

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

**TO: COLNE AND DISTRICT COMMITTEE**

**DATE: 8<sup>th</sup> February, 2018**

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications.

**Application Ref: 17/0644/FUL**

**Proposal:** Full: Conversion of existing agricultural building into two dwellings, with associated parking and landscaping and demolition of existing Dutch barn.

**At:** Hey Royd Farm, Skipton Old Road, Colne

**On behalf of:** C Malik and G Preston

**Date Registered:** 26.10.2017

**Expiry Date:** 21.12.2017

**Case Officer:** Charlotte Pinch

**Site Description and Proposal**

The application is brought to Committee as it was called in by Councillor Nixon. It was deferred at the committee on 11<sup>th</sup> January 2018 as the Councillors requested a site visit.

The application site is a combination of three disused agricultural barns, two of which are the subject of this application. The site is located within the Lidgett and Bents Conservation Area, Green Belt and Open Countryside. The area is covered by a blanket TPO, whilst being within close proximity of Heyroyd House, a Grade II Listed Building.

The proposed development is for the conversion of a large stone barn into two dwellings, in addition to the demolition of the existing modern dutch barn. Each dwelling would comprise of 5 bedrooms over two floors and a large garden to the north west of the properties.

**Relevant Planning History**

None relevant.

**Consultee Response**

LCC Highways

For clarity three parking spaces should be provided for each dwelling in accordance with parking standards. These can be achieved for Plot 1 whilst still maintaining sufficient manoeuvring space. However I've still some concerns regarding the proposed parking/manoeuvring for Plot 2 as space is more limited. Three spaces could, in my opinion, be provided with careful design. All parking and manoeuvring areas should be laid out so as not to obstruct or impede access to the rest of the site which is not part of this application.

Conservation Officer

The farm lies at the northern edge of the Lidgett and Bents CA, and close to the 18thC Grade II listed house at Heyroyd, with which it was historically associated. The farm buildings were built in the later 19th/early 20thC as part of the Heyroyd estate. An area of mature trees to the rear of Heyroyd and its immediate outbuildings separates the LB from the farm buildings, and acts as a visual screen between the two. This effectively preserves the immediate setting of the LB. The

barn is more readily viewed across open fields from the Castle Rd area to the north, therefore care needs to be taken with boundary treatment to the exposed N and W site boundaries.

The stone barn being relatively late in date is fairly well provided with existing door and window openings, therefore should lend itself well to conversion. The policy guidance in the CA SPD paras. 4.85-4.99 is relevant in terms of the detailed design of the conversion, in essence: *'Conversions of and alterations to traditional farm buildings should respect their layout, character and architectural form, and retain any distinctive features.'*

I would suggest some minor amendments that would improve design and detailing –

- reduce and rationalise roof lights on the exposed N elevation
- consider treatment and size of openings on the W gable and the relationship of the large cart door and the central window above.
- rationalise window framing pattern to better reflect the existing window framing – detailed design and finish of windows and doors can be conditioned.

Conditions should include –

- Stone and slate should match existing, and a methodology for any proposed re-pointing or stone cleaning should be agreed.
- Design and materials of rain water goods,
- Existing dry stone walls and stone setts in and around the farmyard should be preserved in situ.
- Detailed design and finish of windows, doors and roof lights, also design detail of the proposed link extension.

The demolition of the existing modern dutch barn will represent an enhancement to the conservation area setting, in that the original stone farm buildings will be more visible, in line with NPPF 137 which encourages proposals that better reveal the significance of heritage assets.

### Historic England

Having considered the application they do not wish to raise any comments, but advise that the views of the specialist conservation and archaeological advisers should be sought.

### Tree Officer

As this is a conversion and there is little change to the actual structure of the building, there is little need to look at how it fits into the landscape. My main issue is access to the site, all these trees are covered by TPO and the conservation area. The access and parking for Plot 2 seems acceptable, however Plot 1 raises concerns as the access and parking is over the RPA's of many trees and is not on an existing track.

As a result, further information and plans showing a 'no dig' driveway and parking, plans for storing materials and machinery, tree protection fencing in accordance with BS5837:2012 standards and a landscaping plan should be required prior to granting any permissions.

### Colne Town Council

No comment.

## Public Response

Seven letters of objection were received, their comments are summarised as follows:

- Site still used by a tenant farmer, therefore depriving him of his livelihood.
- Demolition of an agricultural building currently in use for housing livestock.
- Disturbance of Barn Owl roosts, contrary to ENV1.
- Does not meet requirements of a sustainable development.
- Harmful damage to the Green Belt.
- Inappropriate development and urbanisation of the countryside.
- Detrimental impact on the key historic characteristics of the conservation area.
- Detrimental impact on local facilities and services.
- Goes against Paragraphs 11-17 in NPPF.
- Large number of roof lights being added to highly visible roof slopes, detrimental to the rural character of the buildings.
- Light pollution.
- Substantial gardens will encroach into Green Belt and Open Countryside.
- Loss of 'nature tourism'.

[Officer Note: In response to some public response letters supplementary information was received on 20<sup>th</sup> December 2017 from the applicants Rural Land agent. In summary the information highlights that there has been no agricultural tenancy on the site since 2001. The land around the site is currently let on a Farm Business Tenancy, as of 2015, for use of the land for grazing and pasture only. The current farm business tenant is fully aware of this proposal and there is no formal arrangement for the cows to use any of the buildings. They have their own accommodation on the tenants land within 2 miles of the site.]

## Officer Comments

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.

## Policy

### 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.

The site is located outside of a settlement boundary. Paragraph 55 of the Framework states that Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. These include where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets.

### Local Plan Part 1: Core Strategy

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) 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.

Policy ENV2 (Achieving Quality in Design and Conservation) 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.

Policy LIV5 (Designing Better Places to Live) states that layout and design should reflect the site surroundings, and provide a quality environment for its residents, whilst protecting the amenity of neighbouring properties.

### 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 31 (Parking) which is a saved Policy within the Replacement Pendle Local Plan requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP.

