

<b>Application Number:</b>	2017/0447	<b>Application Type:</b>	Full
<b>Proposal:</b>	Change of use of existing dwelling to bed and breakfast accommodation for up to 20 guests (Use Class C1), including re-surfacing of access road, creation of a vehicular passing place and introduction of new low level street lighting.	<b>Location:</b>	Rockcliffe House, Wesley Place, Bacup, Lancashire, OL13 8JE
<b>Report of:</b>	Planning Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	12 <sup>th</sup> December 2017
<b>Applicant:</b>	Mr Gary McCarthur	<b>Determination Expiry Date:</b>	19 <sup>th</sup> December 2017
<b>Agent:</b>	Mr Ben Edmondson		

<b>Contact Officer:</b>	<b>James Dagleish</b>	<b>Telephone:</b>	<b>01706 238643</b>
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<b>REASON FOR REPORTING</b>	
<b>Outside Officer Scheme of Delegation</b>	
<b>Member Call-In</b> Name of Member: Reason for Call-In:	
<b>3 or more objections received</b>	✓
<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

Grant planning permission subject to the conditions set out in section 11.

## APPLICATION DETAILS

### 2. SITE

The site in question is a large stone built dwelling and its grounds, located in an elevated position around 60m to the north west of Newchurch Road in Bacup.

The dwelling itself (Rockcliffe House) is a Grade II Listed Building, for which the list entry reads:

*“Large house, 1891, by Smith and Cross of Rochdale for J.H. Maden; now 2 dwellings. Ashlar, hipped slate roof with 2 chimney stacks at each side wall. T-plan: square main block 3x3 bays, with rectangular service wing to rear. Two storeys, symmetrical, in classical style, with pilasters, cornice, balustraded parapet with urns; windows sashed without glazing bars; pedimented centre breaking forwards slightly has square porch with fluted Composite columns, dentilled cornice, balustraded balcony with urns; round-headed doorway with panelled pilasters; 1st floor window with a cornice. Flanking bays have ground floor canted bay windows with carved aprons and balustraded parapets, 1st floor windows with pediments. Right return wall has pilasters making a wide middle bay containing at ground floor a pilastered doorway flanked by windows, and at 1st floor a window with carved entablature and segmental pediment, flanked by fielded panels; narrow outer bays have ground floor window and 1st floor coved niche with an urn on a semi-circular table. Left return wall (to garden) has 3 windows each floor: offset left of centre a canted bay window and a 1st floor window with a pediment, similar pedimented windows at ground floor, and cornices to the other 1st floor windows; carved plinth below ground floor windows. Interior: dog-legged staircase with semi-circular winding, ornamental iron balusters; very elaborate moulded plaster cornice and ceiling rose in front right ground floor room (originally dining room).”*

Although the list description refers to the building being two dwellings, the building is currently a single dwelling.

A pedestrian entrance gate arch for the house, located adjacent to the footway on Newchurch Road is also Grade II Listed. The list description for the gate arch reads:

*“Gate arch in boundary wall of Rockcliffe House, probably c.1890. Rockfaced sandstone with ashlar dressings. Boundary wall c.2 metres high with heavily rope-patterned coping is raised in 3 ramps to a square pedestal with ball finial; gateway beneath this is segmental-headed and has rusticated surrounds with figured keystone. Ornamental wrought iron gate slightly damaged.”*

The dwelling is served by a narrow single lane access road leading north west from Newchurch Road, which also serves several other residential properties including Rockcliffe Villas and two other dwellings. The gate piers of the vehicular access road, adjacent to Newchurch Road, are also Grade II Listed – the list description reads:

*“Gate piers and wall between them, probably c.1890. Sandstone ashlar. Six piers of square section, c.3 metres high, the 4 in the centre framing main and side gateways (gates missing) and linked to the outer piers by S-curved wall which formerly carried railings (now missing). The piers have vermiculated bands, dentilled caps with segmental-headed faces (these elaborately carved and all different) and round-topped finials with recessed fanlight-carved faces (finials missing from innermost pair).”*

The adjacent buildings to the north west of the dwelling are also Grade II Listed (as ‘Stables and Coach House to Rockcliffe House’).

The site in question lies within the defined urban boundary, and all trees on the site are covered by an area Tree Preservation Order (ref: T2/59/A1).

