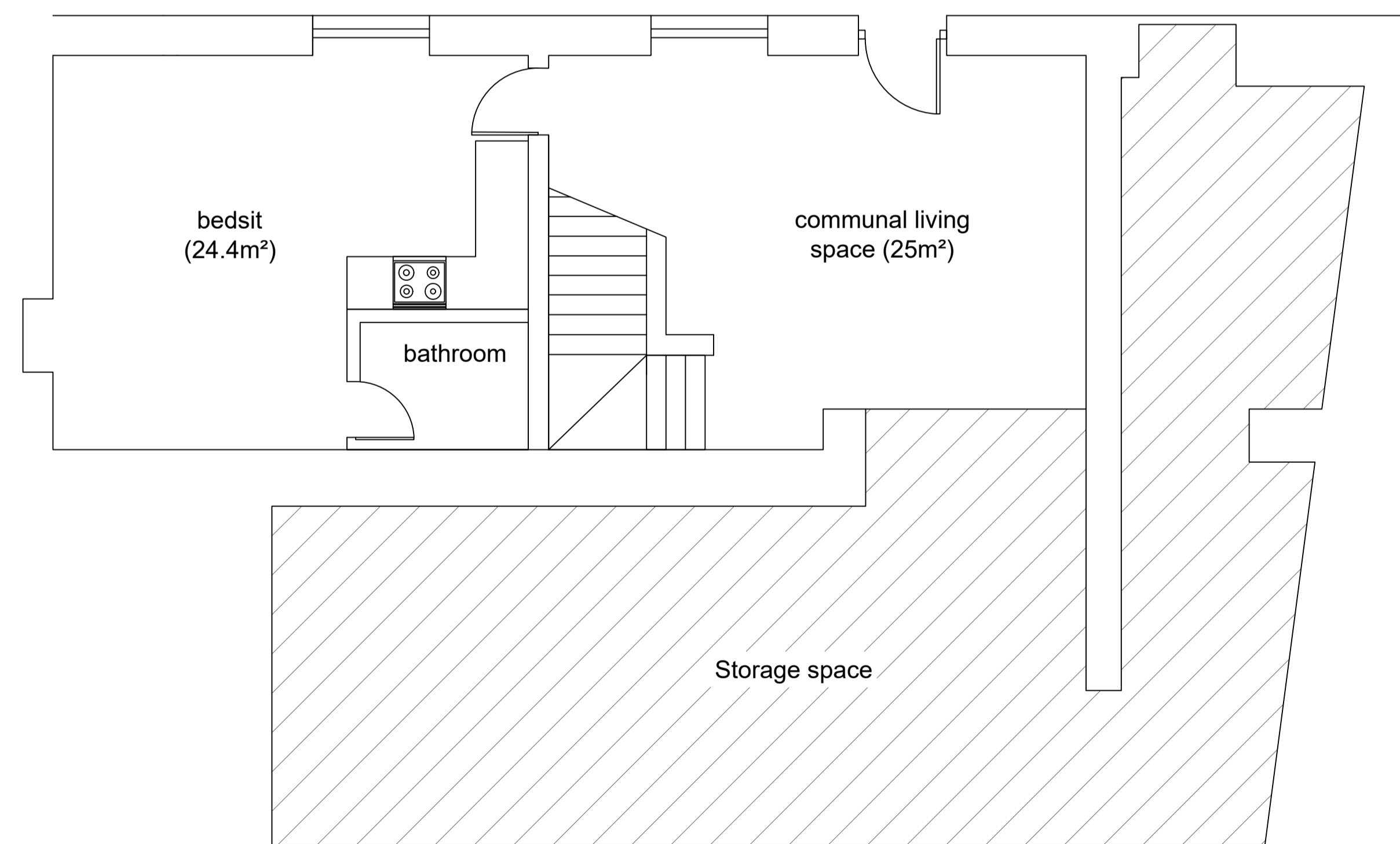
Proposed First Floor Plan (1:50)



Proposed Second Floor Plan (1:50)



Proposed Lower Ground Floor Plan (1:50)





SHOPS TO LET

TO LET

TO LET

BLACKWOOD RD