



**REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER**

**TO: COLNE & DISTRICT COMMITTEE**

**DATE: 4<sup>th</sup> February 2016**

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications.

## REPORT TO COLNE AND DISTRICT COMMITTEE ON 04 FEBRUARY 2016

**Application Ref:** 13/15/0534P

**Ref:** 19110

**Proposal:** Full: Erection of new detached building to accommodate staff facilities including offices, storage, WC and canteen.

**At:** KNARRS HILL COTTAGE WARLEY WISE LANE LANESHAWBRIDGE  
COLNE BB8 7ES

**On behalf of:** Mr T Binns

**Date Registered:** 23 November 2015

**Expiry Date:** 18 January 2016

**Case Officer:** Lee Greenwood

### **Site Description and Proposal**

This application is brought to Committee due to the number of objections received. A second application for the site is also on this Agenda (ref – 13/15/0535P).

The proposal seeks to erect a new detached building on land adjacent to Knarrs Hill Cottage, off Warley Wise Lane, in association with the applicant's forestry business. The site was found to have a lawful, unrestricted commercial use by way of an Inspector's decision last year; therefore no change of use is sought.

It is located in a predominantly rural area, within the Open Countryside as defined in the Local Plan. The proposed development is intended to create new staff facilities at the site including offices, kitchen, equipment storage and a WC.

### **Relevant Planning History**

**13/14/0024P** - Certificate of Lawfulness (Existing Use): Use of building and land for storage of logs and equipment and carrying out general maintenance and repair work relating to the forestry/agricultural business - **Invalid Application**

**13/00/0422P** – retain steel portal building – **Approved**

### **Consultee Response**

**LCC Highways;** no objections.

**Laneshaw Bridge Parish Council;** no comments received.

**PBC Environmental Health;** no comments to make.

**PBC Drainage;** no comments received.

**PBC Rights of Way;** no comments received.

## **Public Response**

**Three neighbours notified, site and press notices also displayed;** three responses received, objecting on the following grounds;

- Increased traffic along the track, particularly heavy duty delivery vehicles
- Track is part of the Pennine Bridleway and is in poor condition – will be damaged further by increased traffic
- Little or no passing opportunities, with access not suitable for the use
- Building overly large for purpose especially as staff work away from premises
- Owner has previously advised he would not be expanding his business
- Use only allowed due to length of time it had been in place
- Knock on effect to traffic beyond the track
- Site is more akin to industrial use
- Drainage not adequate to cope with increased use
- Should find more suitable premises
- Constant stream of traffic from deliveries and customers
- Use causes friction with neighbours
- Repairs undertaken to track have been poor quality
- Track should be used for walkers, cyclists and horse riders, not businesses
- Building may be converted to a dwelling in the future

## **Relevant Planning Policy**

<b>Code</b>	<b>Policy</b>
ENV 1	Protecting and Enhancing Our Natural and Historic Environments
ENV 2	Achieving Quality in Design and Conservation
	Supplementary Planning Guidance: Development in the Open Countryside

## **Officer Comments**

The main issues to consider in this application are design, amenity and impact on the Open Countryside.

### **Policy**

Policy ENV1 of the Local Plan Part 1 states that proposals in the designated open countryside should have regard to the Development in the Open Countryside SPG. This states that planning permission for buildings will be granted where they are adjacent to existing buildings, avoid skyline

locations and use suitable materials/simple design.

Policy ENV2 states that all new development should viably seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving our heritage assets.

## **Use**

The land in question was found to have a lawful use for the purposes of a forestry business and timber store by an Inspector in April 2015. This use is unrestricted and not subject to any conditions.

The following report will therefore focus on the associated impacts of the development, rather than any debate in relation to the use. It is noted that several objections have raised concerns about the nature and intensity of the use, however as no change in the lawful activity is sought as part of this application, these matters cannot be re-considered following the appeal decision.

## **Design & Landscape Impact**

The proposed structure would measure 18m by 8m and stand 4.9m to ridge level. It would be constructed of timber and take the form a cabin type building.

It would be located adjacent to existing building on site, some 12m to the east. Adopted Policy requires development in such locations to form part of existing clusters, avoiding isolation in the landscape.

It would be visible from the network of public footpaths and bridleways in the area, but seen as part of the existing built form at the site. It would not be significant in terms of scale nor would the materials proposed result in an incongruous or prominent feature in this setting.

Taking in to account these site features and the modest scale of the proposed building, the development is compliant with the Local Plan.

## **Amenity**

The proposed building is a suitable distance from the nearest adjacent dwellings to avoid any adverse impacts, who are spread sporadically around the landscape.

## **Highways & Public Footpath/Bridleway**

A number of objections have been received in relation to the impacts on access by way of the business expansion.

The building in this instance is intended to replace existing dilapidated facilities and the application forms indicate that the works do not result in an increase in staff numbers. Whilst the concerns of residents and users of the path are noted, the commercial use is established and the number of trips/deliveries that can be undertaken is not restricted through planning legislation.

LCC Engineers have raised no objections and on the basis of the submission, the development does not appear to represent a significant expansion of the business, but an improvement and rationalisation of existing arrangements.

The development therefore has no greater impact on highway safety.

## Drainage

Concerns have been raised that existing drainage arrangements (a septic tank) may not be suitable to process the increased capacity proposed as part of the development.

The application forms indicate that it is intended to connect to the existing drainage system, but provides no further details. Owing to the isolated nature of the site, it would be prudent to ensure that both foul and surface water arrangements for the new staff facilities are acceptable. This can be controlled by condition should permission be granted.

## Summary

Accounting for the characteristics of the existing site and the nature of the proposed development, which is of a modest scale, the application raises no adverse issues and is compliant with Policies ENV1 and ENV2 of the Local Plan Part 1.

## Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in terms of scale, design and its impact on the open countryside thereby complying with Policies ENV1 and 2 of the Local Plan Part 1. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

## RECOMMENDATION: Approve

Subject to the following conditions:

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

**Reason:** Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Dwg 01, 02, 03 and 04

**Reason:** For the avoidance of doubt and in the interests of proper planning.

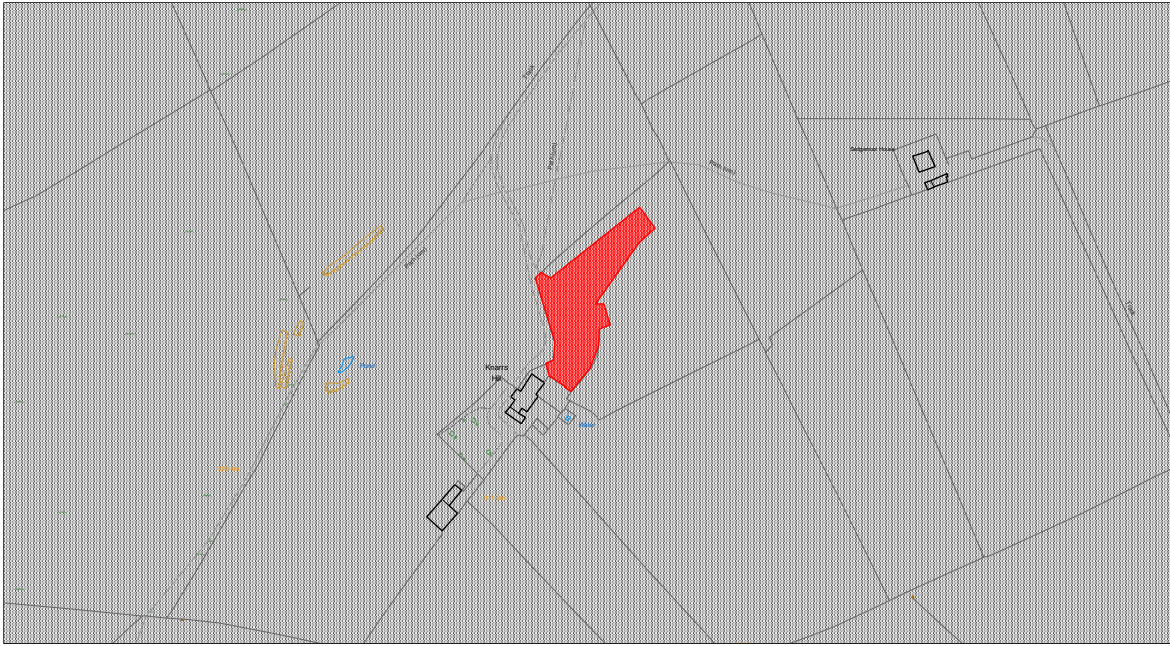
3. Prior to the commencement of development samples of the materials to be used in the construction of the development hereby permitted (notwithstanding any details shown on previously submitted plan(s) and specification) shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**Reason:** To ensure a satisfactory form of development in the interest of visual amenity of the area.

