

Hyndburn Borough Council

Report For: Planning Committee

Application Number: 11/19/0358

Full Application: Major Full: conversion of former public house to 10no apartments (1 bed) including demolition of rear annex and changes to windows and insertion of veluxes in roof.

Address: Village Inn Water Street Great Harwood

Date Registered: 21.10.19

Determination by: 30.01.20 (extension agreed)

Applicant: M Ashraf

Agent: LMP Limited

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 site is located on the junction of Lime Street and Water Street in Great Harwood and is currently not operating, but was last operated as a public house (in 2011). There is residential development surrounding the site with empty land opposite, which sits next to the new health centre serving Great Harwood.

The building has a hipped roof which is a strong roof line characteristic of surrounding area and has what appears to be original windows as first floor front elevation.

Summary of Consultations

Public consultation: 2 letters of objection have been received and the following matters raised:

- Parking: the Highways Authority have not objected but they haven't confirmed when they visited and saw the streets clear. The streets are already full and this will mean 20 more cars.
- Who will live in the apartments and will they be maintained. Will the residents be prison releases etc.
- There are already vacant properties in Great Harwood why do we need more flats?

LCC Highways: No objections to the proposals and of the opinion that the proposed development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site.

Condition required: Construction Management Plan

HBC Environmental Health: No objection subject to conditions relating to:

- Site preparation and construction phase
- Noise assessment and mitigation
- Mechanical ventilation

Lancashire Police: No objection but a condition required for security during construction

Lancashire Fire Service: No comments received

HBC Ecology Officer: No objections, conditions relating to nesting boxes and birds and bats are required.

United Utilities: No objection received, advice is provided.

Electricity Northwest: No comments received within 21 day statutory time period.

Coal Authority: The site is within a high risk area, although as this is a change of use only a report is not required at this stage. Advice is provided.

HBC Parks: Offsite contribution towards open space in Hyndburn of £4689

Relevant Planning History

None

Relevant Policies

Hyndburn Core Strategy

- Policy BD1 The Balanced Development Strategy
- Policy H1 Housing Provision
- Policy HC2 Open space
- Policy HC4 Community Benefits/Planning Obligations

- Policy Env4 Sustainable Development and Climate Change
- Policy Env6 High Quality Design
- Policy Env7 Environmental Amenity
- Policy GH1 Housing in Great Harwood

Development Management Development Plan Document

- Policy DM8 Public Houses
- Policy DM10 New Residential Development
- Policy DM11 Open Space Provision in New Residential Development
- Policy DM16 Housing Standards
- Policy DM18 Protection and Enhancement of the Natural Environment
- Policy Dm19 Protected Species
- Policy DM20 Flood risk management and Water Resources
- Policy DM26 Design Quality and Materials
- Policy DM29 Environmental Amenity
- Policy DM31 Waste Management in all Developments
- Policy DM32 Sustainable Transport, Traffic and Highway Safety

Material considerations

- National Planning Policy Framework
- National planning Policy Guidance
- Hyndburn Borough Council Car Parking and Access Standards (2010)
- Householder Design Guide (SPD) 2009
- GN1 Open Space in new residential development
- GN3 Materials and Colour
- GN8 Parking and Access Standards

Principle of the development

Hyndburn's Core Strategy (CS) provides the overriding policy for the Borough. Policy BD1 of the CS discusses the principles which underpin the Local Development Framework for Hyndburn. It is stated in point a that the existing settlement pattern and hierarchy of centres will be maintained and supported by concentrating development within the urban areas and in centres of a scale and type appropriate to their role. Accrington and its townships will accommodate the majority of new development. Modest growth is proposed in Great Harwood, and Rishton can develop in a manner consistent with its size and function. This site is located within the urban area of Great Harwood and as such the principle of development is supported and would be considered to comply with Policy BD1 in this regard.

Policy H1 of the CS allows apartment development within 250m of the centre of Great Harwood. As such the principle of the development is also acceptable in this regard.

CS Policy HC2 and DMDPD Policy DM 8 provide detail of how the loss of community assets, in this case a public house, can be accepted in terms of policy. In this case the applicant has demonstrated that the detail in Policy DM8 has been met in this regard.

The principle of the development is therefore considered acceptable by Officers.

