

<b>Application Number:</b>	2017/0640	<b>Application Type:</b>	Full
<b>Proposal:</b>	Demolition of existing public house and erection of 6 no. new dwellings (3 no. three-bedroom and 3 no. four-bedroom) with associated levelling, access and landscaping works (resubmission of application 2017/0415)	<b>Location:</b>	Weir Hotel, Burnley Road, Weir, OL13 8QE
<b>Report of:</b>	Planning Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	27 <sup>th</sup> February 2018
<b>Applicant(s):</b>	Mr J Lancaster	<b>Determination Expiry Date:</b>	2 <sup>nd</sup> March 2018
<b>Agent:</b>	N/A		

<b>Contact Officer:</b>	<b>James Dalglish</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

Approve full planning permission subject to the conditions set out in section 10.

## **APPLICATION DETAILS**

### **2. SITE**

The site comprises two distinct parcels of land; the former Weir Hotel Public House which fronts the west side of Burnley Road and its associated car park which is also located on the west side of Burnley Road, to the south side of the unnamed access track which leads to Heyslacks Farm (which also carries a public footpath).

The public house is a vacant two storey building of stone and slate construction, with associated land to the side and rear. The car park is 0.08 hectares in size, with a long narrow shape and a tree lined boundary to the south. Immediately adjacent to the car park is a detached garage building that is excluded from the application site.

Both parcels of land are located within the urban boundary, with the car park being located on the boundary of the countryside area which forms land immediately to the south and west. The site is not within or adjacent to a conservation area, and there are no listed buildings within the vicinity.

Surrounding land uses are predominantly open fields to the south and west, with housing to the north and east. The character of the surrounding properties is defined by two distinct types of housing; traditional terraced properties of stone and slate construction which are located opposite the public house on Burnley Road, and detached dwellings of brown brick and concrete tile construction on Hillside Crescent to the north west. A bus stop and shelter are located adjacent to the site on Burnley Road.

### **3. RELEVANT PLANNING HISTORY**

2017/0016/PREAPP – Pre-application advice on the conversion of former hotel into 2 dwellings and erection of 5 new dwellings on former car park.

2017/0415 - Demolition of existing public house and erection of 7 no. new dwellings (4 no. three-bedroom and 3 no. two-bedroom) with associated levelling, access and landscaping works (Withdrawn)

### **4. PROPOSAL**

It is proposed to demolish the existing vacant public house, and redevelop the entire site for residential purposes.

Six new dwellings would be constructed comprising:

- Three new two storey three-bedroom terraced dwellings on the site of the former public house
- Three new two storey four-bedroom detached dwellings on the site of the former car park

The proposed dwellings would be of coursed natural stone construction with natural blue slate roofs. The rear elevations of the three terraced dwellings would be the exception to this, being rendered rather than finished in coursed stone.

Access to the site would be via the existing access of Burnley Road. Each of the dwellings would be provided with three off-street parking spaces. Parking spaces would be provided in the space behind and to the north side of the proposed terraced dwellings (which would front Burnley Road), and each of the proposed detached dwellings would have their parking spaces located on driveways to their sides. The detached dwellings would each have an attached domestic store.

Given the sloping nature of the site, the three detached plots on the site of the former car park would be stepped with a retaining wall between each plot. Each of the dwellings would be set within a private garden area.

All dwellings would have UPVC window and door units, with patio doors on the rear elevations.

## 5. POLICY CONTEXT

### **National**

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

Section 1	Building a Strong Competitive Economy
Section 4	Promoting Sustainable Transport
Section 6	Delivering a Wide Choice of High Quality Homes
Section 7	Requiring Good Design
Section 8	Promoting Healthy Communities
Section 10	Meeting the Challenges of Climate Change, Flooding, etc
Section 11	Conserving and Enhancing the Natural Environment
Section 12	Conserving and Enhancing the Historic Environment

### **Development Plan Policies**

AVP 2	Area Vision for Bacup, Stacksteads, Britannia and Weir
Policy 1	General Development Locations and Principles
Policy 7	Social infrastructure
Policy 8	Transport
Policy 9	Accessibility
Policy 17	Rosendale's Green Infrastructure
Policy 18	Biodiversity and Landscape Conservation
Policy 19	Climate Change and Low & Zero Carbon Sources of Energy
Policy 23	Promoting High Quality Design & Spaces
Policy 24	Planning Application Requirements

### **Other Material Considerations**

National Planning Practice Guidance  
RBC Alterations and Extensions to Residential Properties SPD

## 6. CONSULTATION RESPONSES

### **LCC Highways**

No objection subject to conditions.