4. Plans and particulars showing a scheme of foul sewers and surface water drains, shall be submitted to, and approved in writing by the Local Planning Authority, and development shall not be commenced unless and until these details have been approved, unless otherwise agreed in writing. Such works shall be carried out concurrently with the rest of the

development and in any event shall be finished before the building is first used.

**Reason:** To ensure satisfactory drainage for the property.



**Application Ref:** 13/15/0534P

**Ref:** 19110

**Proposal:** Full: Erection of new detached building to accommodate staff facilities including offices, storage, WC and canteen.

**At:** KNARRS HILL COTTAGE WARLEY WISE LANE LANESHAWBRIDGE  
COLNE BB8 7ES

**On behalf of:** Mr T Binns

## REPORT TO COLNE AND DISTRICT COMMITTEE ON 04 FEBRUARY 2016

**Application Ref:** 13/15/0535P

**Ref:** 19111

**Proposal:** Full: Demolition of existing offices and erection of extension to update machinery store to side and alterations to log store including installation of flues

**At:** KNARRS HILL COTTAGE WARLEY WISE LANE LANESHAWBRIDGE  
COLNE BB8 7ES

**On behalf of:** Mr T Binns

**Date Registered:** 23 November 2015

**Expiry Date:** 18 January 2016

**Case Officer:** Lee Greenwood

### **Site Description and Proposal**

This application is brought to Committee due to the number of objections received. A second application for the site is also on this Agenda (ref – 13/15/0534P).

The proposal seeks to alter and extend the existing building on land adjacent to Knarrs Hill Cottage, off Warley Wise Lane, in association with the applicant's forestry business. The site was found to have a lawful, unrestricted commercial use by way of an Inspector's decision last year; therefore no change of use is sought.

It is located in a predominantly rural area, within the Open Countryside as defined in the Local Plan. The proposed development is to erect a new machine store extension and install flues to the existing log store. This latter element appears to be retrospective as the flues were in situ at the time of the officers site visit.

### **Relevant Planning History**

**13/14/0024P** - Certificate of Lawfulness (Existing Use): Use of building and land for storage of logs and equipment and carrying out general maintenance and repair work relating to the forestry/agricultural business - **Invalid Application**

**13/00/0422P** – retain steel portal building – **Approved**

### **Consultee Response**

**LCC Highways;** no objections.

**Laneshaw Bridge Parish Council;** no comments received.

**PBC Drainage;** no comments received.

**PBC Rights of Way;** no comments received.

### **Public Response**

**Three neighbours notified, site and press notices also displayed;** three responses received, objecting on the following grounds;

- Increased traffic along the track, particularly heavy duty delivery vehicles
- Track is part of the Pennine Bridleway and is in poor condition – will be damaged further by increased traffic
- Little or no passing opportunities, with access not suitable for the use
- Building overly large for purpose especially as staff work away from premises
- Owner has previously advised he would not be expanding his business
- Use only allowed due to length of time it had been in place
- Knock on effect to traffic beyond the track
- Site is more akin to industrial use
- Drainage not adequate to cope with increased use
- Should find more suitable premises
- Constant stream of traffic from deliveries and customers
- Use causes friction with neighbours
- Repairs undertaken to track have been poor quality
- Track should be used for walkers, cyclists and horse riders, not businesses
- Building may be converted to a dwelling in the future
- flues already in place
- extension means more business
- log store on adjacent land that applicant has no right to access

### **Relevant Planning Policy**

<b>Code</b>	<b>Policy</b>
ENV 1	Protecting and Enhancing Our Natural and Historic Environments

ENV 2	Achieving Quality in Design and Conservation
	Supplementary Planning Guidance: Development in the Open Countryside

### **Officer Comments**

The main issues to consider in this application are design, amenity and impact on the Open Countryside.

#### **Policy**

Policy ENV1 of the Local Plan Part 1 states that proposals in the designated open countryside



should have regard to the Development in the Open Countryside SPG. This states that planning permission for buildings will be granted where they are adjacent to existing buildings, avoid skyline locations and use suitable materials/simple design.

Policy ENV2 states that all new development should viably seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving our heritage assets.

## **Use**

The land in question was found to have a lawful use for the purposes of a forestry business and timber store by an Inspector in April 2015. This use is unrestricted and not subject to any conditions.

The following report will therefore focus on the associated impacts of the development, rather than any debate in relation to the use. It is noted that several objections have raised concerns about the nature and intensity of the use, however as no change in the lawful activity is sought as part of this application, these matters cannot be re-considered following the appeal decision.

## **Design & Landscape Impact**

The proposed extension would be located to the northern gable of the building, continuing the existing roof pitch and line of that existing. It would measure 7m by 9.4m and be finished in materials to match the existing structure.

In terms of scale, it is clearly ancillary to the host building and does not hold a prominent position within the landscape. It would be seen from adjacent footpaths, however it is not of a design or size as to appear incongruous in this setting.

The alterations to the log store are already in situ and raise no adverse landscape impacts.

## **Amenity**

The proposed development raises no adverse impacts in terms of its relationship with the nearest dwellings.

## **Highways & Public Footpath/Bridleway**

A number of objections have been received in relation to the impacts on access by way of the business expansion. As detailed above, the existing commercial use is lawful and is not subject to any planning conditions which would prohibit or control movements to and from the site.

The development represents a modest addition to the site for machinery storage. Various pieces of equipment were stored out in the yard area and around the building at the time of the officers visit. It would preferable for this machinery to be housed internally in terms of landscape impact.

LCC Engineers have assessed the development and raise no objections. In light of these factors, the proposed development raises no greater highway safety impacts than the established use.

## **Summary**

Accounting for the characteristics of the existing site and the nature of the proposed extension and alterations, which are of a modest scale, the application raises no adverse issues and is compliant with Policies ENV1 and ENV2 of the Local Plan Part 1.

## Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in terms of scale, design and its impact on the open countryside thereby complying with Policies ENV1 and 2 of the Local Plan Part 1. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

## RECOMMENDATION: Approve

Subject to the following conditions:

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

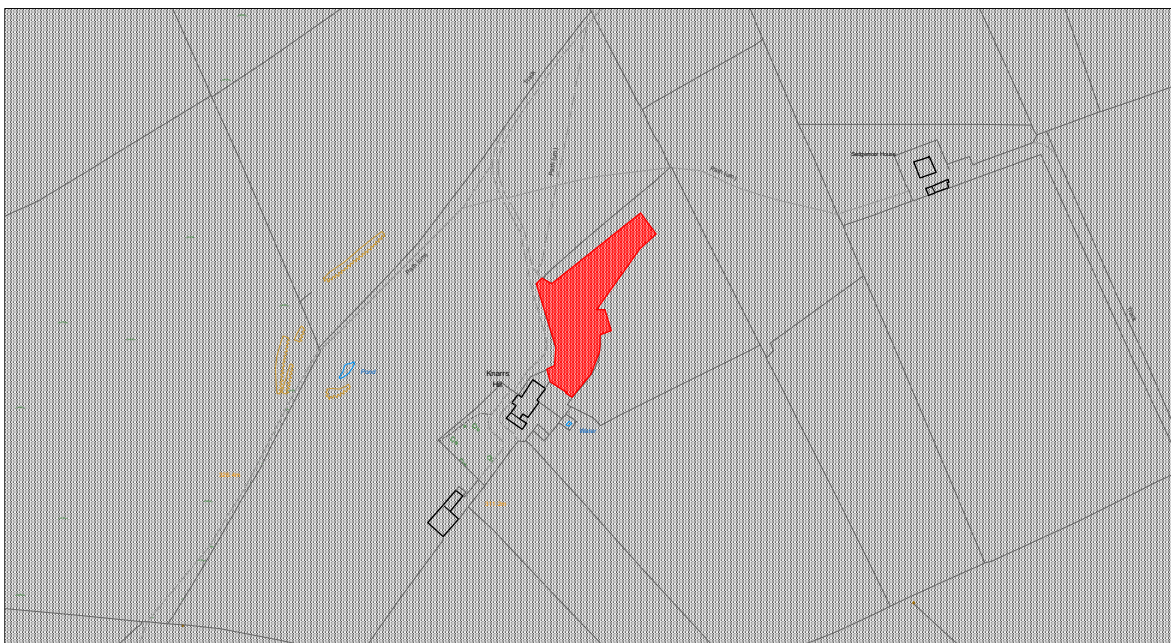
**Reason:** Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Dwg 01, 03, 05

**Reason:** For the avoidance of doubt and in the interests of proper planning.

3. Prior to the commencement of development samples of the materials to be used in the construction of the development hereby permitted (notwithstanding any details shown on previously submitted plan(s) and specification) shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**Reason:** To ensure a satisfactory form of development in the interest of visual amenity of the area.



