



REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND
REGULATORY SERVICES MANAGER

TO: COLNE & DISTRICT COMMITTEE

DATE: 3rd February 2022

Report Author: Neil Watson
Tel. No: 01282 661706
E-mail: neil.watson@pendle.gov.uk

PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning application.

REPORT TO COLNE & DISTRICT COMMITTEE 3rd FEBRUARY, 2022

Application Ref: 21/0876/FUL

Proposal: Full: Change of use of existing dwellinghouse (Use Class C3) to a children's home for a maximum of six young people (Use Class C2).

At: Lower Broach Farm, Skipton New Road, Foulridge.

On behalf of: Helm Care Services

Date Registered: 6th December, 2021

Expiry Date: 31st January, 2022

Case Officer: Kathryn Hughes

Site Description and Proposal

The application site comprises a semi-detached farmhouse accessed by a single track, from the A56 approximately 500m to the west. The site is located within Open Countryside and Green Belt.

The site sits in an isolated location near to Foulridge. The application seeks to change the use of the dwelling, which is in Class C3 of the Use Classes Order, to a residential home for a maximum of six young people children between the ages of 8 and 18 with individual carers attending the premises.

The dwellinghouse is a two storey stone built semi-detached property and consists of seven bedrooms with associated living accommodation. Existing outbuildings associated with the farmhouse have permission to be converted into residential units and most of these are currently in the process of being converted.

Relevant Planning History

21/0377/CEA – Lawful Development Certificate (Proposed Use): Use of dwelling as a children's home for up to four resident children – Refused July, 2021.

20/0617/FUL – Full: Conversion of outbuilding into one residential dwellinghouse and erection of a single storey extension (Re-submission) – Approved 25th November, 2020.

20/0105/FUL – Full: Conversion of outbuilding into one residential dwellinghouse and erection of a single storey extension (Re-submission) – Refused 9th April, 2020.

19/0875/HHO - Full: Conversion of outbuilding into one residential dwellinghouse and erection of a single storey extension (Re-submission) - Refused 2019.

19/0369/FUL - Full: Conversion of two outbuildings into two dwelling houses (Amended Scheme) - Approved with Conditions 2019.

18/0425/FUL - Full: Conversion of two outbuildings into two residential dwelling house Approved with Conditions 2018.

17/0149/FUL - Full: Retain converted storage building for use as boarding kennels for up to 5 dogs including external alterations to windows and doors and use of field for exercise area - Approved with Conditions 2017.

13/14/0356P - Full: Subdivision of existing property to create two dwellings - Approved with Conditions. 2014.

Consultee Response

LCC Highways – Formal comments awaited.

Architectural Liaison Unit – Suggest recommendations to prevent crime and disorder with crime prevention strategies to be integrated into the design including boundary treatments, security doors and alarms/CCTV.

PBC Environmental Health – The development is 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. If the water is used in a commercial or public activity, or if it is rented to tenants, it must be tested every year by the Council. If there is no commercial or public activity but more than one property uses the same water source, it must be tested by the Council every five years. For further information contact Environmental Health at Pendle Borough Council.

Foulridge Parish Council – Foulridge Parish Council has consulted with residents with regards to the above planning application and would like to submit a formal objection to the above planning application on the basis of the reasons outlined below.

TRAFFIC AND PARKING

The development would lead to an increase in the volume of traffic, amongst which would be visitors, care staff, statutory service providers and deliveries etc.

It is considered that, due to the narrow nature of the single track lane, being adjacent to a deep ditch, in places, this increase in traffic poses a greater danger to walkers, dog walkers and schoolchildren, who frequently use the lane, given it is a public right of way.

Access and egress onto Skipton Old Road is considered dangerous, due to parked vehicles obscuring sightlines. An increase in the levels of traffic will only serve to increase the dangers posed, particularly in relation to school start and finish times.

