

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

TO: COLNE AND DISTRICT COMMITTEE

DATE: 15th June, 2017

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO COLNE AND DISTRICT COMMITTEE 15th JUNE, 2017

Application Ref: 17/0080/FUL

Proposal: Full: Conversion, alteration and extension of existing barn to create two dwellings.

At: Hazel Grove Lodge, Warley Wise Lane, Colne

On behalf of: Mrs Brayshay

Date Registered: 21 February 2017

Expiry Date: 17 May 2017

Case Officer: Kathryn Hughes

The application is brought to Committee as three objections have been received.

Site Description and Proposal

The site comprises a two storey stone barn with a single storey outshot at the rear constructed of brick. It is accessed by a single width, unmade track from Warley Wise Lane.

The proposed development seeks to convert the barn to create two dwellings, whilst also partially replacing the lean-to extension at the rear to create extensions for each property. Free standing outbuildings would also be removed to facilitate the development.

The site is within the Open Countryside as designated in the Local Plan.

Consultee Response

LCC Highways – Queries whether access for agricultural business would continue; note that if a field gate is closed off it could potentially block a public footpath; 5 spaces for the two units should be provided in total. Concerns regarding highway safety of users on the track, however, in light of comments for a neighbouring property at appeal I cannot justify objecting to this application purely due to the likely increase in vehicle movements.

As the development is located away from the public transport network there would be a reliance on private transport. Cottage 1 would be a three bed property and should have two parking spaces. Cottage 2 would have four beds and should have three parking spaces. The applicant should provide a scaled drawing indicating the parking provision and manoeuvring areas for both new cottages, including how they would relate to other parking/manoeuvring areas on site, plus how the proposal would affect Public Rights of Way (FP 40 & FP41 Colne).

Visibility splay

During my site visit I noted that visibility at the junction with the access track and the lane to Hazelgrove Lodge is obscured, mainly by mature vegetation. Vehicles would not have an unobstructed view of other highway users, including walkers and cyclists, when exiting to the right, so raising highway safety concerns. Should this application be approved then the vegetation, which mainly consists of a tall conifer tree, should be removed prior to the start of any development to improve visibility for all highway users.

Passing Places

There are three passing places on the access track from the junction with Warley Wise Lane and the lane leading to Hazelgrove Lodge, only two of which lie within the applicant's ownership. I consider these to be inadequate to provide a safe means for a vehicle to pull in to allow another

one to pass, or for other highway users, particularly horse riders, to step off the access track safely. Should this application be approved I would ask for a condition to improve these two passing places by increasing their size and replacing the grassed surface with one of rolled stone.

Junction of access track/Warley Wise Lane

I noted on site that a large amount of loose surface material from the access track had been dragged onto the adjacent adopted highway network, so causing a potential source of danger to other road users. There was also evidence of vehicles overrunning the adjoining grass verges. To prevent further deterioration of the junction and verges the applicant should re-construct the junction apron in bound porous material at least 5m from the boundary of the adopted highway (Warley Wise Lane) into the access track, and include any damaged areas of the verges.

Public Rights of Way

Public Right of Way (Bridleway 39), which is a section of the Pennine Bridleway, and part of The National Trails network, runs along the access track. Public Right of Way FP 40 (Colne) runs along the lane leading to Hazelgrove Lodge, with FP 41 passing through the development site, and FP42 immediately adjacent.

Public Rights of Way must not be obstructed during the proposed development. It is the responsibility of the landowner to ensure that the necessary procedures are followed for the legal diversion of the Public Right of Way, if this should be necessary. The granting of planning permission does not constitute the diversion of a Definitive Right of Way. If it is necessary for Public Rights of Way to be temporarily diverted or temporarily closed, this is the responsibility of the landowner to ensure that this is done following the appropriate legal procedures. A temporary closure will only be granted where it is the intention to re-open the right of way upon expiration of the closure on the route recorded on the Definitive Map of Public Rights of Way.