**Application Ref:** 13/15/0535P

**Ref:** 19111

**Proposal:** Full: Demolition of existing offices and erection of extension to update machinery store to side and alterations to log store including installation of flues

**At:** KNARRS HILL COTTAGE WARLEY WISE LANE LANESHAWBRIDGE  
COLNE BB8 7ES

**On behalf of:** Mr T Binns

## REPORT TO COLNE AND DISTRICT COMMITTEE ON 04 FEBRUARY 2016

Application Ref: 13/15/0552P

Ref: 19137

**Proposal:** Full: Erection of extension to west facing elevations and alterations to and extension of car park to create additional spaces.

**At:** LAKEVIEW CHILDRENS NURSERY SKIPTON NEW ROAD FOULRIDGE COLNE BB8 7NN

**On behalf of:** Mr

**Date Registered:** 18 November 2015

**Expiry Date:** 13 January 2016

**Case Officer:** Lee Greenwood

### **Site Description and Proposal**

This application is brought to Committee due to the number of objections received.

The proposal seeks to erect an extension to Lakeview Childrens Nursery in Foulridge and undertake works to the existing car park to create greater provision. The site falls outside the settlement boundary and is within Green Belt as designated in the Local Plan.

### **Relevant Planning History**

**13/03/0467P** - erect conservatory to east elevation - **Approved**

**13/99/0205P** - change of use to childrens day nursery - **Approved**

### **Consultee Response**

**LCC Highways;** no objection in principle subject to necessary sight lines and car parking layout.

Scheme would benefit from a modified access with the highway to allow safer access.

Parking bays should be 2.4m by 5m with a minimum of 6 manoeuvring space between. To aid social inclusion a minimum of 2 mobility aided parking spaces should be provided.

**Foulridge PC;** information available is poor and confusing. Clearer drawings are requested. The building is connected to a septic tank not the main sewer, is it of adequate capacity? There have been pollution problems in Lake Burwain in the past from septic tanks in this area.

The number of employees increases by 10 and car parking by 14 places. there are already many traffic/parking problems here with the school and nursery. What steps is the project taking to resolve these.

The new extension is large and has a very striking appearance. This is a prominent and very attractive location. The plans available to us don;t show it in its surroundings. Will have a detrimental affect on the view of the surrounding countryside.

**PBC Trees;** TPO No. 7, 1976 extant on and adjacent to this site.

The extension itself will not affect any TPO trees but the development process, delivery and storage of materials etc may do. More detail is needed by way of a method statement supported

by a tree survey to BS 5837 (2012) to ensure TPO trees are not detrimentally affected. Service runs are not shown and these must not pass through any TPO root protection area.

The car park is shown to extend towards the TPO trees in the grounds of the nursery as well as those in the adjacent school. No detail appears to be given as to the construction technique and how far away from the trees the nearest excavation will be. No level reductions should be allowed within the TPO tree RPA and therefore it may be preferable to specify the car park to be built to a no-dig specification using a 3D geogrid in accordance with BS 5837 (2012).

All trees to be retained, whether TPO or not, shall be protected by a fence to BS 5837 (2012).

### **Public Response**

**Nine neighbours notified;** two responses received, commenting on;

- impact on septic tank - greater impacts from the development proposed
- potential pollution issues
- existing traffic problems
- impact on attractive setting
- too bold an addition for the area
- would fail to comply with covenant on land
- land levels may increase impact of development, greater than as shown on plan
- no details of render colour
- plan does not show position in relation to boundary
- colour scheme not in keeping with the area

### **Relevant Planning Policy**

<b>Code</b>	<b>Policy</b>
ENV 2	Achieving Quality in Design and Conservation

### **Officer Comments**

The main issues to consider in this application are design, amenity, highway safety and impact on the Green Belt.

#### **Policy**

Policy ENV2 of the Local Plan Part 1 states that new development should protect and enhance the environment, whilst maintaining the openness of the Green Belt.

The National Planning Policy Framework ('the Framework') constitutes the Government's view of what sustainable development in England means in practice for the planning system. With regard to Green Belt, paragraphs 79 - 92 are relevant.

Paragraph 87 states that inappropriate development should not be approved except in very special circumstances. Paragraph 89 advises that amongst others, the following is deemed to be an exception to the definition of inappropriate development;

"the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building"

Therefore the primary assessment to undertake in an application of this nature is whether;

- the development meets the exception within para.89
- if not, whether there are any 'very special' circumstances which would outweigh the harm to the Green Belt

### **Design and Impact on the Green Belt**

Following discussions with Officers, the Agent has provided a supporting statement with regard to the proposal. The applicant has also provided additional information to clarify their intentions and to address some comments from third parties.

The supporting statement takes two main approaches, firstly that the development does meet the requirements of paragraph 89 of the Framework and aside from that, there are very special circumstances which should be taken in to account.

The footprint of the existing building covers some 328sq m, with the proposed extension creating a further 257sq m. This would amount to an increase in floor space of approximately 78%. The statement advises that the development would be significantly smaller than the existing building and can be comfortably accommodated without causing harm.

An appeal decision is cited from Woking in which an Inspector found that a house extension of 98% (floorspace) was disproportionate but went on to establish that by virtue of its size, design and materials would not harm the openness of the Green Belt, which in themselves were very special circumstances sufficient to support the scheme.

The case referenced here is not directly comparable with the application in this regard.

The cumulative increase of 98% in floor space had come about from the demolition of an existing property and erection of a replacement dwelling on the site. This allied with internal conversion works within the roof space through permitted development allowances, had resulted in a floor space well in excess of that original dwelling. Despite these figures, the proposed plans clearly show an extension (single storey to the rear) which is subservient to the host dwelling.

In his summation the Inspector advised the following;

"whilst building floorspace is one measure to assess the size of a building, another is its mass and volume. From the photographs of the existing house and the previous dwelling and outbuildings on the site, I would gauge there to be very little difference between the two in terms of the overall scale of built form on the land"

It is therefore clear that there is a distinction in this case in that the previous and proposed developments were found to be similar in terms of their impact on the Green Belt.

This combined with the fact that the property had primarily increased in size through internal changes, meant that it had little or no effect on the overall external form/massing of the house, or on the Green Belt.

The site at Lakeview does not contain any of these characteristics and therefore cannot be assessed on the same basis, as such the appeal decision cannot be afforded significant weight.

Taking floorspace as a starting point, a 78% increase in the size of the site cannot be said to be proportionate, especially considering the modest scale of the host building. A more holistic view, as the Inspector states and as undertaken in this Borough, is to look at the overall scale and volume of an addition in order to quantify its impact.

The original structure has a volume in the region of 1400 cubic metres. A conservatory was added following a grant of permission in 2003 (13/03/0467P) which created a further 75 cubic metres. The plans provided in this submission show a further volume of approximately 1100 cubic metres. This equates to a cumulative increase of 83%.

The plans submitted clearly show that the development would visually and physically represent a significant extension to the site. It should also be noted that the design of the mono-pitched roof results in a development which exceeds the height of the original building.

It is acknowledged that owing to the style of the original structure on site, that a modern and contemporary addition would be the most suitable design approach. The plans have been amended to replace to proposed render finish with timber boarding, which would be more appropriate in this location. However the overall scale and bulk of the extension is clear and obvious.

It is argued that the topography of the site and the presence of other buildings nearby reduces the importance and value of the landscape in this case. However this in itself is not a sufficiently robust assessment as to discount the quality of the designation in this instance. The site is located in the heart of this section of Green Belt which covers the area between Colne and Foulridge, serving its purpose, as set out in the Framework, to prevent neighbouring towns from merging in to one another and to safeguard the countryside from encroachment. As such development in this area must be closely controlled and ensure that openness remains its fundamental character.