Conservation Area Design and Development Guidance SPD 2008 sets out key aspects of development to ensure the special character of the conservation area are maintained.

### **Principle of the Development**

The building is a traditional stone barn and, although not a designated heritage asset, is of some heritage value. The proposed conversion of the building would secure its future whilst enhancing its immediate setting and this would represent special circumstances (as defined in the NPPF) for the conversion to a dwelling in an isolated location in accordance with paragraph 55 of the Framework.

### **Green Belt**

Paragraph 89-90 of the National Planning Policy Framework sets out the types of development that are not inappropriate within the Green Belt. These include 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, and the re-use of buildings provided that the buildings are of permanent and substantial construction;

The building is of permanent and substantial construction and the proposed single storey side link extension would not result in disproportionate addition. The proposed development would therefore not be inappropriate development and would not result in an unacceptable impact on the openness of the Green Belt.

## **Impact on Conservation Area**

The Lidgett and Bents Conservation Area Appraisal states that today most of the farms have converted to residential and non-farming uses but the land continues to be grazed. The trees continue up to and then enclose the settlement of Heyroyd on the northern side of the road. Heyroyd is a formal house and garden with associated farm and barn to the rear. The historic character is all pervasive.

The Conservation Area SPD advises that conversions of farm buildings should respect their layout, character and architectural form, and retain any distinctive features.

It is important that farm buildings continue to reflect their original purpose even after conversion to a new use has taken place. The new use should therefore respect the original 'envelope' and interior volume of the building, and a successful conversion which has the least impact on the exterior of the building may well require a less conventional accommodation internal layout.

Although the barn would be subdivided into two dwellings, its external size and scale would be retained. Minimal alterations are proposed to the external façade of the building, therefore still reflecting its original purpose as an agricultural barn. One small single storey link extension is proposed on the eastern side elevation of the barn, however this would not be substantial, therefore complying with the conservation area guidance.

It is important that farm buildings are preserved in their original form on the outside without unsympathetic additions or alterations. Roof lights should be kept to a minimum, and positioned on less prominent roof slopes, in order to retain the character and integrity of the roof.

This conversion is shown to utilise the majority of the existing openings for windows and doors, therefore preserving the original form of the building. Following comments from PBC Conservation Officer, amended plans were received reducing the number of roof lights on the building to an acceptable quantity and location. More specific details of the roof lights design and materials will be required by condition prior to construction, however they are of a modest scale and would be flush to the roof slope, therefore not forming prominent additions.

This development shows the existing farm entrance retained, which would provide access to both properties. Although parking is positioned to the front of the properties, the plans show existing trees and stone walls to be retained, which will provide screening and will remain in keeping with the setting of the area. In order to ensure the surroundings do not become too 'domestic' in character and the setting of the immediate area is enhanced, a condition will be applied to remove any rights to store or erect anything within the curtilage to the front or rear of the barns without prior consent.

## **Impact on Amenity**

The proposed barn conversion would be sited amongst two other disused agricultural barns. To the south east of the site is Heyroyd Farm and Heyroyd House, which are both residential dwellings.

The proposed conversion would use an existing access route from Skipton Old Road, separate to the existing residential properties in the vicinity and the additional traffic resulting from two dwellings would not result in an unacceptable residential amenity impact.

The plans show no direct first floor windows on the south eastern rear elevation of the barn. The closest elevation of the barn would be located over 40 metres from the closest neighbouring

property, with thick protected tree cover on the south eastern boundary, obscuring any potential views and preventing loss of privacy to neighbouring occupiers.

The conversion of the building to two dwellings would raise no unacceptable residential amenity impacts in accordance with policies ENV2 and LIV5.

## **Trees**

Concerns were raised by the PBC Tree Officer regarding the impacts of the driveway construction and storage of materials on the root protection areas of the surrounding trees. As a result, amended plans have been received showing the location of protective fencing and alterations to the location of the driveway away from the trees. In addition, a method statement has been submitted detailing the 'no dig' construction process for the driveways.

The amended plans and method statement relieve any previous concerns and will be conditioned to ensure works are carried out in accordance with that proposed.

## **Protected Species**

A bat and owl survey and report have been submitted. It concluded there was a low risk of bats using any of the buildings, however active owl roosts were found. Mitigation measures were recommended which will be conditioned to ensure they are incorporated into the proposed works.

## **Highways and Access**

LCC Highways raise no objection on highway safety grounds.

In accordance with Policy 31, there is sufficient manoeuvring space and parking for 3 vehicles for each dwelling. Each dwelling would have their own access point and separate driveway.

## **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: 330.03C, 330.04RevB Proposed Floor Plans, 330.04RevB Proposed Elevations.

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

3. Prior to their installation, details of the design, materials and finishes of the window frames, roof lights and doors shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

**Reason:** To ensure satisfactory details that are appropriate for the building and area.

4. Prior to commencement, details of the design, materials and finishes of the proposed link extension shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

**Reason:** To ensure satisfactory details that are appropriate for the building and area.

5. Samples and details of the rainwater goods to be used in the development of the barn shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works. The development shall be carried out only using the approved materials.

**Reason:** In order to protect and preserve the character and visual appearance of the building.

6. The development shall be carried out in strict accordance with the recommendations set out in the Bat and Barn Owl Report November 2015.

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

7. 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.

8. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & Country Planning (General Permitted Development) (England) 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 and G of Part 1 and Classes A, B & C of Part 2 of Schedule 2 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

**Reason:** To enable the Local Planning Authority to control any future development on the site in order to safeguard the character of the area.

9. The permission hereby granted is for the conversion of the existing barn only and does not imply or grant permission for demolition or re-building of the external walls.

**Reason:** The substantial rebuilding of this building in Open Countryside would be contrary to the development plan and paragraph 55 of the National Planning Policy Framework.

10. The dwelling hereby approved shall not be occupied unless and until the car parking area on the approved plan 330.03C Site Plan has been laid out, surfaced in a bound material and



made available for use. The car parking area shall thereafter be maintained free from obstruction and available for parking.