The development must not commence until the necessary procedures are in place, either allowing the development to take place without affecting the right of way as recorded on the Definitive Map of Public Rights of Way and subsequent diversion orders and side roads orders, or if it is necessary to divert the above listed Public Rights of Way, then the necessary Orders must be confirmed prior to construction to avoid enforcement action should the above Public Footpath become affected. There is no provision under the Town and Country Planning Act 1990 to allow a retrospective diversion of paths that are already affected by either partially completed or completed development.

Should the concerns raised be resolved satisfactorily then I would have no objection to this application. If the planning authority is minded to approve it then I would ask for conditions relating to reconstruction/repair of the track, vegetation on the highway frontage to be reduced, passing places to be extended and surfaced and car parking scheme.

Yorkshire Water - comments would be provided by UU in this location.

PBC Environmental Health – Advise application to establish that the water supply is sufficient and of appropriate quality.

Colne Town Council

Public Response

Site notice posted and nearest neighbours notified by letter – 6 responses received (5 from two households) raising concerns on the following:

- Volume of traffic along inadequate track;

- Width of access track should be increased to account for greater movements;
- Difficulty with visibility and approaching vehicles;
- Highway conditions for visibility and passing places should be prior to commencement in order to ensure these are implemented prior to construction phase;
- Applicant has not contributed to the upkeep of the track;
- Track is part of the bridleway and could cause conflict between horses and vehicles;
- Larger amounts of water comes from poorly drained fields adjacent and impacts on the quality of the track;
- More ecology surveys should be carried out in summer months for bats, barn owls and swallows which are present in the area;
- Developer has missed an opportunity to incorporate sustainable features in to the development such as air/ground source heat pumps, biomass boilers or pv systems etc.

Officer Comments

Policy

Policy ENV1 of the Local Plan Part 1 states that the historic environment and heritage assets of the borough (including Listed Buildings, Conservation Areas, Scheduled Monuments, non-designated assets and archaeological remains), including and their settings, will be conserved and where appropriate should be enhanced. Development in the Open Countryside should seek to safeguard or enhance landscape character.

It also seeks to ensure that new development does not adversely impact on species or habitats of importance.

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.

National Planning Policy Framework

Paragraph 55 of the Framework states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.

In relation to conversion of existing buildings, these circumstances include development that would represent the optimal viable use of a heritage asset and re-use redundant or disused buildings and lead to an enhancement to the immediate setting.

Paragraph 64 of the National Planning Policy Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving character and quality of an area and the way it functions. This paragraph is unqualified. If a development is poor in design it should be refused.

Principle of Development

The site is located outside of settlement boundary, however, as a traditional and attractive stone built barn, the development would in principle represent the optimal viable use of a building with heritage value. There has been a recent appeal decision for a new build dwelling nearby which the Planning Inspector dismissed due to this location not being sustainable. The difference is that this was for a new build dwelling and this application is for a conversion which would reuse a traditional building which has some heritage value in being retained.

As such this proposal would accord with Local Plan policies and para 55 of the Framework.

Design & Impact on Landscape

In line with Policies ENV1 and 2, development should seek to deliver high standards of design whilst protecting the historic environment. With regard to barn conversions, this is achieved through minimal and sympathetic external alterations so that the agricultural character is retained and not altered to such a degree that the development appears suburban.

Here the scheme of conversion seeks to utilise the existing openings and supplement them with appropriate additions to the front and rear elevations. Traditional features, such as the main cart door will be retained and are incorporated in to the design.

At the rear an unsightly and now dilapidated brick built animal shelter would be demolished, exposing more or the original rear barn wall. This would be replaced in part by a smaller extension of materials which match the main building. It would straddle the boundary between the two proposed dwellings and provide additional living space for each. The general form and shape of the extension is acceptable and would not appear as an overly large or prominent addition in the wider landscape.

