

<b>Application Number:</b>	2019/0023	<b>Application Type:</b>	Full
<b>Proposal:</b>	Change of use from games room to snack bar.	<b>Location:</b>	Rossendale Holiday Cottages, Dean Lane, Water
<b>Report of:</b>	Planning Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	08/03/2019
<b>Applicant:</b>	Mr & Mrs J Wilson	<b>Determination Expiry Date:</b>	20/03/2017 (Extension of Time until 27/03/19)
<b>Agent:</b>	PPY Design Ltd		

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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

That the Planning Committee be minded to grant Planning Permission subject to the conditions set out in Section 10.

## APPLICATION DETAILS

### 2. SITE

The premises known as Rossendale Holiday Cottages comprise two freestanding single storey buildings constructed of a combination of natural stone, cream rendered blockwork and vertical timber cladding under natural blue slate roofs. They collectively occupy a relatively isolated position approximately 470

metres north east of the junction of Burnley Road East and Dean Lane within a Countryside Area as identified by the Council's adopted Development Plan.

### 3. RELEVANT PLANNING HISTORY

2012/0461 - Erection of 3 no. holiday lets, and alterations to existing stables as approved under application 2008/0416 as well as works to the car parking area (amended description) – Approved 12/12/12

2015/0248 - Erection of new shower block and gym/treatment room and 7 holiday huts with associated car parking – Approved 11/12/15

2016/0144 -Change of use from stables to 4 guest rooms, construction of 2 guest rooms with communal area and construction of new stable block – Approved 09/06/16

2017/0624 - Erection of guesthouse accommodation comprising 8 guestrooms (Use Class C1) and associated facilities including lounge, restaurant, spa, and cinema room in addition to landscaping, car parking and access road – Refused 20/06/18 on highway safety, noise nuisance, overdevelopment and visual amenity grounds.

2018/0424 - Erection of guest house accommodation comprising 8 guest rooms for a maximum additional occupancy of 16 people (Use Class C1), with associated facilities including lounge, restaurant, spa, and indoor pool, in addition to landscaping, car parking and access road – Approved 03/10/18

### 4. PROPOSAL

Planning permission is sought to change the use of an ancillary games room to an ancillary snack bar. This is to be used solely by guests occupying the holiday cottages and by employees of the business. No significant external or internal alterations are proposed.

NB: The proposed scheme does not require formal planning permission. However, the applicants have asked that the application be formally determined.

### 5. POLICY CONTEXT

#### National

#### National Planning Policy Framework (2018)

Section 2 Achieving Sustainable Development  
Section 12 Achieving Well Designed Places  
Section 15 Conserving and Enhancing the Natural Environment

#### Development Plan Policies

#### RBC Core Strategy (2011)

Policy 1 General Development Locations and Principles  
Policy 14 Tourism

- Policy 15 Overnight Visitor Accommodation
- Policy 21 Supporting the Rural Economy and its Communities
- Policy 23 Promoting High Quality Design and Spaces
- Policy 24 Planning Application Requirements

## **Other**

None

## **6. CONSULTATION RESPONSES**

LCC Highways: No objections provided that the snack bar is used solely in conjunction with the holiday cottages.

LCC Rights of Way Officer: No observations received.

RBC Environmental Health: Have no comments to make on the proposal.

## **7. REPRESENTATIONS**

The application was advertised solely by posting a site notice outside of the site in this instance. This was posted on 6th February 2019 giving 21 days to comment. The publicity period has now expired and thirteen letters of objection have since been received. The objections are:-

- a) that a development of this nature would appear out of keeping in this rural countryside setting,
- b) that the proposal will lead to 'on-street' parking on Dean Lane to the detriment of the free flow of other vehicular, pedestrian and animal users of that highway,
- c) that the proposal will lead to an unacceptable increase in traffic using Dean Lane to the detriment of highway safety in the area,
- d) that the development will lead to noise, odour and light pollution, and will generate litter,
- e) that a development of this nature will lead to more people congregating outside of the premises,
- f) that the proposal will constitute overdevelopment,
- g) that the snack bar would pose a risk to sheep and horses,
- h) that the development would have a negative impact upon existing local businesses,
- i) that there is no need for a snack bar here as the holiday cottages already have planning permission for a bar and restaurant,
- j) that insufficient information has been submitted with this application to enable the implications of the proposal to be properly assessed.

## **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 proposed snack bar is to be used solely in conjunction with the existing holiday cottage business and can therefore essentially be viewed as a form of leisure/tourism development in this instance. It is considered that it would satisfy the relevant planning policies governing development of this nature for the following reasons:-

- it would represent a sustainable form of development in so far as it proposes the re-use of part of an existing building that is located on the premises that it is intended to serve. This is 'in line' with the requirements of Section 2 of the NPPF and Policy 1 of the Core Strategy.

