

TITLE: 2004/858 SINGLE STOREY SIDE EXTENSION AT THE MOULDERS ARMS, BACUP ROAD, WATERFOOT

TO/ON: DEVELOPMENT CONTROL COMMITTEE 21st JUNE 2005

BY: TEAM MANAGER DEVELOPMENT CONTROL

DETERMINATION EXPIRY DATE: 26 JANUARY 2005

APPLICANT: MR I ALI

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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.

Site and Proposal

The applicant seeks permission for a single storey extension to the Moulders Arms, Waterfoot for use as a dining area. This is in connection with the change of use of the Moulders Arms to a restaurant. Planning consent is not required for this change of use as it is permitted under the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005.

Relevant Planning History

2003/503 Proposed change of use of vacant space at first floor level to form 7 no bed and breakfast provision at the Moulders Arms, Bacup Road, Waterfoot. APPROVED

2004/611 Change of use of public house with beer garden to dwelling house with garden at the Moulders Arms, Bacup Road, Waterfoot. APPROVED

Notification Responses

Site notices were posted and seven letters of objection have been received from five addresses, which have raised the following summarised comments:

- A concern about the smell, as the winds in Waterfoot are mainly from the west. Therefore, living on the east side of the pub, we are going to get the smell of food, most of the time, 12-14 hours per day.
- There is existing parking at the side door, but when it was a pub, people still parked their cars on the main road, and on many times they even parked across my driveway, which made entry and exit very difficult.
- The road is very busy and maybe double yellow lines on the road, from the pub to 650 Bacup Road would solve the problem.
- Access via Spring Garden Street is dangerous for both pedestrians and motorists.
- Although there is a car park at the rear of the building, customers will park on the main road on both sides. This will interfere with the line of sight of motorists leaving Cowpe Road and Townsend Street, which are already dangerous junctions.
- The local residents have had to put up with lots of noise and nuisance when the Moulders Arms was open, and this will start again.
- The proposed development at the Moulders Arms will cause more parking problems for the objector, especially as her husband is disabled. At present parking is not very good and they are unable to get a disabled parking bay outside their home, so the extra cars will cause them to stay in.
- The drainage at the front of the Moulders Arms is going to cause a smell and blockage to the drain and cause a health hazard, and if the wind is blowing the wrong way we would have the smell in our homes.
- An objection to this proposal as the ground rent has not been paid on the site for the last six years despite repeated requests to the owner.

Consultation Responses

County Highways

The proposed restaurant has facilities for 112 customers but does not propose any off-street parking provision. Whilst there are car parks in the area, the highways authority would require an assurance that these car parks have a long term future. In order to reduce the likelihood of vehicle conflicts particularly at their junction with Bacup Road, I would recommend the following traffic management measures:

1) Modification of the Spring Gardens Street / Bacup Road junction in the form of a footway extension to achieve improved sight lines for emerging vehicles.

Subject to the above measures being implemented and the specified conditions being attached to any permission that may be granted, I would raise no objection to the proposal.

RBC Highways

No objection to this proposal.

RBC Environmental Health

Recommendation that conditions be attached to the application.

Development Plan Policies

Policy DS1 (Urban Boundary) of the Rossendale District Local Plan states that the Council *will seek to locate most new development within a defined boundary - the urban boundary- and will resist development beyond it unless it complies with Policies DS3 and DS5.*

Policy DC1 (Development Criteria) of the Rossendale District Local Plan. The policy states that all applications for planning permission will be considered on the basis of a) location and nature of proposed development, b) size and intensity of proposed development; c) relationship to existing services and community facilities, d) relationship to road and public transport network, e) likely scale and type of traffic generation, f) pollution, g) impact upon trees and other natural features, h) arrangements for servicing and access, i) car parking provision, j) sun lighting, and day lighting and privacy provided k) density layout and relationship between buildings and l) visual appearance and relation to surroundings, m) landscaping and open space provision, n) watercourses and o) impact upon man-made or other features of local importance.