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

11. Notwithstanding any indication on the approved plans, unless otherwise agreed in writing by the Local Planning Authority, any new stone or slate must match the existing.

**Reason:** To ensure an appropriate finish in order to protect the significance of the building.

12. The existing dry stone walls and stone setts in and around the site must be preserved in situ.

**Reason:** To ensure the retention of important features of the site.

13. Prior to commencement, a methodology for any proposed re-pointing or stone cleaning on the barn shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

**Reason:** To ensure satisfactory details that are appropriate for the building and area.

14. 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 or on immediately adjoining land, 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.

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

15. The vehicle driveway works hereby permitted shall be carried out in accordance with the approved 'Method Statement for 'No Dig' Construction of Vehicle drives and Parking Areas within Tree Root Protection Areas' December 2017.

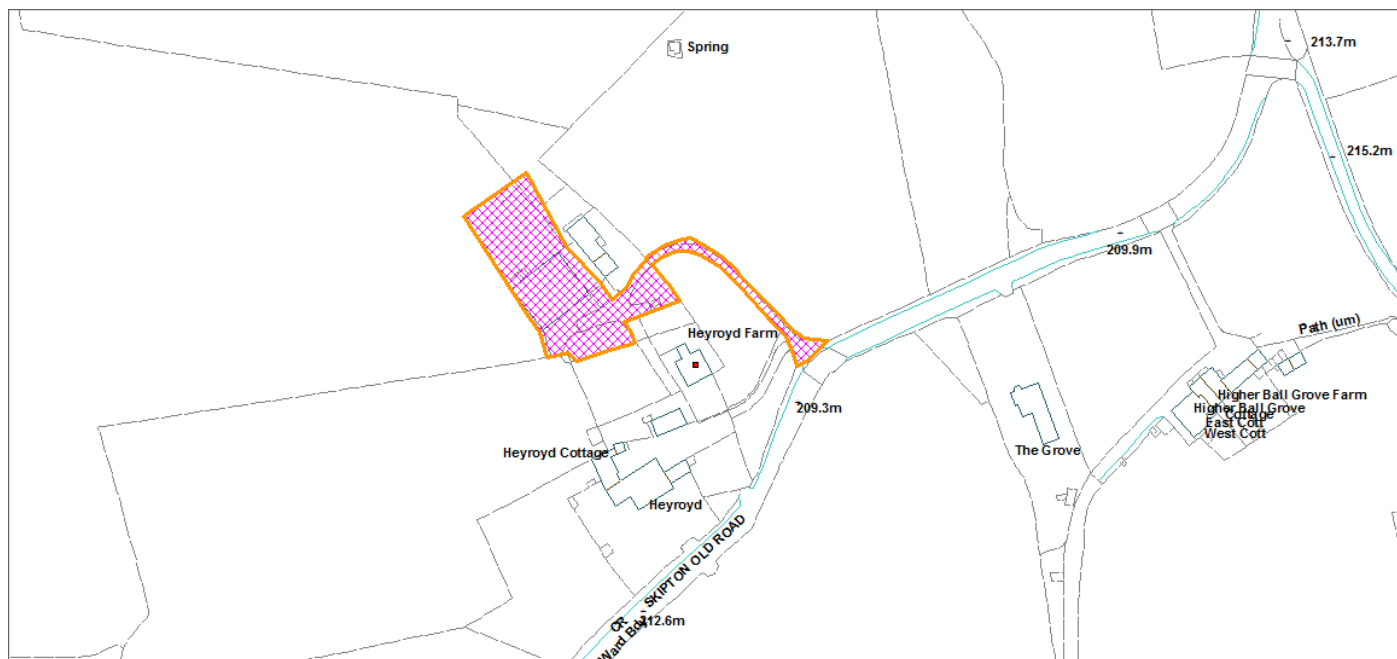
**Reason:** In the interests of tree protection.

16. The southern front parking area and northern rear garden of each dwelling shall not be used for the erection of any temporary structures, storage of garden paraphernalia or disused vehicles.

**Reason:** In order to protect and preserve the visual amenity of the area.

17. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface water has been submitted to and approved by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

**Reason:** To ensure as satisfactory means of drainage.



**Application Ref: 17/0644/FUL**

**Proposal:** Full: Conversion of existing agricultural building into two dwellings, with associated parking and landscaping and demolition of existing dutch barn.

**At:** Hey Royd Farm, Skipton Old Road, Colne

**On behalf of:** C Malik and G Preston

## **REPORT TO COLNE COMMITTEE ON 8<sup>TH</sup> FEBRUARY 2018**

**Application Ref:** 17/0710/HHO

**Proposal:** Full: Erection of dog kennels and walled exercise area (Retrospective)

**At:** Craigmere, Keighley Road, Colne

**On behalf of:** Mr Lee Duerden

**Date Registered:** 11.12.2017

**Expiry Date:** 05.02.2018

**Case Officer:** Charlotte Pinch

### **Site Description and Proposal**

The application is brought to Committee as it received more than 3 objections.

The application site is a large residential property, set within generous grounds and adjoining agricultural land to the north. The proposed dog kennels is set within the immediate residential curtilage of the property. The site is located within the Open Countryside, Green Belt and the Lidgett and Bents Conservation Area.

This is a retrospective application for a detached outbuilding comprising of four dog kennels and a small walled exercise area. The building is of rectangular design with a turret on one corner. It has a maximum height of 4.4 metres, width of 4.7 metres and depth of 2.6 metres. The kennels are constructed of red brick and white render, with felt tiles, in a style which reflects that of the main dwellinghouse.

### **Relevant Planning History**

13/03/0244P

Proposed conservatory and outbuildings.

Approved with Conditions. 2003.

13/06/0308P

Full: Single storey extension to front elevation.

Approved with Conditions. 2006.

17/0021/FUL

Full: Erection of a mixed use agricultural livestock, dairy and equine stable building.

Approved with Conditions. 2017.

### **Consultee Response**

Colne Town Council

No comment.