Overall the scheme of conversion is acceptable and would not adversely impact on its setting within the Open Countryside.

Amenity

Taking into account the position of the building and its relationship with adjacent dwellings, the development would not raise any adverse issues in terms of residential amenity.

In terms of the properties to be created, each would be afforded more than adequate amenity space, primarily to the rear. These areas would be formed within the footprint of a detached agricultural building which is to be demolished.

Ecology

A survey has been undertaken by a qualified ecological consultant in an effort to establish any possible impacts of the development on protected species or their habitats.

No evidence of roosting bats or barn owls was found and the likelihood of them using the site is low to moderate, affected by its exposed and sub-optimal location. Therefore the findings at this time raise no adverse concerns. However the developer is advised to proceed with vigilance in the event that species are unexpectedly uncovered during works.

Highways

The site is served by an existing, un-surfaced track from Warley Wise Lane and is the first of several properties accessed from the lane.

The main points of concern by residents relate to the increase in traffic. The proposal seeks to create two dwellings (3 and 4 bedrooms respectively) in addition to the property which currently exists on site. A second application under Class Q of the GPDO is also under consideration at the time of writing for the conversion of an adjacent agricultural building to a single dwelling.

Whilst the development would increase movements along the lane, the volumes involved would not be significant or unacceptable. As referred to above, Hazel Grove is the first site along the

track, meaning current and future occupants would have a lesser distance to travel than neighbouring dwellings to the south.

A recent appeal at Knarrland Farm (some 350m+ to the south of this site) considered highway safety along the lane, having been cited as a reason for refusal in application 13/16/0107P for the erection of a single dwelling. In reaching her decision, the Inspector stated the following;

“As stated, access to the proposed dwelling would be via a relatively lengthy single track access road off Warley Wise Lane. The access road forms part of the Pennine Bridleway and so is open to horse riders, walkers and cyclists. In the main it is straight and reasonably level with a number of passing places along its length between Warley Wise Lane and the appeal site. The access road is used by a small number of existing dwellings and businesses and it appears that there is also an extant planning permission to convert the barn at Knarrland Farm to a dwelling.

I have had regard to the concerns of the Highway Authority and interested parties regarding the nature of the access road and the likely impact on pedestrian and highway safety of any increase in vehicular use of it. However from my observations of the alignment and nature of the access road and passing places on site and having regard to the relatively low level of additional traffic likely to be generated by the proposal, in the absence of any substantive evidence to the contrary, I do not consider that the proposal is likely to result in severe detriment to highway and pedestrian safety.

Taking the above matters into consideration, I conclude that the proposal would be unlikely to have a significant adverse effect on highway and pedestrian safety. It therefore accords with paragraph 32 of the Framework which seeks development proposals to, amongst other things, provide safe and satisfactory access.”

Taking in to account this position the development of 2 further dwellings at Hazel Grove Lodge raises no undue highway safety or capacity concerns.

LCC Engineers have highlighted that the current adopted maximum parking standards would require 5 spaces in total for the two dwellings. The proposed site layout plans shown only 4 cars parked in an area of the existing yard adjacent to the gable of the barn. However, there is sufficient area available to be able to accommodate sufficient spaces for both properties. This can be controlled by an appropriate condition.

Drainage

The development is to be served by way of a new package treatment plant for waste waters details of which can be secured by an appropriate condition.

Public Rights of Way

A public right of way runs through the yard (FP 41) from east to west. The proposed development would not infringe on this, however, the developer should be aware that the grant of planning permission does not give rights to obstruct or divert the path during the construction process. Any necessary consent for such closures or diversions should be sought through the appropriate channels if necessary.

Other Issues

Comments have been raised that the development represents a missed opportunity to implement sustainable technologies as part of the scheme. Whilst this is noted, it is not incumbent on the applicant to pursue these measures during the planning process and may be considered during the building regulations phase.

Summary

The proposed development is compliant with the Local Plan Part 1 and the National Planning Policy Framework, therefore the recommendation is to approve this application.