### 3. RELEVANT PLANNING HISTORY

**2011/0603** – Listed Building Consent for internal alterations forming new door opening, blocking existing openings up, refurbishing windows, removing fireplaces and providing suspended ceilings to some rooms, tanking the basement and carrying out stonework repairs externally (Approved)

**2012/0222** - Listed Building Consent for the erection of a single storey extension to the north western corner of the building and erection of 2m high wrought iron fence to boundary with Wesley Place (Approved)

**2012/0223** - Erection of single storey extension to north western corner of the property and erection of 2m high wrought iron fence along boundary with Wesley Place including entrance gates (Approved)

**2017/0003/PREAPP** – Pre application advice on the proposed change of use of the building from a residential dwelling to spa with overnight accommodation and creation of a new vehicular access road

### 4. PROPOSAL

Planning permission is sought for the proposed change of use of the dwelling to a bed and breakfast facility providing overnight visitor accommodation for up to 20 guests. The scheme incorporates 7 bedrooms (5 at first floor level and 2 at second floor level). Only 2 of the proposed bedrooms have en-suite accommodation with the remaining bedrooms sharing 2 bathrooms on the first floor.

At ground floor level there is a kitchen, swimming pool, bar area, 2 lounges and a dining room with a cinema room and gym within the basement.

Permission is also sought for the creation of a vehicular passing place on the north side of the existing access road, which would be resurfaced and would serve as the access to the facility.

No physical works (either external or internal) are proposed to the Listed Building.

The submitted documentation states:

*“This Full Plans application seeks to apply for the change of use of the residential dwelling known as Rockcliffe House, to become a Bed and Breakfast.*

*The proposal will include resurfacing of the access road, introduction of 2 no. vehicle passing places, the provision for driveway lighting, removal of bushes, and over grown weeds, a general tidy up of the access track. Parking for visitors and staff within the Rockcliffe House site will also be provided.*

*There would be no work or changes to the external and internal elements of the listed building. It is proposed to open the house for bed and breakfast use for up to 20 guests, to be booked through travel sites or social media.*

*The site would be offered to single bookings or small groups looking for a relaxation experience. Pre-booking of SPA treatments such as massages, beauty treatments etc. will be offered and undertaken by professionals. This offer would be provided at booking stage to allow the movement of staff and other professionals to be reviewed and monitored.”*

In terms of the operation of the proposed facility, the supporting information states:

*“Visitors will be advised to book in between the hours of 1pm and 3pm and between 6pm and 8pm. Booking out would be between 10am and 12noon.*

*The proposal is for a Bed and Breakfast. This would be for single or group bookings; however the following restrictions will apply:*

- *Limits on noise and music*
- *Last entry to site 11pm*
- *First exit from site 7:30am”*

## **5. POLICY CONTEXT**

### **National**

#### **National Planning Policy Framework (2012)**

- Section 1 – Building a Strong, Competitive Economy
- Section 4 – Promoting Sustainable Transport
- Section 7 – Requiring Good Design
- Section 11 – Conserving and Enhancing the Natural Environment
- Section 12 – Conserving and Enhancing the Historic Environment

### **Development Plan Policies**

#### **Rossendale Core Strategy DPD (2011)**

- AVP2 – Bacup, Stacksteads, Britannia and Weir
- Policy 1 – General Development Locations and Principles
- Policy 9 – Accessibility
- Policy 14 – Tourism
- Policy 15 – Overnight Visitor Accommodation
- Policy 16 – Preserving and Enhancing the Built Environment
- Policy 23 – Promoting High Quality Designed Spaces
- Policy 24 – Planning Application Requirements

### **Other Material Considerations**

- National Planning Practice Guidance
- The Planning (Listed Buildings and Conservation Areas) Act 1990

## 6. CONSULTATION RESPONSES

Consultee	Comment
United Utilities	No comments have been received
RBC Conservation Officer	No objection
LCC Highways	No objection subject to conditions
RBC Environmental Health	No objection

## 7. REPRESENTATIONS

To accord with the General Development Procedure Order neighbours were sent letters on 04/10/2017 and a site notice was posted on 06/10/2017. A notice was published in the Rossendale Free Press on 20/10/2017.

39 letters of objection have been received raising the following points:

- Noise impacts on neighbouring properties.
- Impacts on privacy and amenity of neighbours.
- Increased traffic, parking and highway safety issues.
- Venue likely to be used for hen and stag parties, with associated disturbance.
- Harm to the listed building.
- Harm to protected trees.
- The area is unsuitable for a Bed & Breakfast / Hotel.
- Scheme could cause increases in surface water run-off to nearby properties.
- Harm to wildlife.
- Scheme could cause light pollution.
- Increased maintenance issues on the access road.