### **Public Response**

A total of three objections were received from neighbouring properties, their comments can be summarised as follows:

- Development is an encroachment on the conservation area, countryside and green spaces.
- Create a precedent in this area for future development.
- Concerns this is a retrospective application.
- Disturbance from dog noise.
- Noise will disturb wildlife and agricultural livestock in the surrounding conservation area.
- Property is continually expanding and concerns regarding disruption in the future.

## **Officer Comments**

### **Policy**

#### Pendle Local Plan Part 1: Core Strategy

ENV1 (Protecting and Enhancing Our Natural and Historic Environments) seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

ENV2 (Achieving Quality in Design and Conservation) identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

#### 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 31 of the Replacement Pendle Local Plan sets out the maximum parking standards for development.

The Design Principles Supplementary Planning Document (SPD) applies to extensions and developments, setting out the requirements for good design and protecting residential amenity.

#### 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.

### **Principle of Development and Green Belt Impact**

Paragraph 89-90 of the National Planning Policy Framework sets out the types of development that are not inappropriate within the Green Belt. These include 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. Although this proposal is not for the extension of an existing building, it can be deemed as an extension or alteration of the residential built development and therefore its size must be assessed in relation to the existing built form on the site.

The retrospective kennel building is single storey in height and located at the rear of the residential curtilage, amongst a number of other outbuildings and adjacent to a 2 metre high brick boundary wall. The kennel takes up a very small proportion of the garden area surrounding the property and given the large scale of the host dwelling, it is a modest addition. The kennel is subordinate in scale to the main dwellinghouse and would not result in a disproportionate addition to the residential development.

Furthermore, in accordance with regulations as set out in the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class E, if the height of the outbuilding was reduced to 2.5 metres it would fully comply with the criteria.

The proposed development would therefore be satisfactory in principle and would not result in an unacceptable impact on the openness of the Green Belt.

### **Impact on Residential Amenity**

The retrospective dog kennel is located on the rear boundary of the properties residential garden. It is sited 1.2 metres from the eastern side boundary and 3.7 metres from the rear boundary.

Although some concerns have been raised with regard to the visibility of the structure and the noise levels of the dogs, the nearest dwelling to the site is located approximately 58 metres to the south.

This is a sufficient separation distance from neighbouring dwellings not to have a detrimental impact on neighbouring occupiers. Given the single storey nature of the proposal, it would not be overbearing and would not be of any residential use to cause undue overlooking.

The development is therefore acceptable in terms of residential amenity in accordance with Policy ENV2.

### **Impact on Character of the Area**

In relation to ancillary buildings, the Conservation Area Design SPD advises that if buildings can be seen from the public realm then particular care should be taken over design and materials.

The dog kennels and exercise area structure is located to the rear of the main dwellinghouse and therefore is not at all visible from the main highway. A small portion of the structure can be seen from Skipton Old Road to the north, but not to an extent that it is harmful.

The structure is constructed of red brick, with white smooth render above. These materials are identical to that used on the main dwellinghouse, including the roof and design features. There is an existing 2 metre high red brick wall which runs along the eastern boundary of the site, which screens the majority of the structure. Although of an unusual design, the kennel does not result in a detrimental impact on the character of the Conservation Area.

The retrospective development is acceptable in terms of visual amenity and heritage impact in accordance with Policies ENV1 and ENV2 and the guidance of the Conservation Area SPD.

### **Highways**

The proposed development is of small scale and would not provide any additional residential accommodation or generate additional vehicular traffic. Taking this into account the proposed development would not result in any unacceptable highway safety impacts.

## 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, visual amenity, residential 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:

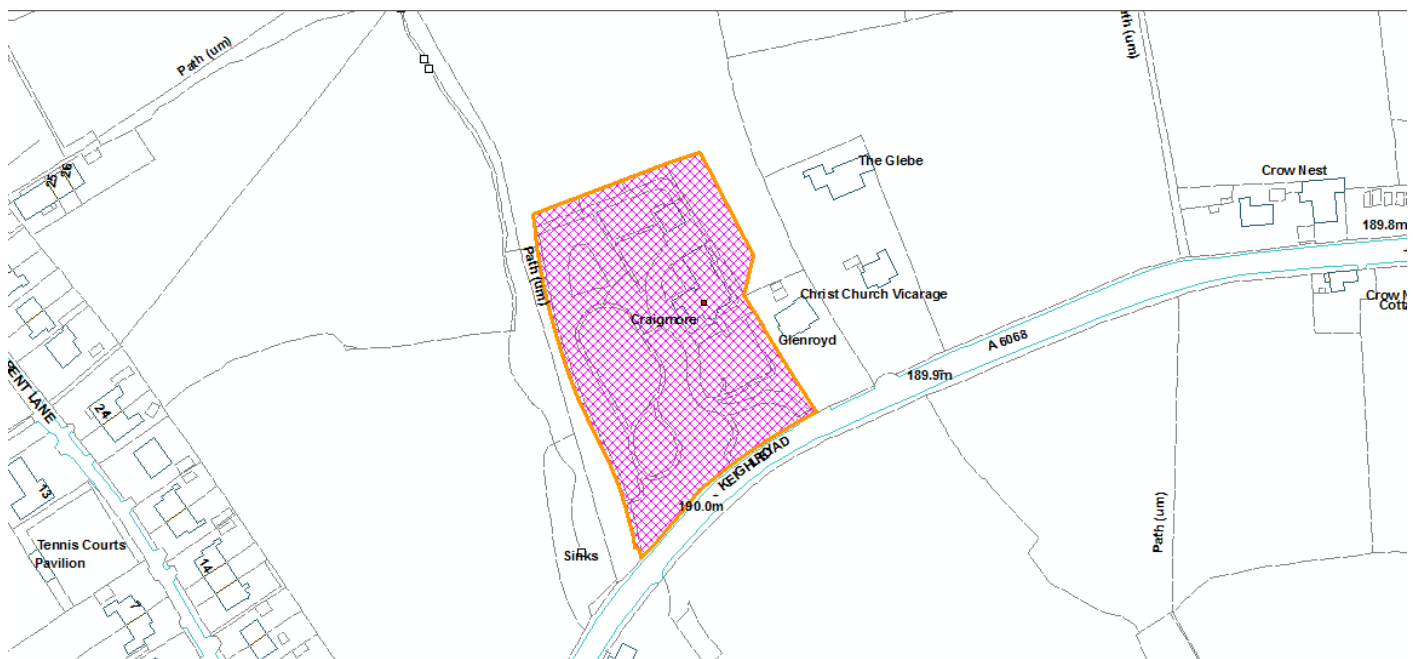
1. The development hereby permitted shall be carried out in accordance with the following approved plans:

POOL/05-Dwg 03a RevA, POOL/05- Dwg 04a RevA, POOL/05 Dwg 02a REVA, POOL/05 Dwg 04b RevB & POOL/05 Dwg 01.