Traffic and Highway Safety

CS Policy Env7 and Development Management Development Plan Document (DMDPD) Policy DM32 are both relevant in terms of traffic and highway safety, along with the provisions of the National Planning Policy Framework (NPPF). Both expect development to be built to certain standards to ensure traffic and highway safety.

The development is for the creation of 10no apartments, which would all be 1bed. There is no parking provided with the development, just on street parking. Objections have been made to the development from 2no separate parties in regard to parking.

The Highways Authority have considered the proposal and have commented that when they visited the site the street parking was not at full capacity (12.11.19 at 10.09am). they have reviewed the Lancashire County Council's five year data base for Personal Injury Accident (PIA). The data base indicates that there has been no incidents within the vicinity of the site. They also note that the original usage created more traffic than the proposed use.

The DMDPD guidance note requires maximum 1 space per 1 bedroom unit to be available for parking. However as this is considered a sustainable location, the lack of parking is considered acceptable to both the Highways Authority and HBC Officers.

Officers consider that the proposal is in line with the relevant planning policy and as there is no objection received from the Highways Authority, as statutory consultee, do not consider that this is a suitable reason to refuse the planning application.

Design and appearance

CS Policy Env6 and DMDPD Policies DM10 and DM26, along with the provisions of the NPPF all require development to be of high quality design.

When the pre application advice was submitted, the applicant proposed changes to the first floor windows (which are original) and the roof line. This was not considered acceptable by Officers in terms of design and as a result of advice given at that stage, the applicant has kept the roof line and agreed to keep the first floor windows. He has added some velux windows in the existing roof and will also remove the rear lean to. All these changes are considered acceptable. Officers are pleased that the windows at first floor will be retained and consider this will lead to a higher quality development than was originally proposed. A condition is included to ensure that the original windows are kept and not replaced.

As there would be no further external changes, the development is considered acceptable in terms of visual amenity.

DMDPD Policy DM16 has specific standards in terms of room sizes, again the applicant has responded to pre application advice and the development is now in line with these requirements. Officers therefore consider the development is acceptable in this regard.

Open Space Provision

CS Policy HC2 and DMDPD Policy DM11 both require open space to be provided within development of 10 units or more. As there is no space within the development to provide this, the applicant has approved to make an off-site contribution of £4689. This will be secured through a s106 agreement between the applicant and the Council.

Officers consider that subject to the s106 being signed the development is therefore acceptable in this regard.

Residential Amenity

CS Policy Env 7 Environmental Amenity, DMDPD Policy DM29 Environmental Amenity and the Council's Householder Design Guide Supplementary Planning Guidance (SPD) all aim to protect other uses adjacent to development. There are specifically distances provided of 21m between habitable room windows and 12 m between gable and habitable room windows which should be maintained. This will prevent overlooking. In this case the area is a densely built up terraced areas where these distances on average are not met. The reposed apartments would not be any closer to nearby properties in terms of overlooking than other houses in that area and as such although not in strict compliance with the policy, due to the layout of the surrounding streets it is not considered that this is a suitable reason to refuse the application.

The Council's Environmental Health Officer has considered the proposal and has made no objection subject to conditions noted in the consultation section of the report. The conditions have been agreed with the agent.

Therefore with the inclusion of the noted conditions, Officers consider the development is acceptable in this regard.

Other matters:

Lancashire Constabulary: Requested that information is included in relation to security during construction, an advice note is added as an informative.

Ecology: Bat and bird boxes have been requested to ensure there is a biodiversity net gain on the site after development in accordance with DMDPD Policy DM18 and also advice is provided in terms of bats and birds during construction.

Coal Authority: The site is within a high risk area, although as this is a change of use and not for new development, an advice note is added as an informative.

Objections have also been received in relation to the people who will live in the apartments and also whether the apartments are needed. The Council has a policy which allows apartment development in this location, and as such this proposal is considered to be in line with that policy and as such acceptable in that regard. In relation to the comments relating to inhabitants of the development. This is not a planning matter as this application is for residential development, not for institutional development such as the type which is referred to in the objector's letter.

Recommendation

That members APPROVE the application subject to the signing of a s106 relating to open space (£4689) and bin provision (£to be confirmed) and the conditions listed below.

Conditions

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

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 91 (as amended) of the Town & Country Planning Act 1990.