The development cannot be said to meet the defined exception with paragraph 89 of the Framework and is disproportionately large in almost doubling the site of the site when viewed against the original building. It is therefore harmful to the Green Belt.

It must then be established whether any of the matters stated in the supporting documentation amount to very special circumstances (in isolation or collectively) to outweigh this harm. Highlighted by both the applicant and the agent are the following points;

- increased demand for child care in the area and increase in the amount of free care provided by the Government - having to turn potential attendees away
- that the design/scale of the extension does not cause harm to the Green Belt (discussed above)
- the provision of new jobs (Agent advises 10, Applicant between 6-8) and the Framework supporting economic growth

The main issues to consider therefore are the creation of additional capacity at the site to cater for increased care demands and the associated increase in jobs.

It is acknowledged that the applicants are seeking to invest in their business and cater for future needs of the local population in terms of care availability. These points are noted as is the position that 'very special circumstances' are not defined within the Framework. Therefore a case by case

assessment must be made. In this instance however, the benefits of the scheme are no so significant as to outweigh the harm of a development which would almost double the size of the building within the Green Belt.

This is not to dismiss or underplay the benefits that such a development would accrue, however the results of such an extension would be the same to any business (increased capacity and ability to employ more people) rather than being inherently 'special' for the purposes of Green Belt. In this case therefore, the impacts of the land designation and the harm, by definition caused by the extension are to such a degree that they are not outweighed by the justification provided.

The development therefore fails to accord with Policy ENV2 and the Framework.

In terms of the proposed car park extension, the wider visual impacts of this could be suitable mitigated by way of surfacing materials. This raises no adverse issues in principle.

### **Amenity**

Suitable distance would be maintained to adjacent properties to avoid any adverse impact by way of massing or privacy loss. The use of the nursery is established and the property is located in close proximity to the nearby school.

### **Highways**

LCC Engineers have no objections to the scheme subject to the provision of suitably sized parking spaces and manoeuvring distances between them. It has also been request that improvements are made to the alignment of the junction with the highway to allow for improved access and sight lines.

The applicant has responded to advise that the land adjacent to the entrance is beyond their control and as such they have no rights to carry out works around the site access. Further comments are awaited from County as to the suitability of the existing arrangements to accommodate the proposed development.

However in principle the proposal would not have a significant impact on highway safety, with the use operating outside of the hours of the adjacent school and therefore keeping traffic flows separate.

Any further comments from LCC will be reported by way of an update.

### **Drainage**

Concerns have been raised that the existing drainage arrangements on site are insufficient to deal with increased loads from new development. The applicant has advised that a new septic tank was installed in 2007 which is used by both the school and the nursery. It is stated that the capacity is sufficient to cater for the greater use, but that the frequency in which it is pumped may need to increase. This is something which the nursery pays for and would have to address should consent be granted.

### **Trees**

There are a number of protected trees in the vicinity, covered by TPO No.7, 1976.

The extension itself should not impact on those trees, but should be protected during the construction process. The proposed car park would project towards the trees within the ground of the nursery and those adjacent in the school. No level changes should be allowed within the root



protection areas and a 'no dig' specification would be the most suitable approach, using a 3D geogrid.

These issues can be controlled by condition should consent be granted.

### Other Issues

Third party comments advise that the development would not comply with a covenant on the land. This would be a civil matter and is not a material consideration in the determination of this application.

### Summary

In the absence of any very special circumstances, the development fails to accord with Policy ENV2 of the Local Plan and the aims of the National Planning Policy Framework.

### **RECOMMENDATION: Refuse**

For the following reasons:

1. The proposed development would constitute inappropriate development in the Green Belt harming its character and openness. This harm is not outweighed by any other considerations and the application is therefore contrary to Policy ENV 2 of the Local Plan and paragraphs 80, 87, 88 and 89 of the National Planning Policy Framework.



**Application Ref:** 13/15/0552P

**Ref:** 19137

**Proposal:** Full: Erection of extension to west facing elevations and alterations to and extension of car park to create additional spaces.

**At:** LAKEVIEW CHILDRENS NURSERY SKIPTON NEW ROAD FOULRIDGE COLNE BB8 7NN

## REPORT TO COLNE AND DISTRICT COMMITTEE ON 04 FEBRUARY 2016

Application Ref: 13/15/0577P

Ref: 19163

**Proposal:** Full: Variation of Condition: Vary Condition 8 of Planning Permission 13/13/0312P to change internal layout and create 2 further bedrooms.

**At:** SYCAMORE RISE LTD RESIDENTIAL CARE HOME HILL LANE COLNE  
BB8 7EF

**On behalf of:** Crystal Care Homes Ltd

**Date Registered:** 4 December 2015

**Expiry Date:** 29 January 2016

**Case Officer:** Lee Greenwood

### **Site Description and Proposal**

This application is brought to Committee at the request of Councillors and seeks to vary condition 8 of Planning Permission 13/13/0312P which relates to a previously approved extension at the Sycamore Rise Care Home in Colne.

The site has been subject to several applications in recent times. Below is a brief summary of the most relevant schemes;

**13/12/0467P** sought to erect a two storey extension to create 13 additional bedrooms. This was **Refused** due its scale within the Green Belt and the impact on adjacent protected trees.

**13/13/0312P** was an amended and reduced resubmission of the aforementioned application. This was found to be acceptable having addressed the previous reasons for refusal and **Approved**.

**13/15/0343P** sought consent for an extension larger than that approved in 2013, but less than that refused in 2012. This was **Refused** due to its scale within the Green Belt and the impact it would have on an adjacent Conservation Area.

This application seeks to make a material amendment to the approved scheme (13/13/0312P) by varying one of the approved plan numbers detailed in Condition 8. This would allow for a previously approved internal layout plan to be substituted by revised plans in an attempt to achieve additional bedroom space through reconfiguration within the approved footprint.

### **Relevant Planning History**

**13/15/0343P** - Erection of two storey extension and associated internal and external reconfiguration to create 13 new bedrooms (34 in total) and provision of additional parking spaces to front - **Refused**

**13/13/0312P** - Erection of a two storey (lower ground floor & ground floor) extension to rear (south) 298sq.m to create 13 new bedrooms (total bedrooms from 21 to 25) (re-submission) - **Approved**

**13/12/0467P** - Full: Erection of two storey (basement and ground floor) extension to the rear (south) 498.9 sq/m to create 13 additional ensuite bedrooms - **Refused**

**13/85/1218P** - Erection of 12 bedroom extension and other alterations (Amended Plans) - **Approved**

**13/85/0210P** - Erection of extension to existing care home - **Approved**

**13/79/0407P** - Conversion and extension of existing garage into dwelling for warden - **Approved**

**13/78/0547P** - Single storey extension to provide room with bathroom at care home - **Approved**

### **Consultee Response**

**LCC Highways;** no objections subject to the necessary parking provision within the site.

**PBC Trees;** no objections as works will be within the approved footprint - any conditions relating to trees and their protection should be retained.

**Lancs Constabulary;** no comments.

**Colne Town Council;** understand the application is to be called in to Committee.

### **Public Response**

**Four neighbours notified;** no comments received at time of writing.

### **Relevant Planning Policy**

<b>Code</b>	<b>Policy</b>
LP 31	Parking

### **Officer Comments**

The main issues to consider in this application are any subsequent impacts arising from the proposed changes to the approved ground floor layout.

#### **Policy**

National Planning Practice Guidance (NPPG - paragraphs 013 to 018) advises that applicants can seek to amend previously approved applications using the allowances afforded by Section 73 powers to vary conditions. There is no statutory definition of the scope of amendments that can be made, however the NPPG states that it will normally involve a development which is not substantially different in scale or nature to the one which has been approved.

Saved Policy 31 of the Replacement Pendle Local Plan details the adopted parking standards.

#### **Proposed Alterations**

As background, the applicant has previously advised that in order for the proposed additions at the site to be financially viable and to meet industry standards, a certain number of bedrooms needed to be provided.

With the most recent application in 2015 having been refused, the applicant is seeking to reconfigure the floor plans of the approved scheme in 2013 in an attempt to achieve the necessary space to meet their needs. All of the alterations detailed below would take place within the envelope of the building design approved under planning permission 13/13/0312P.