2 other representations have been received raising the following points:

- The scheme would provide useful accommodation for business travellers visiting local firms.
- The site is near to several places of interest.
- The scheme would assist in securing investment in the area and creating employment.

## 8. ASSESSMENT

### Principle

1. The site is located within the urban boundary, where Policy 1 of the Core Strategy seeks to locate the majority of new development.
2. Policy 14 (Tourism) of the Core Strategy states:

*“Tourism growth will capitalise on leisure pursuits and the unique sense of place within the Valley, including its heritage assets, giving particular emphasis to the east of the Borough.”*

*“Tourism throughout the Borough will be promoted by:*

- *Support for the clustering of tourism related activities*
- *Taking a positive approach to development of complementary accommodation and hospitality facilities”*

3. The policy then goes on to state:

*“Rossendale has a strong cultural offer, and proposals for the enhancement of existing facilities and activities as well as the development of new facilities and activities will be considered favourably.”*

*“...features of local heritage interest will be protected and enhanced for their own value, their value to local residents and for their tourism value.”*

4. Policy 15 (Overnight Visitor Accommodation) of the Core Strategy states:

*“The Council will take a positive approach to new, small-scale, high quality visitor accommodation. This includes hotels, bed and breakfast establishments, self-catering facilities, bed and tack, camping barns, and sites to be used for camping and caravanning. Proposals will be supported particularly where use is made of existing buildings.*

*Proposals will be supported at locations both within and outside of the urban boundary where:*

- They are appropriate to their locality (including in terms of size, amenity to neighbouring uses), and*
- They are complementary to existing tourism facilities, and*
- Access is good by a variety of modes (with no adverse effects on the local road network), and*
- The capacity of existing infrastructure is adequate, and*
- There are no harmful effects on visual amenity, landscape, or nature conservation assets, and*
- The development will not reduce the amount of land in use for the purposes of open space or recreation, and*
- Where need can be demonstrated.”*

5. The Core Strategy identifies the current lack of overnight visitor accommodation within the borough as a ‘key issue’ on page 25. It is established that there is a need for such accommodation within the borough, to support the tourist economy. The supporting text for Policy 15 of the Core Strategy identifies Rossendale as having one of the lowest numbers of overnight accommodation stays in the sub-region.

6. It has been brought to the case officer’s attention that there is a restrictive covenant on the property which states that property can only be used as a private dwellinghouse. This is a legal covenant and is not a material planning consideration; however the applicant’s agent has been made aware of this covenant along with the fact that notwithstanding the planning decision the existence of this covenant may hinder the proposed change of use. It is understood that the applicant is taking legal advice on the matter, and does not consider that the covenant will ultimately prevent the proposed change of use from taking place.

7. The acceptability of the proposed scheme in terms of visual amenity, heritage, neighbour amenity and access, parking and highway safety will be assessed below. However, it is considered that in light of the above policies, there is in-principle policy support for the development of a bed and breakfast accommodation facility at the site.

## Visual Amenity and Heritage Impact

8. Section 16 of The Planning (Listed Buildings and Conservation Areas) Act 1990 states that Local Authorities must pay special attention to the desirability of conserving Listed Buildings, their setting and any features of special architectural or historic interest which they possess.
9. Policy 16 of Rossendale Borough Council's Core Strategy states that the Council will protect Rossendale's historic built environment by ensuring that development is located in a way that respects the distinctive quality of the historic landscape and setting, and retains or enhances character.
10. The proposed scheme would utilise the existing Rockcliffe House building, and no internal or external alterations to the building have been proposed. It is a positive consideration that the scheme will secure the future use of the building without the need for any significant modification.
11. The existing access road would be re-surfaced and a passing place would be created on its north side. Low level lighting would be installed along the length of the access road. It is not considered that these works would have any significant negative impact in terms of visual amenity or their impact on any of the nearby listed structures.
12. In order to create the proposed passing place, it would be necessary for some trees to be removed on the north side of the access road. However, a tree survey has been submitted and it is considered that the proposed passing place can be created without the need for removal of high quality specimens. In any case, it is considered appropriate to include a condition requiring the submission of a method statement to demonstrate how the passing place will be constructed whilst avoiding harm to trees, and if it is necessary to remove any trees provide full details of compensatory planting.
13. The Council's Conservation Officer has no objection to the proposed scheme.
14. The proposed scheme is considered acceptable in terms of visual amenity and heritage impact.