DC4 (Materials) of the Rossendale District Local Plan states that *Local natural stone (or an alternative acceptable natural substitute which matches as closely as possible the colour, texture, general appearance and weathering characteristics of local natural stone) will normally be required for all new development in selected areas. Within those areas roofs shall normally be clad in natural stone slab or welsh blue slate, or in appropriate cases, with good quality substitute slates.*

Policy T4 (Car Parking) of the Rossendale District Local Plan states that *Development proposals will be required to provide, normally within the curtilage of the development, sufficient space to meet both operational and non operational parking requirements.*

Other Material Planning Considerations

None

Planning Issues

The location for the proposed development lies within the urban boundary and therefore the proposal complies with Policy DS1 of the Rossendale District Local Plan.

The location for the proposed development is sustainable. It is adjacent to a taxi rank and is situated on a good bus route. The building is within walking distance of the town centre car parks and it should be noted that the local highways authority have no objection to the proposed development. The County Highways authority have no objections to the proposal providing the work specified is carried out by the developer.

The site was previously used as a beer garden and one objector has stated that the local residents have had 'to put up with lots of noise and nuisance when the Moulders Arms was open. The proposed single storey extension will utilise this space and the potential for noise and disturbance to the residents of the adjacent properties will be reduced, thereby improving the existing conditions and complying with Policy DC1 of the Rossendale District Local Plan.

Concerns have been raised regarding the potential for fumes from the proposed development by local residents. However, after consultation with the Environmental Health section, two conditions have been proposed to deal with this issue, which will reduce the impact upon the amenity of the neighbouring residents to an acceptable level, thereby complying with Policy DC1 of the Rossendale District Local Plan.

Therefore, the proposed development would not have a detrimental effect upon the amenities of the nearby dwellings and would not look out of place within the locality, therefore the proposed development does accord with Policy DC1 of the Rossendale District Local Plan.

Recommendation

That planning permission is granted subject to the following conditions:

Summary of Reasons for Conditional Approval to Appear on Decision Notice

The proposed development would not have a significantly adverse effect upon the amenity of neighbouring residents and subject to conditional control would not look out of place within the locality, thereby according with Policy DC1 of the Rossendale District Local Plan. The proposed development is in a sustainable location and is within walking distance of a taxi rank and the town centre car parks.

Conditions

1. The development permitted shall be begun before the expiration of five years from the date of this permission.
Reason: The condition is required by virtue of Section 91 of the Town and Country Planning Act 1990.
2. All the external materials and finishes to be used on the roof of the proposed development shall match those on the existing building in terms of type, size, shape, thickness, colour and texture.
Reason: To ensure that the materials are in keeping with those existing and to accord with Policy DC4 of the Rossendale District Local Plan.
3. Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with a scheme (which shall incorporate grease and carbon filters and discharge at roof ridge level with an internal stack) to be submitted to and approved in writing by the Local Planning Authority before the use is commenced. The approved scheme shall be fully implemented before the permitted use is first commenced and shall be maintained in perfect working order thereafter.
Reason: To prevent smell and fume nuisance to nearby neighbours and to ensure the visual appearance of the fume extraction system is acceptable, in accordance with Policy DC1 of the Rossendale District Local Plan.
4. A scheme for the sound insulation of ventilation equipment referred to in the condition set out above shall be submitted to the Local Planning Authority and no development shall commence until all sound insulation works have been carried out to the satisfaction of the Local Planning Authority. The sound insulation works shall be maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby residential properties, in accordance with Policy DC1 of the Rossendale District Local Plan.

5. No part of the extension shall be commenced until all the highway works have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

Reason: To enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users, in accordance with Policy T4 of the Rossendale District Local Plan.

6. No part of the extension hereby approved shall be occupied or opened for trading until the approved scheme, referred to in Condition 5 has been constructed and completed in accordance with the scheme details.

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, in accordance with Policy T4 of the Rossendale District Local Plan.

Local Plan Policies

DS1
DC1
DC4
T4