- it is contended that the snack bar would provide a facility that would both compliment and support the existing rural business without altering the outer appearance of the building. The proposal is therefore also considered to meet the relevant requirements of Policies 14, 15 and 21 of the Core Strategy in this regard.

In view of the above the proposal is considered to be acceptable in pure planning policy terms.

### Visual Amenity and Countryside Impact

It is not proposed to make any external alterations to the building as part of this proposal. Consequently the development will have no impact upon the outer appearance of the premises or upon the appearance of the surrounding area despite concerns to the contrary.

### Neighbour Amenity

The proposal does not involve any enlargement of the building or the introduction of any new openings in the external walls. The building also stands over 120 metres away from the nearest separately owned dwelling (66 Dean Lane which lies to the west). In view of this it is contended that the development will not have any effect upon the level of light and/or privacy currently enjoyed by the neighbouring properties.

A snack bar has the potential to disturb neighbouring properties through both noise and odour. However, in this instance it is to be located next to, and used wholly in conjunction with, the holiday cottages; will be very small having a floor area of just 15 square metres; and will be located well away from the nearest separately owned property (see above). Consequently it is contended that it will not cause any significant disturbance to the occupiers of any neighbouring property through either noise or odour despite concerns to the contrary. This view is supported by the Council's Environmental Health Service.

### Access, Parking and Highway Safety

It is not envisaged, despite concerns to the contrary, that a snack bar of this size will give rise to any undue highway safety concerns if it is used solely in conjunction with the adjoining holiday cottages. This is because used in this way it is unlikely to generate any additional vehicular movements to and from the site over and above those that are already being generated by visitors to the cottages. For the record it is considered that adequate space is available within the site as a whole to allow for the satisfactory parking and turning of vehicles in conjunction with the business. A satisfactory means of gaining vehicular access to and from the site is also considered to be available and this will remain unaltered. The proposal has been assessed by County Highways who raise no objections provided that the snack bar remains purely ancillary to the main holiday cottage use. A condition to ensure this is therefore recommended.

## Other

The concerns raised by local residents in respect of the proposal have been fully assessed as part of the consideration of this application. However they are not considered to represent justifiable reasons for refusing it for reasons given earlier in this report and below:-

- a) it is contended that a proposal of this nature is unlikely to generate significant levels of light pollution or litter, nor is it likely to pose a significant risk to sheep or horses,
- b) it is contended that the proposal will not represent overdevelopment,
- c) as the snack bar is to be used solely by visitors to, and employees working at, the holiday cottages it should not attract general members of the public nor have any significant impact upon local businesses. A condition can be imposed to ensure that it is used in this way.
- d) planning permission cannot reasonably be refused for the snack bar purely because the premises already benefit from an approval for a restaurant.
- e) it is considered that sufficient information has been submitted with this application to enable the implications of the proposal to be properly assessed.

## **9. SUMMARY REASON FOR APPROVAL**

The proposed development is acceptable in principle and, subject to the conditions, will not unduly detract from the visual amenity, neighbour amenity or highway safety. The proposal is considered to accord with the National Planning Policy Framework and Policies AVP3 / 1 / 14 / 15 / 21 / 23 / 24 of the Council's adopted Core Strategy (2011).

## **10. CONDITIONS**

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

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following drawings, unless otherwise required by the conditions below:

<u>Drawing Title</u>	<u>Drwg No</u>	<u>Date Rec'd</u>
Location Plan	JW5-00	23/01/19
Existing and Proposed Site Layout	JW5-01A	07/02/19

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development, in accordance with the requirements of Policies AVP4, 1, 14, 15, 21, 23 and 24 of the Council's adopted Core Strategy Development Plan Document (2011) and Sections 2, 12 and 15 of the National Planning Policy Framework.

3. The snack bar, hereby approved, shall be used solely in conjunction with the existing holiday cottage business.

Reason: It is considered that an independently operated snack bar in this location would fail to satisfy the requirements of Policy 24 of the Council's adopted Core Strategy Development Plan Document (2011) and Section 15 of the National Planning Policy Framework as it would potentially cause disturbance, by reason of both noise and odour, to the occupiers of the adjoining holiday cottages and separately owned dwellings nearby.

## 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 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 proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority. Any intrusive activities which disturb or enter any coal seams, coalmine workings or coal mine entries (shafts and adits) require the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)
3. You are advised to contact the Planning Service before making any external alterations, or installing any signage, to the building as these works could require formal planning permission and/or advertisement consent.
4. A public footpath (FP131) adjoins this site. Please note that it is an offence to obstruct this in any way either before, during or after the completion of the development.