## Neighbour Amenity

15. Objections have been received from members of the public raising concerns that the proposed scheme would cause noise nuisance and a loss of privacy to neighbouring properties. The applicant's agent has provided a response to the objections received which can be viewed in full on the Council's website and is summarised as follows:
  - **Safety and Traffic**
    - Rockcliffe Villas benefit from front and rear gardens which could be used for their resident's leisure and the houses are situated close to Stubby Lee and Moorlands Park, a recognised area of public open space.
    - The access road to these dwellings has never been intended for the purpose of children at play.
    - It is intended also to install low level lighting on the road to reduce dangers on a very dark access road.
    - The increase in traffic movement has been assessed and is limited to no more than eleven cars per day, which will adhere to the 5mph speed limit

- The passing point will reduce the need for reversing and turning, reducing danger further.
- No gates will be installed.
- Sleeping policemen will not be installed.
- **Parking/Guest numbers**
  - The maximum number of vehicles at Rockcliffe House at any one time will be eleven - nine cars for guests and two for staff.
  - When carrying out bookings, guests will be advised of parking arrangements and the Business Manager will control the number of guests to maintain parking according to availability.
  - This Application clearly states Change of Use from Residential to Bed & Breakfast accommodation for a maximum of twenty guests.
  - The booking system will advise that the guests should only use Satellite Navigation until within one mile of Rockcliffe House and then to use the directions provided to the access road.
- **Trees and Wildlife**
  - The protected trees on site have not been appropriately maintained for many years and an appointed Tree Surveyor has stated that several dead/diseased trees should be removed, thus improving canopy spread of the healthy trees.
  - Issues have also been raised over the construction of passing places and the effects on tree roots. The Tree Survey demonstrates that the one passing place will have no effect on the roots, subject to construction and tree root mitigation measures being implemented.
  - This proposal does not impact on the wildlife and ecology of the area
- **Noise Pollution**
  - Many objectors are concerned that noise generated from 'parties' will have an impact on the area. The Application is for a Bed & Breakfast facility to allow a maximum of twenty guests to use the facility. These guests will have to adhere to strict noise criteria and it is advised that a restriction will be imposed with regards to opening the rear doors from the swimming pool to the paved courtyard and gardens.
  - Guests will be advised of opening/closing times for the house gates however, the establishment is designed so that the guests will want to stay and relax without the need to leave site on a regular basis.
  - There will be CCTV and management on site to ensure that guests adhere to the noise policy.
- **Light Pollution**
  - This proposal does not seek to alter the grounds of the property nor provide additional lights other than the low level lighting on the access road.
- **Flood Risk**
  - The site does not lie within a recognised flood risk zone and trees will only be removed if dead/diseased in which case, their roots will no longer be working towards water control.
- **Planning Proposal**
  - This is for a change of use to a bed and breakfast- it is not a business that wants to attract Stag and Hen Parties.



- **Access Road**

- The Applicant has two-thirds ownership of the access road and is prepared to resurface and upgrade to Lancashire County Council Standards
- A full and proper review of drainage will be carried out and water run-off if deemed an issue, will be considered and designed accordingly.

16. The Council's Environmental Health Officer has no objection in principle to the proposed scheme, but has raised some concerns that the venue could be used for parties (leading to noise nuisance) and over poolside supervision.

17. However, it is considered that the building's current lawful use as a dwelling could equally be used for unsupervised private parties, and there are currently no restrictions on the amount of guests that could be present at such events. Such parties could also take place outside the building in its grounds, causing noise nuisance to neighbouring residents.

18. It is not considered that the proposed use of the building as bed and breakfast accommodation would necessarily result in a greater likelihood of noise disturbance than exists currently as a private dwelling.

19. Currently, there is no restriction on the number of people that may attend parties at the dwelling and nothing to require that guests to the property are only those who are staying overnight. The application is for a bed and breakfast facility, if the premises were used as a 'venue' to which other people could attend other than the guests of the bed and breakfast this is potentially moving away from a bed and breakfast use to a mixed use and would need planning permission in its own right.

20. Additionally separate legislation exists which enables the Council's Environmental Health team to take action against statutory nuisance should it be necessary.

21. The Council's Environmental Health Officer has raised issues concerning appropriate poolside supervision / health & safety however this would be controlled under separate legislation and are not a material planning consideration.

22. Given the above the scheme is considered acceptable in terms of neighbour amenity.

#### Access, Parking and Highway Safety

23. The proposed scheme would not entail any change to the existing parking and access arrangements to the building, other than the creation of a vehicular passing place. The parking spaces currently available within the grounds of the building would continue to be available for guests and staff. The submitted plans detail 11 parking places which is sufficient for a 7 bed roomed bed and breakfast as proposed.