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

2. All materials to be used in the elevations and roof of the 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.



**Application Ref:** 17/0710/HHO

**Proposal:** Full: Erection of dog kennels and walled exercise area (Retrospective)

**At:** Craigmere, Keighley Road, Colne

**On behalf of:** Mr Lee Duerden

## REPORT TO COLNE AND DISTRICT COMMITTEE ON 8<sup>th</sup> FEBRUARY 2018

**Application Ref:** 17/0775/FUL

**Proposal:** Full: Change of use of shop to architectural practice (Use Class A2) on ground floor and one, two bed flat above.

**At:** 13 New Market Street, Colne

**On behalf of:** Miss Zara Moon

**Date Registered:** 20.12.2017

**Expiry Date:** 14.02.2018

**Case Officer:** Charlotte Pinch

### Site Description and Proposal

The application is brought to Committee as it was called in by a Councillor.

The application site is a small retail unit, which is currently vacant, with floor space on the first and second floors above. The building is neighboured by two active retail units, a tattoo parlour and taxi office, with residential development above.

The application is for the change of use of the ground floor to an architectural practice, which would fall within use class A2 (Financial and Professional Services) and the first and second floor into a residential apartments, use class C3 (Dwellinghouses). Some external alterations to the front elevation are proposed, including tiling of the plinth below the main window frame and name signage above the main door.

### Relevant Planning History

None relevant.

### Consultee Response

#### Colne Town Council

This change of use would conflict with the draft policy being formulated in the emerging Colne Neighbourhood Plan, which would apply to this site:

*“Draft Policy; CNDP1 – Market Town - To enhance the vitality and viability of Colne Town Centre and to help strengthen Colne’s market town identity the development of new town centre uses will be supported.*

*A: Active Frontages*

*Within the defined Active Frontages (see Policies Map X) new retail (Use Class A1), leisure (Use Class D2), food and drink (Use Classes A3, A4 and AA), hotel (Use Class C1) will be supported.”*

#### LCC Highways

No objections.

Given the site's town centre location and good links to the public transport network, plus public car parks, we are of the opinion that the proposed development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site.

## **Public Response**

No response received.

## **Officer Comments**

The main issues to consider in this application are principle of use, impact on amenity and parking issues.

## **Policy**

### Pendle Local Plan Part 1: Core Strategy

ENV1 (Protecting and Enhancing Our Natural and Historic Environments) requires developments to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

ENV2 (Achieving Quality in Design and Conservation) 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.

WRK4 (Retailing and Town Centres) seeks to ensure vitality and maintain viability of retailing within Town Centres, aiming to prevent non-shopping uses within the Primary Shopping Areas and encourage re-occupation of vacant floor space.

### Replacement Pendle Local Plan

Saved Policy 26 of the Replacement Pendle Local Plan restricts non-retail uses within a primary or secondary shopping frontage to no more than 25% and 50% respectively.

Saved Policy 31 of the Replacement Pendle Local Plan sets out the maximum parking standards for development.

### 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.

The Design Principles Supplementary Planning Document (SPD) sets out the aspects required for good design.

## **Principle of Development**

Saved Policy 26 advises that the introduction of non-shopping uses outside of defined Primary and Secondary shopping frontages but in the defined Town Centre will be supported.

The application site is outside the Primary and Secondary shopping frontages in Colne, therefore this proposal complies with policy.

On this basis, the proposed use is acceptable and the principle of the use is accepted.



## Design

The application proposes some minor alterations to the external appearance of the building and some commercial signage on the front elevation above the main entrance.

The Design Principles SPD states that the design of shop fronts should have regard to the appearance of the rest of the building. Furthermore, the colour scheme should be in keeping with the rest of the building above. Schemes with two colours usually work best when one of the colours is neutral, such as white.

The existing timber framed windows and doors on the front elevation aim to be repaired and painted grey, which would be in keeping with the existing dark coloured fenestration. The existing rendered plinth below the main windows will be restored and replaced with tiling. In addition, above the main door will be subtle brushed metal signage of 'Zara Moon Architects', this would be a sympathetic addition to the shop front.

On the rear elevation an additional rear gate and entrance doorway are to be added, to provide spate access to the residential accommodation at first floor level.

The design and materials of this development are acceptable in this location and as such comply with Policies ENV1, ENV2 and the Design Principles SPD.

## Impact on Amenity

The site is located within the town centre and is adjacent to a number of other commercial properties. However, some consideration must be given to the first floor residential properties in neighbouring buildings and on the proposal site.

The architects practice is proposed to be used between 9am and 5pm Monday to Friday, 9am and 2pm on Saturdays and closed on Sundays and Bank Holidays. Given the nature of the proposal as an office use and no proposed evening opening hours, this use would not affect the amenity of nearby residents. This can be controlled by an appropriate condition.

Taking into account the town centre location and other town centre uses in the area, the proposed use would be acceptable in this location.

## Highways

Although the application site cannot provide any on plot parking, given the sites town centre location with suitable access to public transport links, some unrestricted on street parking and nearby car parks, no objections would be raised on parking grounds.

## 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 use is acceptable in this location and accords with the policies of the Pendle Local Plan Core Strategy.