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

Application form received 22nd October 2019

Existing floor Plans and Elevations 18/07/E01 received 22nd October 2019

Proposed Floor Plans and Elevations 18/07/P01 Rev A received 22nd October 2019

Location Plan and Site Layout 18/071/L01 received 22nd Oct 2019.

Reason: For the avoidance of doubt and to enable Hyndburn Borough Council adequately control the development and to minimise its impact on the amenities of the local area and to conform with Policies Env6 & Env7 of the Hyndburn Core Strategy.

3. Construction works & associated deliveries shall be restricted to between 0800 and 1800hrs Monday to Friday and 0800 and 1300 on Saturdays and shall not take place on Sundays and bank holidays. All works shall be undertaken in accordance with BS5228:2009.

Reason: In the interest of residential amenity in accordance with Core Strategy Policy Env7, Development Management Development Plan Document Policy DM29 and the provisions of the National Planning Policy Framework.

4. 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
- viii) Details of working hours
- ix) Routing of delivery vehicles to/from site

Reason: In the interest of traffic and highway safety in accordance with Policy Env7 of the Hyndburn Core Strategy and Policy DM29 of the Development Management Development Plan Document.

5. Prior to the commencement of development a noise impact assessment shall be carried out and submitted to the Local Planning authority for approval in writing.

The assessment shall be carried out for the most sensitive hours and the methodology for the assessment be submitted in writing to the Environmental Protection unit for agreement prior to any assessment taking place. The assessment shall show that the completed development shall meet the following standards, and set out any mitigation measures required. Prior to the occupation of the dwelling all the required mitigation measures shall be incorporated into the development and retained thereafter.

L_{Aeq} 50-55 dB 16 hours – gardens and outside living areas (for example balconies)

L_{Aeq} 35 dB 16 hours – indoors daytime

L_{Aeq} 30 dB 8 hours – indoors night-time (23.00-07.00)

L_{AFmax} 45 dB 8 hours – indoors night-time (23.00-07.00)

L_{AFmax} 45 dB 4 hours – indoors evening (19.00-23.00)*

* The evening standard L_{AFmax} will only apply were the existing evening L_{AFmax} significantly exceeds the L_{Aeq} and the maximum levels reached are regular in occurrence, for example several times per hour

Reason: In the interest of residential amenity in accordance with the provisions of Core Strategy Policy Env7 and Development Management Development Plan Document Policy DM29.

6. Prior to the first occupation of the development hereby approved, a test report for any sound insulation and noise reduction measures installed in the development, from an

accredited test engineer (in accordance with the requirements of BS 8233:2014), shall be submitted to and approved in writing by the local planning authority. The approved measures installed shall then be maintained for the duration of the development

Reason: In the interest of residential amenity in accordance with the provisions of Env7 of the Hyndburn Core Strategy and Development Management Development Plan Document DM29.

7. Measures shall be in place to prevent nuisance being caused to residents from noise, dust, fumes and or vibration arising from the building works prior to the commencement of development works, and shall be retained for the duration of the development. There shall be no burning off on site of construction waste.

Reason: In the interest of residential amenity in accordance with the provisions of Core Strategy Policy Env7 and Development Management Development Plan Document Policy DM29.

8. Prior to its installation in the development hereby approved, details and specification shall be submitted to the Local Planning Authority for approval in writing, for the location and design of mechanical ventilation. The mechanical ventilation shall then be installed and maintained in accordance with the scheme and programme for the duration of the development.

Reason: In the interest of residential amenity in accordance with the provisions of Core Strategy Policy Env7 and Development Management Development Plan Document Policy DM29

9. 3no building integrated Swift boxes, 1no building integrated Sparrow box, and 1no building integrated bat box shall be installed into the development during construction in accordance with a scheme and programme prior submitted to and approved in writing by the Local Planning Authority. The boxes shall be retained thereafter.

Reason: To protect and enhance the natural environment in accordance with Policy DM 18 of the Development Management Development Plan Document.

10. Prior to the commencement of development a scheme and programme for the retention of windows at first floor shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be built in accordance with the approved scheme and the windows retained thereafter.

Reason: In the interest of a high quality design for the development in accordance with Core Strategy Policy Env6, Development Management Development Plan Document Policy DM 10 and DM26 and the provisions of the National Planning Policy Framework.