LCC Public Rights of Way

No comments have been received.

Contaminated Land

No comments have been received, but comments were received in relation to application 2017/0415 which recommended conditions.

Ecology

No objection subject to condition.

LCC Lead Local Flood Authority

No comments to make on the application.

United Utilities

No objection subject to conditions.

The Coal Authority

No objection subject to condition.

RBC Operations

No comments have been received.

Cadent Gas

No comments to make on the application.

RBC Property Services

No comments to make on the application.

Environment Agency

No comments have been received.

## **7. REPRESENTATIONS**

To accord with the General Development Procedure Order a site notice was posted on 12/01/2018 and 36 neighbour letters were sent out on 08/01/2018.

Six letters of objection have been received, raising the following points:

- Harm to highway safety.
- Harm to biodiversity.
- Coal mining legacy issues.
- Boundary issues / inaccuracies.
- Loss of community asset (public house).
- Potential issues with surface water run-off.
- Isolated location of proposed dwellings.
- Inadequate local infrastructure to support more dwellings.
- Lack of privacy for the residents of the proposed bungalows.
- Impacts on public rights of way.
- Under-provision of parking.
- Inadequate private amenity space for residents.

- Inappropriate design and appearance.
- Over-development of the site.
- Inaccuracies in submission.
- Portakabin on adjacent land is an eye sore.

## 8. ASSESSMENT

### Principle

1. The site constitutes previously developed land within the defined urban boundary. The site is in a relatively sustainable location, accessible by public transport, with a bus stop located immediately adjacent to the site to the east, which provides direct links to Bacup and other settlements.
2. The Council cannot currently demonstrate a five-year supply of deliverable housing sites based on Full Objectively Assessed Need (FOAN), and therefore certain Core Strategy policies concerned with the supply of housing cannot be considered up-to-date (in line with paragraph 49 of the Framework). Notwithstanding this, Policy 1 directs new development to the Urban Boundary (the site is within this area) and requires individual planning applications to make the best use of under-used, vacant and derelict land and buildings.
3. Policy 7 of the Core Strategy seeks to resist developments that would result in the loss of social infrastructure / community facilities such as pubs and clubs, and that all of the following factors will be considered when assessing applications for such development:
  - *The availability of alternatives within 15 minutes travelling time by non-car modes*
  - *The financial viability of the existing use*
  - *The results of marketing the site for existing or other community uses for a minimum period of six months*
  - *Whether it is possible for the community facility to be retained in the same locality, but combined with another use*
  - *Significance of loss on the local community*
4. The applicant has confirmed that the property has been marketed since January 2013 by Trevor Dawson (estate agents). The submitted documentation states that some interest was received, but all prospective purchasers were solely interested in redeveloping the site for residential purposes. The applicant states that none of the interested parties wished to continue with the use of the public house.
5. The applicant has submitted supporting information from the estate agents indicating that the property was marketed at a price of £120,000.
6. The applicant has provided a statement to demonstrate the availability of other pubs and community facilities within 15 minutes travel time by non-car modes. Four public houses and seven other community facilities are shown to be within 15 minutes travel.
7. The statement indicates that the current use of the building is not financially viable, which is supported by the fact that the property has failed to sell despite a long period of marketing.
8. The retention of a public house alongside residential development for part of the building is also not deemed to be financially viable.

9. Given that the use of the building as a public house has not been on-going for some years, and that the building has been marketed since January 2013 and has not sold, it is accepted that the use of the building as a public house again in future is unlikely.
10. Given the alternative provision of public houses within 15 minutes travel time by non-car modes of transport, in line with Policy 7 of the Core Strategy it is not considered that the loss of the public house to residential use would be unduly detrimental to social infrastructure provision in the local area or have a significant impact on the local community.
11. The Coal Authority has no objection to the scheme subject to a condition requiring the submission and approval of full site investigation report and scheme of mitigation prior to any works taking place on site.
12. The scheme is considered acceptable in principle.