The lack of passing places often results in vehicles, when meeting head on, having to make reversing manoeuvres, adding to the dangerous nature of the lane for pedestrians and vehicle users when taking into account the close proximity of the edges of the deep ditch. We also understand that vehicle owners on occasion refuse to reverse and proceed to overtake by means of using resident's private drives and business forecourts, a practice which is both dangerous and forces resident's to undertake additional repairs and maintenance to their private properties. We further understand that the creation of additional passing places would require the consent of current landowners, who we are led to believe would not wish to provide their consent to such plans.

The surface of the lane itself is in a poor state of repair and is not considered suitable for increased levels of traffic. The Parish Council understands that the access road to the proposed business is privately owned and there is no established right of access in place. The provision of an additional access road raises concerns regards the potential loss of trees, flora and fauna, as part of the proposed development and the negative impact on wildlife, as well as the potential for damage to the sewage pipes serving the septic tanks.

The location does not support parking provision at the level the business would require and is highly restrictive in terms of loading/unloading and turning.

LOSS OF RESIDENTIAL AMENITY

The proposed business is attached to one residential property and surrounded, in close proximity, by additional existing residential properties. It is understood that the Police response to the planning consultation recommends the introduction of CCTV, 1.8m fencing and overnight lighting of the facilities. The introduction of such measures will impact unacceptably, on existing residents and result in a substantial loss of amenity by means of overlooking, loss of privacy and light pollution dusk until dawn. The close proximity and attachment of residential properties to the proposed business premises also raises concerns for noise and disruption, considering the nature of the business.

UNSUSTAINABLE LOCATION

The area proposed for development is designated as greenbelt, as part of Pendle Borough Council's local plan, and it is considered that this designation and rural aspect of the area should be preserved with the refusal of commercial development plans.

The facilities and services currently available are wholly inadequate for supporting a commercial business and it is considered that the location is unsustainable, with regards to the proposals in the application, from the point of view of access, traffic, parking, as well as the lack of mains services to the property.

The Parish Council considers the application and proposals within the plans to be detrimental to residents and the wider community, as outlined in the comments above. Foulridge Village already supports similar provision for young people, following the previous development of a children's home and considers that a more sustainable option should be considered.

Foulridge Parish Council therefore wishes to register its formal objections against the application.

Public Response

Site notice has been posted and nearest neighbours notified by letter. Six responses have been received from different addresses objecting on the following grounds:

- The site is surrounded on all sides by four smaller residential properties;
- The outbuildings are currently at an advanced stage of construction;
- The only vehicular access is via the one way track from the A56;
- All four neighbouring properties have unrestricted access rights over the track;
- The proposed passing places are on land not owned by Lower Broach Farm';
- 10 cars would not fit or be able to park or manoeuvre without difficulty;
- The business will operate 24/7, 365 days a year with constant noise and disturbance;
- All four homes have been purchased in the last two years with a view to enjoying the peaceful countryside;
- The level and care for six young people with social, emotional and mental health difficulties is evident by the staffing ratio of one staff member to one resident in the day and there overnight;
- This will cause noise and disturbance to all the neighbours and distress to other children and adults living at the adjacent properties;
- We are concerned about the significant increase in traffic on the lane from staff as well as other visitors including social workers, police, nurses, cleaners and maintenance;
- The rough farm track will impede emergency vehicles such as fire engines and ambulances, etc.;
- The track extends 400 to the A56 and is not passable in small cars and in rain and snow in dangerous;

- The residential properties which we are completing/building would be overwhelmed by a busy disruptive commercial enterprise in the centre;
- Our four properties will definitely be of less value if this is to go ahead;
- There is no mains sewer but discharge to a concrete tank on land owned by Croft Barn;
- There is no mains water but a borehole;
- Previous planning applications have been refused or subject to significant modifications because the Council wishes to preserve the rural fell of the environment for current and future residents;
- There are many large, detached more suitable properties currently for sale on the market locally that have private access/driveways that may provide the happy, safe environment that is needed;
- The access track is also a public footpath and is unlit; and
- The track can not be widened as it is in private ownership and the owners would not allow this not the formation of passing places.