## 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.

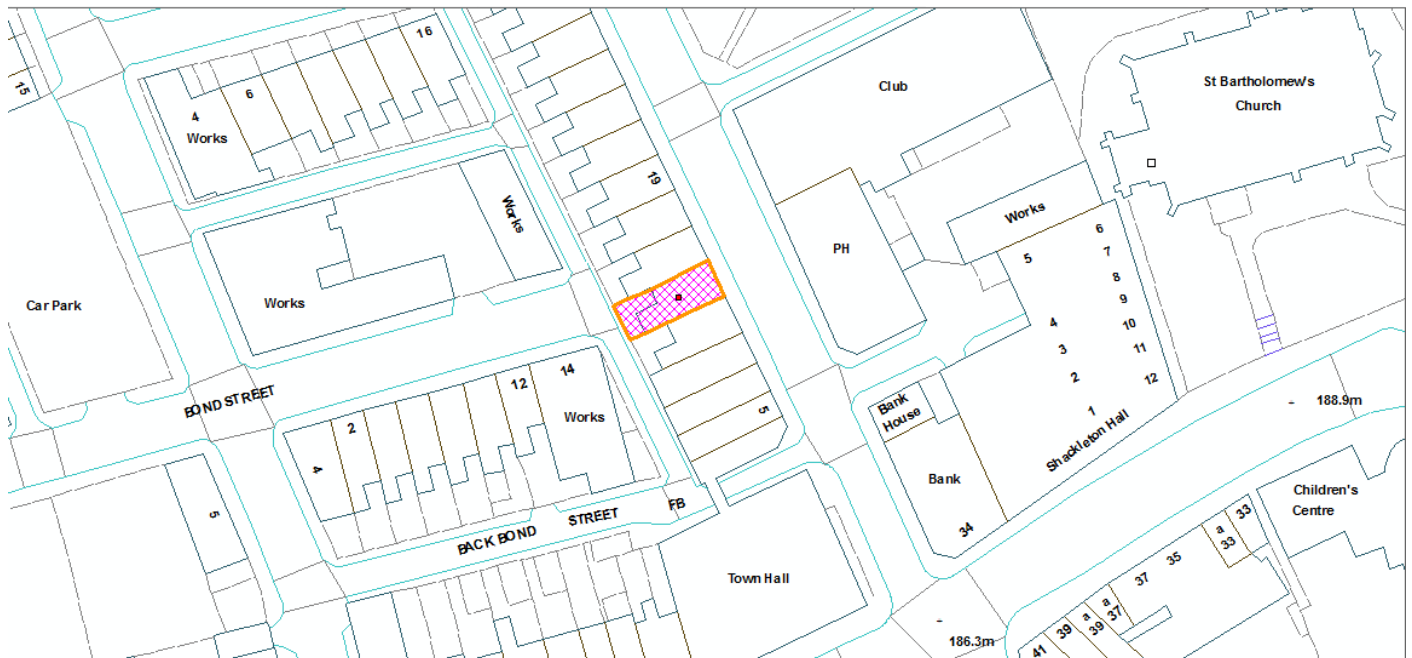
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Project No. 05.17 Drawing No. 03.

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

3. The ground floor A2 use hereby permitted shall only be conducted between the hours of 09:00 and 17:00 Monday – Friday, 09:00 and 14:00 Saturdays, Closed Sundays and Bank Holidays.

**Reason:** In order to safeguard the amenity of the area.



**Application Ref:** 17/0775/FUL

**Proposal:** Full: Change of use of shop to architectural practice (Use Class A2) on ground floor and one, two bed flat above.

**At:** 13 New Market Street, Colne

**On behalf of:** Miss Zara Moon

## REPORT TO COLNE COMMITTEE ON 8<sup>TH</sup> FEBRUARY 2018

**Application Ref:** 18/0003/FUL

**Proposal:** Full: Erection of two detached 4 bed dwellinghouses with detached double garages and bin store with access off Keighley Road.

**At:** Land To South of Keighley Road, Colne

**On behalf of:** Barnfield Construction

**Date Registered:** 03.01.2018

**Expiry Date:** 28.02.2018

**Case Officer:** Charlotte Pinch

### Site Description and Proposal

This application has been brought to committee as it was called in by a Councillor.

The application site is an empty, previously un-developed site, outside the settlement boundary of Colne, amongst a row of existing detached dwellings. The area is sited within the Open Countryside and the Green Belt, with a blanket TPO designation across the site.

This application is for the erection of two detached dwellings, each with a detached double garage on plot. Both properties would be two storey in height and be constructed of stone walls and grey slate roof tiles. Each dwelling would have its own bin store attached to the garage.

### Relevant Planning History

None relevant.

### Consultee Response

#### LCC Highways

No objections, subject to the inclusion of four conditions.

#### PBC Tree Officer

The site is listed as being Green Belt, however the ecological assessment states that the site is of poor ecological value. The site is covered by TPO/NO1/1963, although it seems many of those trees have been removed. In addition, the arboriculture report submitted states that the trees on Keighley Road are in a relatively poor condition and some would need to be removed as they are in a state of decline.

The site borders Ball Grove LNR, this is an important breeding site for frogs and in particular toads. Whilst the proposed development would have very little impact on this, it is important that during the construction this is taken into account.

No objections are raised, subject to a condition requiring a landscaping plan to be submitted, to ensure effective screening of the site is maintained.

## Colne Town Council

The site address is incorrectly stated as Laneshawbridge on all the application documents – the site is actually in Colne (a Town); the cited NPPF Paragraph 89 exception to Green Belt policy relates only to villages, so it is not applicable here and this would be inappropriate development within the Green Belt and contrary to policy.

The pre-application advice from PBC seems to be based on this incorrect site address description and is therefore not valid.

In any case we note that there is no shortage of land available for housing in Laneshawbridge, outside the Green Belt, as evidenced by the SHLAA.

This is in clear breach of existing policy and should be refused accordingly.

## **Public Response**

None received.

## **Officer Comments**

The main issues to consider in assessing this application are impact on amenity, design, materials and parking provision.

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.

## **Policy**

### Pendle Local Plan Part 1: Core Strategy

Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy SDP2 sets out the roles each settlement category will play in future growth. Laneshawbridge is a rural village which will accommodate development primarily to meet local needs.