## 'Lower Ground Floor' - Plan 111 Rev B

The proposed replacement plans show that by relocating a lift shaft, omitting a secondary flight of stairs and with changes to internal wall positions, 4 bedrooms could be created in this area of the extension, where 3 were originally proposed. Some minor alterations to and reconfiguration of approved window positions would also be necessary, however they raise no adverse issues accounting for their position within the site.

## 'Ground Floor' - Plan 112-1 Rev B

The aforementioned removal of the flight of stairs between the floors also makes room in the upper floor for a further bedroom. This, along with some changes to the position of internal walls means that 5 bedrooms can be created in this area, rather than the 4 originally approved. Again this results in some changes to window positions to serve the reconfigured rooms, however the extent of these alterations raises no concerns in terms of design or amenity.

As a result of the proposed alterations 9 bedrooms would be created within the extension and with other changes within the existing building, the number of rooms for residents at the site would total 30.

## **Highways**

The adopted parking standards for uses of this nature require 1 space per 5 residents. Based on the number of rooms created in this revised scheme, 6 spaces would be required on site in accordance with the adopted standards in the Local Plan.

The original approval included the provision of extra spaces within the grounds of the home and this is controlled by condition 5 of the consent. This would create availability for the parking of 10 cars within the site which adequately caters for the parking required.

LCC have no objections to the scheme, subject to the creation of the proposed parking areas.

## **Summary**

The proposed variation of condition to alter the internal layout and make some minor changes to window positions raises no adverse issues. The changes would take place wholly within the footprint and scale of the extension previously approved and would not impact on either the Green Belt or the adjacent Lidgett and Bents Conservation Area.

## **Reason for Decision**

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed variation of condition raises no conflict with the Policies within the Local Plan Part 1. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

## **RECOMMENDATION: Approve**

Subject to the following conditions:

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

**Reason:** Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. All materials to be used in the elevations and roof of the proposed development shall be as stated on the application form and approved drawings and shall not be varied without the prior written permission of the Local Planning Authority.

**Reason:** These materials are appropriate to the locality and in order to allow the Local Planning Authority to control the external appearance of the development.

3. All works involving excavation of soil, including foundations and the laying of services, within the recommended distance calculated under the BS 5837 (2005) of the trees to be retained on the site (specifically T22), shall be dug by hand and in accordance with a scheme of works which has been submitted to and approved by the Local Planning Authority, prior to the commencement of works.

**Reason:** To protect the trees in the interest of the amenity of the area.

4. Unless approved in writing by the Local Planning Authority no ground clearance, demolition, changes of level or development or development-related work shall commence until protective fencing, in full accordance with BS 5837 : 2012 has been erected around each tree/tree group or hedge to be preserved on the site (particularly T22 to T27 and T38) and no work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction.

All works involving excavation of soil, including foundations and the laying of services, within the recommended distance calculated under the BS 5837 (2012) of the trees to be retained on the site, shall be dug by hand and in accordance with a scheme of works which has been submitted to and approved by the Local Planning Authority, prior to the commencement of works.

**Reason:** To prevent trees or hedgerows on site from being damaged during building works.

5. A scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority within two weeks of the commencement of development. The scheme shall provide for separate systems for foul and surface waters and be constructed and completed in accordance with the approved plans before the first dwelling is occupied.

**Reason:** To control foul and surface water flow disposal and prevent flooding.

6. The proposed development shall not be brought into use unless and until the 3 car park spaces shown on the approved plan number 008 Rev B has been constructed, surfaced, sealed, drained and marked out in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The parking spaces shall thereafter always remain unobstructed and available for parking.

**Reason:** In the interest of highway safety.

7. The proposed development shall not be brought into use unless and until waste bins are provided on site and screened with details to be submitted to and agreed in writing by the Local Planning Authority. The screening shall thereafter always remain in situ.

**Reason:** In the interests of visual amenity.

8. The development hereby permitted shall be carried out in accordance with the following approved plans: Drg nos. 001 A, 002 A, 004 B, 005 A, 007, 008 B, 009, 111 B, 112-1 B, Additional Tree Plan received 2/8/2013.

**Reason:** For the avoidance of doubt and in the interests of proper planning.



**Application Ref:** 13/15/0577P

**Ref:** 19163

**Proposal:** Full: Variation of Condition: Vary Condition 8 of Planning Permission 13/13/0312P to change internal layout and create 2 further bedrooms.

**At:** SYCAMORE RISE LTD RESIDENTIAL CARE HOME HILL LANE COLNE BB8 7EF

**On behalf of:** Crystal Care Homes Ltd

## REPORT TO COLNE AND DISTRICT COMMITTEE ON 04 FEBRUARY 2016

**Application Ref:** 13/15/0592P **Ref:** 19180  
**Proposal:** Full: Erection of single storey extension to rear and 1.8m high fencing to side.  
**At:** 5 CONISTON GROVE COLNE BB8 7DE  
**On behalf of:** Mr G Hinole  
**Date Registered:** 14 December 2015  
**Expiry Date:** 8 February 2016  
**Case Officer:** Kathryn Hughes

This application has been brought before Committee at the request of a Councillor.

### **Site Description and Proposal**

The application site is a residential property located on a residential estate within the settlement boundary.

The proposal is to erect a single storey extension to the rear measuring 3.6m x 6.9m x 4.3m to ridge (2.6m to eaves) constructed in facing brick and roof tiles to match the existing to accommodate a sun room and an additional bedroom.

The proposal also seeks to erect a 1.8m high timber fence to the side boundary.

### **Relevant Planning History**

None.

### **Consultee Response**

LCC Highways - No objection subject to a condition requiring the proposed fence to be reduced to and maintained at 0.9m to ensure visibility from Hawes Drive.

PBC Environment Officer - No objection.

Colne Town Council - Concerns about neighbour's amenities not being compromised by this application.

### **Public Response**

Nearest neighbours notified by letter. One letter received objecting on the following grounds:

- the building is to extend right across the patio and garden to the garage and therefore from my bedroom and dining room I will see a large building and high fence;
- my view has already been restricted due to the high fence erected at the Hawes Drive side of No. 5;
- No. 5 & 7 are semi detached, true bungalows and the planned building will distort a lovely bungalow; and

- I also feel damage could be caused to my bungalow during the work involved.

### Relevant Planning Policy

Code	Policy
ENV 1	Protecting and Enhancing Our Natural and Historic Environments
SDP 1	Presumption in Favour of Sustainable Development
SPDDP	Supplementary Planning Document: Design Principles

### Officer Comments

The main considerations for this application are compliance with policy, impact on amenity, design and materials and highways issues.

#### Policy

Policy ENV2 of the Local Plan Part 1: Core Strategy identifies the need for good quality design in new development and states that siting and design should be in scale and harmony with its surroundings. The requirements of policy in relation to domestic extensions are expanded upon by the Design Principles SPD. The proposed development's compliance with policies ENV2 and the Design Principles SPD is addressed in the design and amenity sections.

#### Amenity

The rear single storey extension would be 3.6m in length at a height of 2.6m to eaves and set in 0.15m from the side boundary with No. 7 Coniston Grove which is sited to the east. The extension would accommodate a sun room and a bedroom with a patio doors and two windows in the rear elevation and a window in the side (west) elevation. Due to its limited projection and height this single storey extension would not unduly impact on the amenity of no. 7 and is acceptable in terms of policy.

There is an existing 1.8m high timber fence on the site set back 4.8m from the highway. This fence runs in same position as that proposed and would be re-positioned adjacent to the highway in order to create a secure area for the applicant's dog.

The 1.8m fence would be re-sited along the western boundary for a distance of 14.2m sited between the garage and the bathroom window on the side (west) elevation. The fence would be set back over 8.5m from the junction of Hawes Drive with Coniston Grove.

Although sited closer to the residents on Hawes Drive the re-positioned 1.8m timber fence would not unduly impact on amenity and is acceptable.

The proposal therefore accords with policy ENV2 and the guidance set out in the Design Principles SPD.

#### Design

The Design Principles SPD states that single storey rear extensions should not project beyond 4m. This extension would project 3.6m set in 0.15m from the side boundary which is acceptable.

The proposed extension would not raise adverse issues in terms of amenity and therefore accords with policy ENV2 and the guidance set out in the Design Principles SPD.