### Visual Amenity

13. The site lies in a prominent position, elevated from Burnley Road and is located at the urban / rural interface.
14. The proposed dwellings would be visible from Burnley Road and the nearby public footpaths (one of which is carried by the access road through the site).
15. Paragraph 17 of the Framework includes 12 core planning principles including [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; and  
Take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.”*
16. Paragraph 58 of the Framework aims to ensure that developments:
 

*“Will function well and add to the overall quality of the area;  
Respond to local character and history, and reflect the identity of local surroundings and materials;  
Are visually attractive as a result of good architecture and appropriate landscaping.”*
17. Policy 24 of the Core Strategy seeks to ensure that new development is *“compatible with its surroundings in terms of style, siting, layout, orientation, visual impact, local context and views, scale, massing, height, density, materials and detailing”*.
18. The three terraced dwellings fronting Burnley Road would be appropriate in the context of the numerous other terraced dwellings in the vicinity, and their front and side elevations would be faced in natural stone which would match closely the surrounding properties.
19. The layout of the previously submitted scheme for seven new dwellings (2017/0415) was considered to be cramped and contrived, and the applicant has sought to address these concerns in the current scheme by reducing the number of proposed houses and siting the detached dwellings in more spacious private garden plots.
20. It is considered that the amended scheme is acceptable in terms of its more spacious and open layout, which better reflects the context of the site and the surrounding development pattern.

21. The design of the proposed detached dwellings is appropriate and of a high quality, and the proposed facing materials are acceptable in the site's wider context. It is however considered necessary to include a condition requiring the submission and approval of samples prior to the commencement of development.

22. Subject to the above, the scheme is considered acceptable in terms of visual amenity.

### 23. Neighbour Amenity

24. Given the separation distances involved, it is not considered that the development would give rise to any significant harm to the amenities enjoyed by residents of any neighbouring residential properties. Window to window separation distances are in excess of the minimums required by the Alterations and Extensions SPD, and it is not considered that the proposed dwellings would cause harmful levels of overlooking to the main private amenity space of any residential properties.

25. Paragraph 17 of the Framework states that new developments should "*always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*".

26. It is considered that the proposed scheme addresses officers' concerns with the previously submitted scheme (2017/0415) and that the proposed sizes of the proposed rear garden areas for the new dwellings (particularly the four proposed detached bungalows) now allows for an adequate amount of private amenity space to be provided for residents of the proposed dwellings.

27. Given the proximity of the site to other residential properties, it is considered appropriate to include a condition restricting the hours of construction on the site.

28. The scheme is considered acceptable in terms of neighbour amenity.

### 29. Access, Parking and Highway Safety

30. The Local Highway Authority has no objection to the proposed scheme subject to conditions requiring:

- A condition survey of the access road.
- Full details of the construction of the access road.
- Management details for the shared access road.
- A height limit of 1 metre for any walls, fences or hedges to the front of plots 4-6.
- Parking areas to be surfaced in porous bound material.
- Access to parking spaces to the rear of plot 3 to be kept clear at all times.
- Construction method statement.

31. Several other conditions have been suggested by the Local Highway Authority (referring to widening the existing access under a S.278 Agreement, obstruction of public rights of way, and connection to the Local Highway Authority's drainage system). However, these issues would be dealt with under separate legislation and / or would not meet the tests for planning conditions set out in the Framework. As such, informatives can be included where appropriate instead.

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

## 9. CONCLUSION

The proposed development is appropriate in principle within the urban boundary. It is considered that the development would not unduly affect the visual amenities of the area, neighbour amenity or highway safety. Accordingly, the scheme is considered to accord with the National Planning Policy Framework and Policies AVP2, 1, 7, 8, 9, 17, 18, 19, 23 and 24 of the Council's Core Strategy DPD (2011).

## 10. CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required by Section 51 of the Planning and Compulsory Purchase 2004 Act.

2. The development shall be carried out in accordance with the following plans and documents unless otherwise required by the conditions below:

- Submitted application form date stamped 27<sup>th</sup> December 2017 by the Local Planning Authority.
- Site Location Plan date stamped 27<sup>th</sup> December 2017 by the Local Planning Authority.
- Proposed Site Plan (Drawing Number 17/008/11B) date stamped 27<sup>th</sup> December 2017 by the Local Planning Authority.
- Proposed Plans and Elevations Plots 1-3 (Drawing Number 17/008/12) date stamped 27<sup>th</sup> December 2017 by the Local Planning Authority.
- Proposed Plans and Elevations Plots 4-6 (Drawing Number 17/008/13A) date stamped 16<sup>th</sup> January 2018 by the Local Planning Authority.
- Proposed Landscape Layout (Drawing Number 102B) date stamped 27<sup>th</sup> December 2017 by the Local Planning Authority.