Policy ENV1 seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

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

Policy LIV5 states that layout and design should reflect the site surroundings, and provide a quality environment for its residents, whilst protecting the amenity of neighbouring properties. Provision for open space and/or green infrastructure should be made in all new housing developments.

## Replacement Pendle Local Plan

Policy 31 of the Replacement Pendle Local Plan sets out the maximum parking standards for development.

## 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 55 of the NPPF requires that housing should be located where it will enhance or maintain the vitality of rural communities. Local Planning Authorities should avoid new isolated homes in the countryside, unless there are very special circumstances present.

Paragraph 64 of the NPPF 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.

Paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include limited infilling in villages.

### **Principle of the Development**

The application site falls outside of the settlement boundary, however the scheme would be located adjacent to existing rows of dwellings, on the A6068 and only a 40 metre walk from the nearest bus stop. As a result, this proposal would not result in isolated homes in the countryside and is therefore acceptable in principle.

The site is located within an anomalous location, on the geographical boundary with Laneshawbridge. In assessing this application the settlement limits are governed by the Local Plan. Within Policy SDP2 this location would be categorised as part of the rural village of Laneshawbridge. Therefore, the proposed housing would constitute limited infill development in a village and therefore meet the exception set out in Paragraph 89 of the NPPF.

### **Design**

Paragraphs 47 through to 68 of the NPPF contains guidance on providing a wide variety of homes and requiring good design. Policies ENV2 of the Local Plan Part 1 reiterates these points and are relevant in the determination of this application.

The Design Principles SPD advises that materials such as stone and roof tiles should match that of surrounding properties. In addition, window styles should match those of neighbouring dwellings and any regular spacing between dwellings should be respected, with adequate garden area.

The proposed dwellings are designed to include steeply pitched gable features with numerous small scale windows and traditional stone surrounds. Small pitch roof single storey elements effectively ensure the dwellings do not have a bulky appearance. Both dwellings are of a similar design, with a slight variation in configuration. The surrounding area has a mixture of house types and architectural styles, which contribute towards the character of the area.

The dwellings respect the detached character and spacious nature of plots in the area, providing ample garden area and sufficient separation distances with existing properties and those proposed. The dwellings are set back a reasonable distance from Keighley Road, allowing for the mature screening along the front boundary to be retained, effectively obscuring the dwellings from immediate view.

The properties would be externally constructed of coursed stone walls, grey slate roof tiles, timber doors and white frame windows. These materials are sympathetic and in keeping with the area, creating a traditional appearance. Samples of materials can be controlled by an appropriate condition.

As a result, the development would not result in an unacceptable impact on the character and visual amenity of the area in accordance with policies ENV2 and LIV5.

### **Residential Amenity**

The proposed dwellings are a good scale for the plot, located centrally within the site, allowing for good spacing on all sides of the properties. The dwellings are not cramped and would retain more generous separation distances than the existing properties.

The Design Principles SPD states that any dwelling or extension should be sited at least 1 metre from the boundary of the site.

House A is shown to be 15 metres from its western side boundary and 5 metres from the eastern boundary. In addition, House B is 5 metres from the western side boundary and 14 metres from the eastern boundary. Furthermore, each garage retains a 3 metre separation distance from their closest boundary. These are significant separation distances, which would ensure neither dwelling is overbearing to neighbouring occupiers.

The SPD further stipulates there must be a minimum distance of 12 metres between a principal window to a habitable room and a two storey blank wall of a neighbouring property.

The eastern side elevation of House B would be located 18 metres from the western side elevation of 'Innafield', which has two first floor side facing windows. Although these are not principal windows, they would be located considerably over 12 metres from House B and therefore not suffer significant overlooking. Similarly, the western side elevation of House A would be located 26 metres from the eastern side elevation of 'Garth Holme'. This is a generous separation distance to mitigate impacts on residential amenity.

Both properties will benefit from significant mature screening along the front boundary with Keighley Road. In addition the land to the rear of the site is currently open Green Belt, much of which is the designated Upper Ball Grove Lodge Nature Reserve. Therefore, no loss of residential amenity would result to the front or rear of the site.

As a result, the proposed development is acceptable in terms of residential amenity in accordance with policies ENV2 and LIV5.

### **Highways and Parking**

No objections are raised regarding the proposed development and should have a negligible impact on highway safety and capacity.

In accordance with Policy 31, dwellings of this size with four bedrooms should provide three on plot parking spaces. This proposal includes a large hard surfaced driveway to the front of each

property, in addition to a detached double garage. This would provide sufficient on plot parking provision.

## **Trees**

No objections have been raised, subject to ensuring effective screening is maintained through a landscaping plan.

## **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 housing development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework. 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 development must be begun not later than the expiration of three years beginning with the date of this permission.

**Reason:** In order to comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (As Amended).

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

Location Plan 1:1250, Existing Site Plan 1:500, Proposed Site Plan 1:1500, Proposed Elevations House 'A', Proposed Floor Plans House 'A', Proposed Roof Plan House 'A', Proposed Elevations House 'B', Proposed Floor Plans House 'B', Proposed Roof Plan House 'B', Proposed Double Garages, Bin Stores Detailing.

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

3. Prior to the commencement of development samples of all the external materials to be used in the construction of the roofs, walls, boundary/retaining walls and paving together with samples of the colour and finish of windows and doors of the development hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter at all times be carried out in strict accordance with the approved materials and details.

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

4. Notwithstanding the provisions of the Town and Country Planning (General Development Procedure) (England) Order 2015 and the Town and Country Planning (General Permitted Development) (England) Order 2015, or any subsequent Orders or statutory provision re-enacting the provisions of these Orders, all garages shown on the approved plan shall be maintained as such and shall not be converted to ancillary accommodation/offices or used for storage without the prior written approval of the Local Planning Authority.

**Reason:** In order to ensure that sufficient off-street parking can be accommodated within the site.

5. The car parking areas shall be surfaced or paved in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the dwellinghouses being occupied and shall thereafter at all times be made available for the parking of vehicles associated with the dwelling.