The materials proposed for the extension are facing brick and tiles to match and white upvc windows and doors. This is acceptable.



An appropriate condition relating to matching materials can be attached to any grant of permission

### Highways

The proposed extension would result in an increase to the number of bedrooms at the property to two. The site currently has provision for off-street car parking which is acceptable in terms of policy 31.

LCC Highways have requested that part of the fence adjacent to driveway of this property be reduced in height to 0.9m to order to aid visibility when exiting the driveway/garage. Permitted development allows for fences and walls to be erected upto 1m adjacent to a highway. However, there is an issue with lack of visibility at the site and in order to improve this the agent has been requested to set the fence back 1m from the highway boundary on Hawes Drive. This would also allow for some planting to be retained/replanted in order to soften the boundary treatment.

The timber fence would be set back over 8.5m from the junction of Hawes with Coniston Grove. The fence therefore would not affect visibility from vehicles exiting or entering Hawes Drive and is acceptable in highway terms.

### Summary

The proposed extension is acceptable in terms of terms of design and would not adversely impact on the amenity of the neighbouring property due to the limited projection and height. Subject to amended plans the re-positioned fence would not impact on highway safety and the proposed extension accords with policy ENV2 and the guidance set out in the Design Principles SPD.

### **Reason for Decision**

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed single storey extension and 1.8m high fence are acceptable in terms of design and material and would not adversely impact on amenity or highway safety. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

### **RECOMMENDATION: Approve**

Subject to the following conditions:

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

**Reason:** Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing 1, Drawing 2 & Drawing 3.

**Reason:** For the avoidance of doubt and in the interests of proper planning.

3. The external facing and roofing materials shall match those of the existing building in terms of type, size, form, texture and colour and there shall be no variation without the prior consent of the Local Planning Authority.

**Reason:** In order to ensure that new material matches the existing.



**Application Ref:** 13/15/0592P

**Ref:** 19180

**Proposal:** Full: Erection of single storey extension to rear and 1.8m high fencing to side.

**At:** 5 CONISTON GROVE COLNE BB8 7DE

**On behalf of:** Mr G Hinole

## REPORT TO COLNE AND DISTRICT COMMITTEE ON 04 FEBRUARY 2016

**Application Ref:** 13/15/0610P **Ref:** 19200  
**Proposal:** Full: Erection of five detached dwelling houses with garages.  
**At:** CEMENT WORKS KNOTTS LANE COLNE BB8 8HW  
**On behalf of:** Mr D Liversidge  
**Date Registered:** 15 December 2015  
**Expiry Date:** 9 February 2016  
**Case Officer:** Alex Cameron

### **Site Description and Proposal**

The application site is a former cement works located within the settlement boundary of Colne. To the north is Knotts Farm farmhouse and rows of terraced houses beyond, Knotts Lane runs to the east with stables on the opposite side, to the south is raised land with a dense belt of trees and to the west is open land. Planning permission was granted for three houses on the land in 2013.

The proposed development is a revised application for the erection of five houses. The houses would have four bedrooms, two with double garages to the side and three with single garages to the front. The proposed houses would be constructed from artificial stone, artificial slate roofs and upvc fenestration.

### **Relevant Planning History**

13/93/0471P - Reclad front extend wash unit and erect cabin/messroom. Approved, 29/11/1993.

13/94/0087P - Install smaller replacement batching plant new mess room and new access at. Approved, 15/08/1994.

13/03/0226P - Outline residential development on site of 2.77Ha. Refused, 06/08/2003.

13/04/0858P - Outline residential development (1.4ha). Refused, 13/01/2005.

13/13/0378P - Erection of one detached dwelling house and two semi-detached dwelling houses. Approved, 20/11/2013.

### **Consultee Response**

LCC Highways - No objections in principle to the proposed five dwellings, providing the overgrown planting within the adopted highway is cut back and maintained thereafter and a footpath is provided for the full frontage of the site and on the northern side of the access.

Based on the car parking recommendations in the Joint Lancashire Structure Plan and the Replacement Pendle Local Plan 2001-2016 Appendix 2: Car and Cycle Parking Standards the Highway Development Control Section is of the opinion that the applicant has provided adequate off road parking provision for this type and size of development.

The site will be accessed via an existing access on to Knotts Lane. Knotts Lane is classified as C680 and is categorised as a secondary access road with a speed limit of 30mph fronting the site access. The Highway Development Control Section is of the opinion that sight lines from the site are acceptable if the over growing planting is cut back to the site boundary.

The Highway Development Control Section is of the opinion that a 2.0m wide footpath should be provided for the full frontage of the site to aid social inclusion and the promotion of sustainable forms of transport and to support any future development to the south of the site. The 2m wide footpath would also protect the site lines from the site. The 2m footpath should also be provided on the northern side of the access and to continue a minimum of 10m into the site, as this is the desire line for pedestrians to access the local facilities and Colne.

PBC Environmental Health - Attach standard contaminated land condition.

PBC Engineering (drainage)

Lancashire Constabulary Architectural Liaison

National Grid

The Coal Authority - Whilst there are potential mining features within the application site, based on information provided on behalf of the applicant the specific part of the site where new development is proposed actually falls outside the defined Development High Risk Area. Therefore we do not consider that a Coal Mining Risk Assessment is necessary for this proposal and withdraw our objection to this planning application. Please attach a note relating to coal mining risks to any planning permission.

PBC Public Rights of Way

Colne Town Council

## **Public Response**

19 neighbours notified - One response has been received objecting to the proposed development on the following grounds:

The proximity of the gable elevation of the dwelling adjacent to the North West boundary of the site would overshadow significantly our property.

The significant height difference between our home and the ground level of the embankment, combined with the proximity of the gable elevation of the dwelling adjacent to the North West boundary of the site would provide a direct line of sight from the kitchen window of this dwelling into the front bedrooms of our home.

As the applicant has not provided method study that details measures to mitigate the risk of ground water contamination from this former industrial site.

As the applicant has not provided method study that details measures to mitigate the noise nuisance resulting the deep pile foundations necessary on this site.

As the applicant has not provided method study that details measures to mitigate the risk of surface water contamination of the road drains from vehicular traffic leaving the site.

As the applicant has not provided method study that details measures for the safe disposal of spoil generated during excavation of foundations and roadways on the site.

It is of also serious concern that the applicant has not provided any information regarding the risk assessment and mitigation of risk associated with the adjacent former Knotts Lane Landfill Site. Which is located immediately to the South East boundary of the site.

## Officer Comments

### **Policy**

The starting point for consideration of any planning application is the development plan. Policies which are up to date and which conform to the provisions of the National Planning Policy Framework must be given full weight in the decision making process. Other material considerations may then be set against the Local plan policies so far as they are relevant.

### National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in paragraphs 18 to 219 of the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Paragraph 47 of the Framework requires local planning authorities to identify a supply of deliverable housing sites to provide five years' worth of their housing requirements.

### Pendle Local Plan Part 1: Core Strategy

Policy SDP1 sets out the presumption in favour of sustainable development which runs through the plan.

Policy SDP2 prioritises new development within settlement boundaries.

Policy LIV1 sets out the Council requirement to deliver new housing at a rate of 298 dwellings per annum.

Policy ENV2 states that all new development should seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving heritage assets.

Policy LIV5 States that the Council will require all new housing to be designed and built in a sustainable way in order to meet the needs of Pendle's population and supports proposals for high quality and innovative design. The policy sets out the Councils approach to housing density, green infrastructure and general housing design principles

### Replacement Pendle Local Plan

Policy 4D (Natural Heritage - Wildlife Corridors, Species Protection and Biodiversity) States that development proposals that would adversely impact or harm, directly or indirectly, legally protected species will not be permitted, unless shown to meet the requirements of The Conservation (Natural Habitats, &c.) Regulations 1994.

Policy 8 (Contamination and Pollution) States that development will be permitted where there is likely to be no harmful pollution or contamination or an proposed remedial action is sufficient to reduce the risk of pollution.

Policy 13 (Quality and Design of New Development) states that the Council will protect and enhance the heritage and character of the Borough and the quality of life for its residents by encouraging high standards of quality and design in new development. The proposal's compliance with Policy 13 is addressed in the design and amenity sections.

Policy 16 (Landscaping in New Development) requires that all development proposals which involve new building include a landscaping scheme sympathetic to the site's character.

Policy 31 (Parking) requires a maximum of three off-street parking spaces per four bedroom house.