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 conversion is acceptable in terms of design, amenity, highway safety and impact on the open countryside, thereby complying with Policies ENV1 and ENV2 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

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: WBW03-PL-PS03 Revision B, PP03 Revision B, PP03a Revision A, PE03 Revision A, PE04 Revision B, 1:5000 location plan,

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

3. Notwithstanding the provisions of Article 3 and Part 1 of the second schedule of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A, B, C, D, E of Part 1 of Schedule 2 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: In order to enable the Local Planning Authority to control any future development on the site, in order to safeguard the character and visual amenity of this building and the area.

4. The external facing materials used in the creation of any new window and door openings in the development hereby approved 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.

5. A sample of the materials and colours to be used window frames and doors shall be submitted to and approved in writing by the Local Planning Authority within 2 weeks of the commencement of development. The development shall then only be carried out in accordance with the approved details prior to the occupation of the dwelling and retained thereafter.

Reason: To ensure the satisfactory appearance of the development.

6. Prior to the commencement of development, details of the proposed style and finish of the new roof lights shall be submitted to and approved in writing by the Local Planning Authority. The roof lights shall then be installed in strict accordance with the approved details.

Reason: To ensure the use of appropriate materials in order to protect the character and appearance of the barn.

7. The curtilage of each property hereby approved shall be as shown as shown on drawing WBW03-PL-PS03 Revision B.

Reason: In the interests of clarity and to clearly define the approved curtilage.

8. A scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority prior to 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: In order to control foul and surface water disposal and to prevent pollution and flooding.

9. The development shall commence in accordance with all recommendations within the EPS Scoping Survey carried out by David Fisher of EED Surveys and dated 20 March 2017.

Reason: To protect species and their habitats.

10. The permission hereby granted is for the conversion and extension of the existing building only and does not imply or grant consent for any demolition (with the exception of the existing lean-to and detached outbuilding) or re-building of the external walls.

Reason: The substantial rebuilding of this structure in Open Countryside would be contrary to the development plan.

11. Prior to the commencement of any development the existing vegetation on the highway frontage of the site at the junction of the access track with the lane leading to Hazelgrove Lodge shall be reduced to and be permanently maintained henceforth at a height not greater than 0.9m above the crown level of the carriageway of the access track.

Reason: In order to allow for the effective use of the parking areas and in the interests of highway safety.

12. Prior to the commencement of development the two existing passing places along the access track from its junction with Warley Wise Lane to the entrance to the track leading to Hazelgrove Lodge shall be extended to a minimum size of 10m x 2m and surfaced in an appropriate material to be submitted to and approved in writing by the Local Planning Authority. The passing places shall thereafter be retained in accordance with the approved details.

Reason: In the interest of highway safety.

13. Notwithstanding the submitted plans a scheme for the parking area for both cottages to provide a total of five spaces shall have been submitted to and approved in writing by the Local Planning Authority and shall be made available for use in accordance with the approved details prior to the first occupation of the dwellings hereby approved. The car parking area shall thereafter remain available for the parking of vehicles associated with these properties.

Reason: In order to allow for the effective use of the parking areas and in the interests of highway safety.

Note:

1. The development is located within a rural area, which appears likely to be served by a private (i.e. non-mains) water supply. The applicant is advised to ascertain the quality and sufficiency of the water supply. For further information contact Environmental Health at Pendle Borough Council by telephoning (01282) 661199.
2. The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act. Bridleway 39 and Footpaths 40, 41 and 42 (Colne) may be affected by the development. If it is necessary for Public Rights of Way to be temporarily diverted or temporarily closed, this is the responsibility of the landowner to ensure that this is done following the appropriate legal procedures. A temporary closure will only be granted where it is the intention to re-open the right of way upon expiration of the closure on the route recorded on the Definitive Map of Public Rights of Way.

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/KH

Date: 6th June 2017