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

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device over 1m above road level. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line each of the proposed access driveways from the continuation of the nearer edge of the carriageway of Keighley Road to points measured 43m in each direction along the nearer edge of the carriageway and shall be maintained thereafter. This shall apply to all of the boundary treatments between the two accesses regardless of the actual line of the visibility splay.

**Reason:** To ensure adequate visibility at each site access in the interest of highway safety.

7. Before either access is used for vehicular purposes, any gateposts that may be erected shall be positioned 5m behind the back edge of the footway. The gates shall open away from the highway.

**Reason:** To permit vehicles to pull clear of the carriageway when entering and exiting the site and to ensure the swing of the gates do not affect the availability for a car to wait off road.

8. No part of the development shall be occupied until all the highway works within the adopted highway have been constructed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority.

**Reason:** In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before the premises are occupied.

9. No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:
  - i) The parking of vehicles of site operatives and visitors
  - ii) The loading and unloading of plant and materials
  - iii) The storage of plant and materials used in constructing the development
  - iv) The erection and maintenance of security hoarding
  - v) Wheel washing facilities
  - vi) Measures to control the emission of dust and dirt during construction
  - vii) A scheme for recycling/disposing of waste resulting from demolition and construction works



viii) Details of working hours

ix) Routing of delivery vehicles to/from site

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

10. The development hereby permitted shall not be commenced unless and until full details of both hard and soft landscape proposal have been submitted to and approved in writing by the Local Planning Authority. These works shall then be carried out as approved.

**Reason:** To ensure the appropriate landscape design and in the interests of the visual amenities of the area.

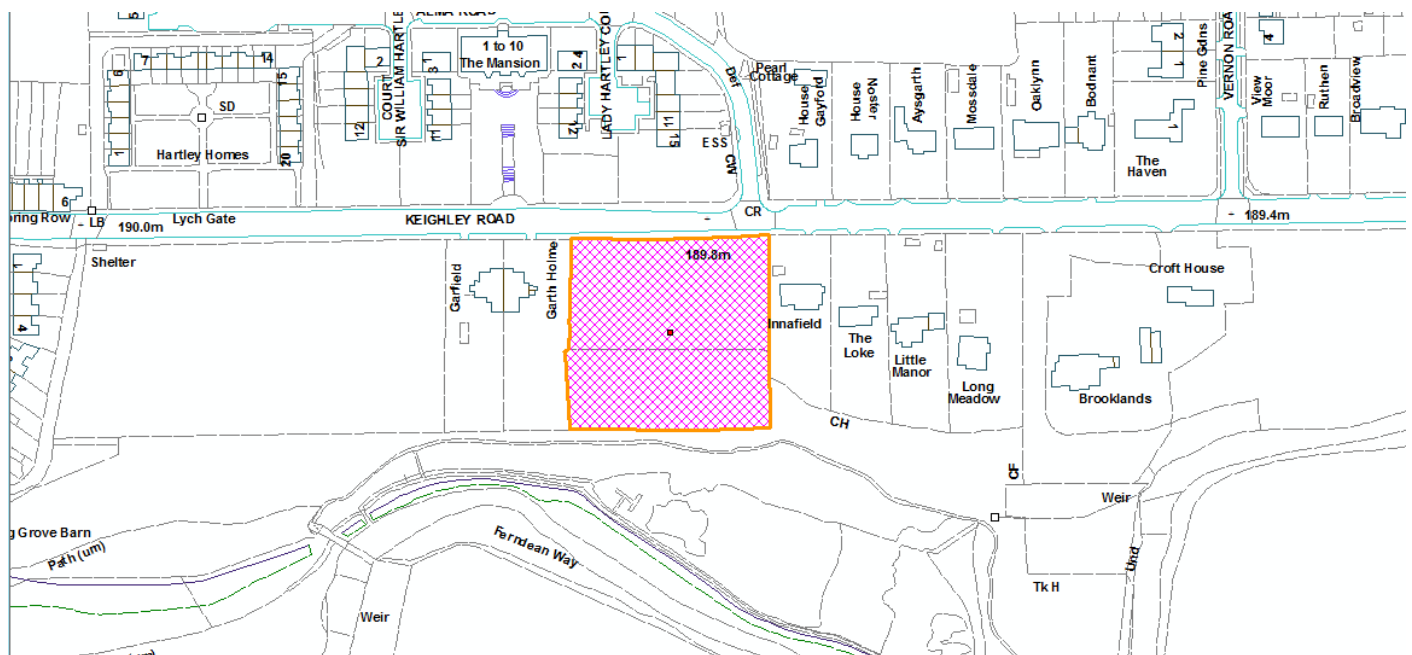
11. Plans and particulars showing a scheme of foul sewers and surface water drains, shall be submitted to, and approved in writing by the Local Planning Authority, and the development shall not be commenced before these details have been approved, unless otherwise agreed in writing. Such works shall be carried out in accordance with the approved details and shall be finished before the dwellings are occupied.

**Reason:** In order that the Local Planning Authority may be satisfied with the details of the proposal and to avoid flooding.

## INFORMATIVES

1. The developer should be aware that the any works on, or immediately adjacent to the adopted highway network, would require the appropriate permits from Lancashire County Council's Highways Regulation Team, who would need a minimum of 12 weeks' notice to arrange the necessary permits. They can be contacted on [lhsstreetworks@lancashire.gov.uk](mailto:lhsstreetworks@lancashire.gov.uk) or on 01772 533433.

2. The applicant is advised that the new site access, will need to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Community Services before works begin on site. Further information and advice can be found at [www.lancashire.gov.uk](http://www.lancashire.gov.uk) and search for "278 agreement".



**Application Ref:** 18/0003/FUL

**Proposal:** Full: Erection of two detached 4 bed dwellinghouses with detached double garages and bin store with access off Keighley Road.

**At:** Land To South of Keighley Road, Colne

**On behalf of:** Barnfield Construction

## **LIST OF BACKGROUND PAPERS**

Planning Applications

**NPW/MP**

**Date: 23<sup>rd</sup> January 2018**