### **Principle of the development**

The site falls within the settlement boundary of Colne and is designed as Housing Market Renewal Reserved Housing Land on the Local Plan proposals map. The HMR Reserved Housing Land designation is now defunct as the HMR scheme no longer exists and policy 17, which required that the sites were retained for HMR development, has been replaced. Therefore the designation does not impact upon the determination of this application.

The site is located in a sustainable location within the settlement of Colne with acceptable access to services and public transport and therefore the principle of residential development is acceptable.

### **Design**

The proposed houses would be of relatively simple design constructed from artificial stone, which is acceptable in this non-designated area. The buildings would be largely hidden from the surrounding landscape by the bund to the south and would not harm the visual amenity of the area. The proposed design of the buildings is of good quality and is acceptable in accordance with policies 13, ENV2 and LIV5.

### **Amenity**

The layout of the houses would provide an adequate level of privacy for residents and would not adversely impact upon the privacy of any adjacent dwellings.

Concerns have been raised regarding overshadowing and the potential impact of the kitchen window of plot 5 on the privacy of rooms in the rear of Knotts Farm. The separation distance between the properties are sufficient to ensure that the proposed development would not result in an overbearing impact or unacceptable loss of privacy. Irrespective of this, the plans have been amended moving the kitchen to the opposite side, facing away from Knotts Farm.

Therefore, the proposed development is acceptable in terms of amenity in accordance with policies 13 and ENV2.

### **Highways**

The proposed access would provide an adequate level of visibility and is acceptable in terms of highway safety. The car parking standards set out in the Local Plan are for three on site spaces for each four bedroom house, this is a maximum rather than minimum standard. Each house would have three car parking spaces in accordance with this standard. Therefore, the proposed development is acceptable in highway terms in accordance with policy 31.

### **Ecology**

The development involves the demolition of a small outbuilding, this building has very low probability of provided habitat for bats and recommends mitigation measures to ensure that bats and birds are not harmed by the development. With a condition to ensure that the development is carried out in accordance with the recommended mitigation measures the proposed development

is acceptable in ecology terms.

## **Coal mining and contamination**

The site falls partially within the Coal Authority high risk development referral area. The Coal Authority initially objected to the proposed development due to insufficient information, the applicant has submitted additional information which demonstrated that the proposed houses would not be within the area of influence of the coal seam and the proposed development is therefore acceptable, the Coal Authority have withdrawn their objection.

Concerns have been raised regarding contamination on the site and adjacent land. A contaminated land condition can ensure that any contamination is identified and acceptably remediated.

## **Other issues**

Concerns have been raised regarding the potential for noise nuisance during construction. Acceptable working hours etc. can be controlled under Environmental Health legislation, on a development of this relative small scale it is not necessary to impose conditions relating to this.

## **Summary**

The principle of a housing development on this site accords with the National Planning Policy Framework and the development is acceptable in terms of design, amenity and highway safety site ecology impact and risk from former coal mining. Therefore, the proposed development is recommended for approval.

## **Reason for Decision**

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in terms of policy, design, amenity and highway safety. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

## **RECOMMENDATION: Approve**

Subject to the following conditions:

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

**Reason:** Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 15/150/2A, 15/150/3A, 15/150/5.

**Reason:** For the avoidance of doubt and in the interests of proper planning.

3. Within two weeks of the commencement of development samples of the external materials to be used in the construction of the roofs and walls of the development hereby permitted shall

have been submitted to the Local Planning Authority for written approval. The development shall only be carried out in strict accordance with the approved materials.

**Reason:** To ensure a satisfactory form of development in the interest of visual amenity of the area.

4. The window openings shall be set back from the external face of the wall. The depth of reveal shall be at least 70mm.

**Reason:** To ensure a satisfactory appearance to the development in the interest of visual amenity.

5. A scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority within two weeks of the commencement of development. The scheme shall provide for separate systems for foul and surface waters and be constructed and completed in accordance with the approved plans before the first dwelling is occupied.

**Reason:** To control foul and surface water flow disposal and prevent flooding.

6. No works shall commence on the site unless and until a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site has been submitted to and approved in writing by the Local Planning Authority. The method statement shall detail how:-

a) an investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority; and

b) A comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority.

All agreed remediation measures shall thereafter be carried out in accordance with the approved implementation timetable under the supervision of a geotechnical professional and shall be completed in full accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

In addition, prior to commencing construction of any building, the developer shall first submit to and obtain written approval from the Local Planning Authority a report to confirm that all the agreed remediation measures have been carried out fully in accordance with the agreed details, providing results of the verification programme of post-remediation sampling and monitoring and including future monitoring proposals for the site.

Advisory Notes:

(i) Where land identified as having the potential to be contaminated is undergoing redevelopment, a copy of the leaflet entitled 'Information for Developers on the investigation and remediation of potentially contaminated sites' will be available to applicants/developers from the Council's Contaminated Land Officer. The leaflet will be sent to the developer by request.



(ii) Three copies of all contaminated land reports should be sent to the Local Planning Authority.

(iii) This condition is required to be fully complied with before development is commenced. Failure to comply with the condition prior to commencement of work may result in legal action being taken.

**Reason:** In order to protect the health of the occupants of the new development and/or in order to prevent contamination of the controlled waters.

7. The development shall be carried out in accordance with the recommendations set out in the Bat Survey Report dated 17/09/2013.

**Reason:** To ensure protection of the habitat of bats and barn owls which are protected under the Wildlife & Countryside Act, 1981.

8. Within two weeks of the commencement of the development a detailed landscaping scheme shall have been submitted to the Local Planning Authority for written approval. The scheme shall include the following:

- a. the exact location and species of all existing trees and other planting to be retained;
- b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
- c. an outline specification for ground preparation;
- d. all proposed boundary treatments with supporting elevations and construction details;
- e. all proposed hard landscape elements and pavings, including layout, materials and colours;
- f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its entirety approved form within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

**Reason:** To ensure that the development is adequately landscaped so as to integrate with its surroundings.

9. The car parking areas shall be surfaced or paved in accordance with a scheme to be approved in writing by the Local Planning Authority and the car parking spaces and manoeuvring areas for each plot shall be marked out in accordance with the approved plan before its occupation. The parking spaces and manoeuvring areas shall thereafter always remain unobstructed and available for parking and manoeuvring purposes.

**Reason:** To allow for the effective use of the parking areas.

10. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.

**Reason:** To prevent stones and mud being carried onto the public highway to the detriment of road safety.

11. The new estate road for the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any other development takes place within the site and shall be further extend before any development commences fronting the new access road.

**Reason:** To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

12. The garages of the dwellings hereby permitted shall not at any time be used for any purpose which would preclude their use for the parking of a motor car.

**Reason:** To ensure that there is adequate off-street parking provision within the site to prevent on-street car parking that would be inimical to highway safety.

13. No part of the development hereby approved shall commence unless and until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to and in writing approved by the Local Planning Authority. Thereafter, no part of the development hereby approved shall be occupied until the approved scheme has been constructed and completed in accordance with the details agreed.

**Reason:** In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

14. No works shall commence unless and until a Traffic Management Plan for the construction works, has been submitted to and approved in writing by the Local Planning Authority. This shall include:-

- a) The parking of vehicles of site operatives and visitors;
- b) Loading and unloading of plant and materials used in the construction of the development;
- c) Storage of such plant and materials;
- d) Wheel washing facilities;
- e) Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
- f) Routes to be used by vehicles carrying plant and materials to and from the site;
- g) Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

The development shall thereafter be carried out only in strict accordance with the approved Traffic Management Plan.