Reason: To ensure the development complies with the approved plans and submitted details.

3. No development shall take place until full details (including samples) of the proposed facing materials for the external elevations and roof of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of visual amenity.

4. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

5. No development shall take place until a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to 6.5 l/s.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

6. Notwithstanding any information submitted with the application, no development shall take place until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The assessment shall investigate the nature and extent of any contamination on the site (whether or not it originates on the site). The assessment shall be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development takes place. The submitted report shall comprise:

i) where potential risks are identified by the Preliminary Risk Assessment, a site investigation survey of the extent, scale and nature of contamination and;

ii) an assessment of the potential risks to:

- \* human health,
- \* property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes,
- \* adjoining land,
- \* groundwaters and surface waters,
- \* ecological systems,
- \* archaeological sites and ancient monuments;

iii) where unacceptable risks are identified, an appraisal of remedial options and proposal of the preferred option(s) to form a remediation strategy for the site.

The development shall thereafter be carried out in full accordance with the duly approved remediation strategy.

Reason: In the interests of protecting future occupants of the development from hazards associated with land contamination and in the interests of preventing pollution.

7. Pursuant to condition 6 and prior to first occupation of any of the dwellings hereby approved, a verification report, which validates that all remedial works undertaken on site were completed in accordance with those agreed with the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of protecting future occupants of the development from hazards associated with land contamination and in the interests of preventing pollution.

8. No development shall take place until a scheme of intrusive site investigation (which is adequate to properly assess the ground conditions and the potential risks posed to the

development by past coal mining activity) has been carried out and a report detailing findings arising from the site investigation (including full details of any necessary remedial works) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of safeguarding the development from any risks associated with past coal mining activity.

9. No development shall take place until a survey has been carried out, and submitted to the Local Planning Authority, to determine the condition of the un-named lane which passes through the site. A similar survey shall be carried out every six months, with the final inspection to take place within one month of the completion of the final dwelling. The final survey shall be submitted to the Local Planning Authority. The developer shall make good any damage to the un-named lane to return it to its condition prior to the development taking place.

Reason: To maintain the condition of the un-named lane which passes through the site, in the interest of highway safety.

10. No development shall take place until full engineering, drainage, and constructional details of the streets proposed for construction have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interest of highway safety.

11. No development shall take place until full details of the proposed management and maintenance arrangements for the un-named lane that passes through the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include details of the constitution of a Private Management and Maintenance Company. The un-named lane shall thereafter be managed and maintained in accordance with the approved details.

Reason: To maintain the condition of the un-named lane which passes through the site, in the interest of highway safety.

12. No wall, fence, hedge, tree, shrub or other such treatment over 1m in height above road level shall be built or planted at any point in front of the building line on plots 4, 5 and 6.

Reason: In order to maintain the visibility of the access to the parking associated with plots 4, 5 and 6 in the interests of highway safety.

13. Prior to first occupation of any dwelling hereby approved, the vehicular parking areas and driveways associated with that dwelling shall be surfaced with a porous bound material.

Reason: In the interests of highway safety.

14. At no time shall any physical barrier such as a fence or wall of any height be erected across the access to the parking area to the rear of plot 3.

Reason: In order to keep the access clear at all times and prevent obstruction of the adjacent lane.

15. No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Wheel washing facilities
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: In the interests of highway safety.

16. 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.

## **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\\_ad\\_opted](http://www.rossendale.gov.uk/downloads/download/331/core_strategy_local_plan_part_1_ad_opted)

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 not 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. If, during any works on site, contamination is suspected or found, or contamination is caused, the Local Planning Authority shall be notified immediately. Where required, a

suitable risk assessment shall be carried out and/or any remedial action shall be carried out in accordance to an agreed process and within agreed timescales in agreement with the Local Planning Authority.

3. The applicant is reminded that bats are mobile in their habits and can turn up in unexpected locations. If during development works a bat (or an accumulation of bat droppings) is discovered at any time, work shall cease whilst an experienced bat ecologist is contacted for guidance and assistance.

4. The new site access and associated off-site works will need to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority 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 is advised to contact the Community Services before works begin on site. Further information and advice can be found at [www.lancashire.gov.uk](http://www.lancashire.gov.uk) - please search for 278 agreement.

5. The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act. Further details can be found by contacting [PROW@lancashire.gov.uk](mailto:PROW@lancashire.gov.uk)

6. This planning permission does not grant approval for a connection to be made to the County Council's highway drainage system.