24. Resident's concerns are noted, however, the Local Highway Authority has no objection to the proposed scheme. The Highway Engineer has suggested the following conditions:

- The use of the venue should be restricted for use by customers who are resident at the bed and breakfast;
- A road marking scheme for Newchurch Road at the site access to improve visibility to the south should be submitted for approval to the LPA and implemented prior to the first trading of the business;
- The passing place shall be implemented prior to first trading of the business and shall be constructed of a porous bound material.

25. It is important however to note that the application being considered is not for a 'venue' it is for a bed and breakfast. If the facility became a 'venue' in its own right which attracted other customers other than the guests of the bed and breakfast this may need permission in its right. It would not be possible to restrict the use as required by the Highway Engineer by a planning condition as it would not meet the necessary condition tests.

26. Subject to the other conditions above, the scheme is considered acceptable in terms of access, parking and highway safety.

## 9. RECOMMENDATION

Approve planning permission subject to conditions.

## 10. SUMMARY REASON FOR APPROVAL

The proposed development is appropriate within the urban boundary and it is considered that the scheme would not unduly detract from visual and neighbour amenity, heritage value or highway safety. It is considered that the development is in accordance with the National Planning Policy Framework and Policies 1, 9, 14, 15, 16, 23, 24 and AVP2 of the adopted Core Strategy DPD.

## 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 Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the following:

- Application form date stamped 29<sup>th</sup> September 2017 by the Local Planning Authority.
- Site Location Plan / Proposed Site Plan (Drawing Number 2017-31-01-D) date stamped 29<sup>th</sup> November 2017 by the Local Planning Authority.
- Existing and Proposed Plans (Drawing Number 2017-31-02-A) date stamped 11<sup>th</sup> September 2017 by the Local Planning Authority
- Existing and Proposed Elevations (Drawing Number 2017-31-03-A) date stamped 11<sup>th</sup> September 2017 by the Local Planning Authority
- Proposed Parking Plan (Drawing Number 2017-31-04-A) date stamped 11<sup>th</sup> September 2017 by the Local Planning Authority

Reason: For the avoidance of doubt.

3. Any construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.

Reason: To safeguard the amenities of neighbours.

4. No development shall take place until full details of the proposed low level lighting to be installed along the access road have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a scale elevation drawing of one of the proposed lights, a site plan showing the exact location of the proposed lights, and trade literature detailing the type of lights to be installed. The development shall thereafter be implemented in accordance with the approved details prior to the first use of the bed and breakfast hereby approved.

Reason: In the interests of visual amenity, neighbour amenity and highway safety.

5. No development shall take place until a scheme showing how the approved passing place (shown on approved drawing 2017-31-01-D) shall be constructed has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a method statement compiled by a qualified arboriculturalist demonstrating how the passing place will be constructed in a manner to avoid harm to the surrounding trees which are covered by a Tree Preservation Order. Where it is necessary to remove any trees, full details of proposed replacement planting shall form part of the above scheme.

The passing place shall be constructed of a porous bound material and made available for use, in accordance with the approved details, prior to the first use of the bed and breakfast hereby approved.

Any necessary tree replacement shall be carried out in accordance with the approved details within the first planting and seeding seasons following the first use of the bed and breakfast or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of highway safety, visual amenity and the continued protection of the important trees.

6. No development shall take place until a road marking scheme for Newchurch Road adjacent to the site access to improve visibility to the south has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first use of the bed and breakfast facility hereby approved.

Reason: In the interests of highway safety.

## 12. INFORMATIVES

1. The Local Planning Authority has a Core Strategy (adopted in November 2011) and a series of Supplementary Planning Documents, which can be viewed at: [http://www.rossendale.gov.uk/downloads/download/331/core\\_strategy\\_local\\_plan\\_part\\_1\\_adopted](http://www.rossendale.gov.uk/downloads/download/331/core_strategy_local_plan_part_1_adopted)

The Council operates a pre-application planning advice service. All applicants are encouraged to engage with the Local Planning Authority at the pre-application stage. In this case the applicant did engage in pre-application discussions.

The Local Planning Authority has considered the application and where necessary considered either the imposition of planning conditions and/or sought reasonable amendments to the application in order to deliver a sustainable form of development in accordance with the National Planning Policy Framework and the local planning policy context.

2. The grant of planning permission will require the applicant to enter into a Section 278 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 Lancashire County Council, Highway Development Control email - [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.