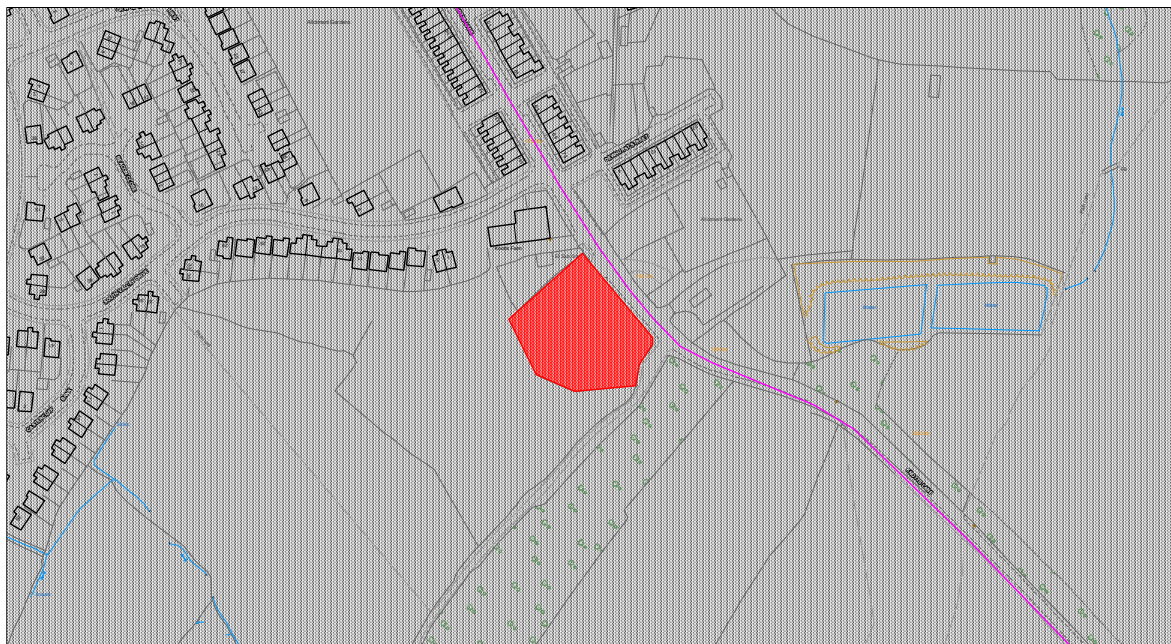
**Reason:** In the interest of highway safety.

**Note:** It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval.

Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com)

The proposed development lies within a coal mining area which may contain unrecorded coal mining

related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)



**Application Ref:** 13/15/0610P

**Ref:** 19200

**Proposal:** Full: Erection of five detached dwelling houses with garages.

**At:** CEMENT WORKS KNOTTS LANE COLNE BB8 8HW

**On behalf of:** Mr D Liversidge

## REPORT TO COLNE AND DISTRICT COMMITTEE ON 04 FEBRUARY 2016

**Application Ref:** 13/15/0611P

**Ref:** 19202

**Proposal:** Full: Erection of a single storey link extension between the dwelling house and detached garage (re-submission)

**At:** STAG HOUSE RED LANE COLNE BB8 7JW

**On behalf of:** Mr & Mrs A Clark

**Date Registered:** 15 December 2015

**Expiry Date:** 9 February 2016

**Case Officer:** Mubeen Patel

### **Site Description and Proposal**

The application is brought to committee by the request of a Councillor.

The application site is a large detached house with a two storey detached garage/annex located within the Green Belt. To the south and west is open land, Red Lane passes the site to the north and Bridleway 229 to the east. The house and garage are constructed from rendered stone with natural slate roofs and timber fenestration.

The proposed development is for the erection of a single storey extension to link the main house to the detached garage/annex. The link would mainly be in the form of an orangery with glazed walls and lantern roofing. The extension will include a link corridor and sitting area, externally a small terrace has been proposed with landscaping adjacent. The development would have an overall footprint of approximately 57sqm; have a flat roofed design with the main corridor being 3m in total height. The walls of the proposed extension will be finished in render with painted dressed quoins, heads and cills.

This application is similar to two previous proposals at the site for the erection of a single storey link extension between the main house and the garage/study. Both these applications were refused as the proposed development would result in disproportionate additions over and above the size of the original building in this Green Belt location. The first application (13/13/0140P) was refused by Committee decision in June 2013, the second application was refused in April 2015 under delegation.

### **Relevant Planning History**

13/96/0022P - Erect two storey side extension. Approved, 29/02/1996.

13/99/0085P - Demolish existing front extension and erect conservatory to the front. Approved, 12/02/1999.

13/99/0147P - Extend garden into part of field. Approved, 13/05/1999.

13/03/0143P - Demolition and rebuild of detached garage. Approved, 09/04/2003.

13/12/0380P - External alterations to detached domestic garage including the insertion of a velux window in the rear roof slope. Approved, 16/10/2012.

13/13/0140P - Erection of a domestic single storey link extension between the house and detached annex/ garage - Refused - 07/06/2013.

13/15/0123P - Erection of a single storey link extension between dwelling house and detached garage/flat building - Refused - 23/04/2015.

### Consultee Response

**Highways** - The proposal raises no highway concerns and I would therefore raise no objection to the proposal on highway safety grounds.

### Public Response

Four neighbours were notified by letter, no comments have been received.

### Relevant Planning Policy

Code	Policy
ENV 1	Protecting and Enhancing Our Natural and Historic Environments
ENV 2	Achieving Quality in Design and Conservation
SPDDP	Supplementary Planning Document: Design Principles

### Officer Comments

The adopted Part 1 Local Plan (“the Local Plan”) has several policies directly relating to the development. Policies ENV1 (Protecting and Enhancing Our Natural and Historic Environments) and ENV2 (Achieving Quality in Design and Conservation) require that developments should make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

In relation to Green Belt Policy ENV2 requires development to maintain the openness of green belt and protect or enhance the natural environment.

The National Planning Policy Framework considers green belts in section 9. It places an automatic policy presumption that any inappropriate development is by definition harmful to Green Belt. New building is inappropriate development unless it is one of the exceptions listed at paragraph 89. In relation to this development the only exception that could apply is that for the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

Paragraph 87 states that inappropriate development should not be approved unless in “very special circumstances”.

The design principles SPD contains further advice. With reference to impact on neighbours it states 'Extensions must adequately protect neighbours enjoying their own home. Extensions must not overshadow to an unacceptable degree or have an overbearing effect on neighbouring properties. Windows in extensions should not directly and inappropriately overlook adjacent properties'.

### **Impact on Green Belt**

The property has been significantly extended in the past, almost doubling its original size by way of a two storey extension and conservatory in the 1990s. This resulted in an approximate increase of 89% over the original dwelling. The proposed extension would increase this to approximately 145% which would increase this by almost half again.

The increase in the size of the original building to circa 145% of its original size would result in a development wholly disproportionate to the size of the original building. The development would by definition be inappropriate. As such, in accordance with Paragraph 87 of the Framework permission should only be granted if there are very special circumstances.

Although the extension would be somewhat screened by the proposed landscaping, given the height and positioning of the extension it would still be visible from bridleway 229 running to the east of the site and Red Lane to the north, the extension would increase the bulk and mass of the building when viewed from public vantage points along the bridleway and road. Taking this into account it is concluded that the proposed development, cumulatively with the existing extensions, would result in disproportionate additions over and above the size of the original building which would not protect or enhance the openness of the Green Belt by way of its siting and size contrary to Policies ENV1 and ENV2 of the Core Strategy Part 1 and the NPPF.

No circumstances have been advanced by the applicant to justify a development that falls squarely contrary to local and national planning policy. In the absence of anything to consider as being very special circumstances the development would be harmful to the Green Belt and should be refused.

### **Design**

The proposed extension would be sympathetic to the design and materials of the existing buildings and would be acceptable in terms of design in accordance with Policy ENV2 and the guidance set out in the Design Principles SPD. However, the proposed extension would have a detrimental impact on the open character of the Green Belt.

### **Amenity**

The proposed extension would raise no adverse residential amenity issues and is therefore acceptable in terms of amenity in accordance with policy ENV2 and the guidance set out in the Design Principles SPD.

### **Highways**

The proposed extension raises no adverse highway safety issues.

### **RECOMMENDATION: Refuse**

For the following reasons:

1. The site is located within the Green Belt. The cumulative size of the existing extensions and the proposed development would result in a disproportionate addition over and above the size of the original building which would detract from the openness of the Green Belt and thus would be inappropriate development contrary to Policy ENV2 of the Local Plan Part 1 and the guidance policies set out in the National Planning Policy Framework specifically paragraph 87.



**Application Ref:** 13/15/0611P

**Ref:** 19202

**Proposal:** Full: Erection of a single storey link extension between the dwelling house and detached garage (re-submission)

**At:** STAG HOUSE RED LANE COLNE BB8 7JW

**On behalf of:** Mr & Mrs A Clark

## LIST OF BACKGROUND PAPERS

Planning Applications

**NPW/HW**

**Date: 27th January 2016**