Two responses have also been received supporting the application.

Officer Comments

1. 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 the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

With regard to Green Belt paragraphs 147 to 151 are relevant. Paragraph 147 states that inappropriate development should not be approved except in very special circumstances.

Paragraph 150 allows for:

d) "the re-use of buildings provided that the buildings are of permanent and substantial construction."

Therefore, the primary assessment to undertake in an application of this nature is whether the development meets the defined exceptions, would be in sustainable location and does not cause harm to the openness of the countryside or Green Belt.

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 ENV4 requires that development should have regard to potential impacts to the highway network particularly in terms of safety and the potential to restrict free flowing traffic, causing

congestion.

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 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.

Supplementary Planning Guidance: Development in the Open Countryside.

2. Principle of Use

It is intended that the home would operate like any family home with a maximum of six young people with each resident allocated an individual staff member throughout the day i.e. if at full capacity six children and six staff. A team leader will be on shift at all times and is included in the staff ratio. A 12 hour shift system will operate from 8am until 8pm with three waking night staff between 8pm and 8am and a registered manager Monday to Friday 9am to 5pm.

There is no policy requirement for this type of use to be located within the settlement boundary and as the proposal would re-use an existing dwellinghouse with a similar use the principle is acceptable here.

3. Open Countryside

Paragraph 79 of the NPPF highlights that decisions should avoid the development of isolated homes in the countryside unless the development would re-use redundant or disused buildings and enhance its immediate setting.

The proposed use would re-use an existing building in a viable use and would not result in any undue impact on the Open Countryside and therefore retains the immediate setting of the area.

4. Green Belt

Paragraph 147 - 151 of the National Planning Policy Framework sets out the types of development that are not inappropriate within the Green Belt. These include the re-use of buildings provided that the buildings are of permanent and substantial construction as it the case here.

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

5. Impact on Amenity

The Planning Statement submitted with the application includes the following information:

The unit would be occupied by a maximum of 6 young people at any one time up to 18 years old. There would be individual staff during the day which would equate to a maximum of six staff. There would then be 3 waking night staff for the maximum occupancy. Staff will have 12 hour shifts.

Staff will not reside at the property on a permanent basis.

There is an adjacent farmhouse to the east and former outbuildings to the north, south and west all of which have extant permission for residential use. This has resulted in a cluster of residential

units in close proximity to this building.

The properties are close to the existing farmhouse, however, this was considered and found to an acceptable relationship subject to conditions relating to appropriate boundary treatments when the applications for residential use were approved. Therefore there is no difference to the relationship proposed here.

The existing premises has seven bedrooms and these could be used for small scale business enterprises such as offices, house share and bed and breakfast without the need for planning permission and therefore the use of the premises as a small scale children's home would not result be an unacceptable use in this location and would not result in any further impact on residential amenity than at present

Furthermore, permission was granted in 2017 for a commercial use for kennels of this site with the same access and proposed passes spaces this was approved subject to conditions and would have resulted in a similar small scale commercial use at this site.

Whilst this would be more intensive and result in more comings and goings from the occupants of the property this would not be to such an extent as to result in an unacceptable impact.

Most of the objections arise from home the premises will be ruin and potential anti-social behavior from the residents rather than on the planning merits of the scheme.

Apart from the comings and goings from the amount of staff proposed and the provision of adequate parking facilities within the site the proposal would, in my view, be acceptable in this location.

The use of the building as a children's home would raise no unacceptable residential amenity impacts in accordance with Policies ENV2 and LIV5.

6. Highways and Access

The access to the site is a single width track and improvements to the access and the inclusion of passing places have been proposed in order to accommodate the increased traffic flow.

No details of the passing places have been provided but these should be on the left hand side rather than the right if possible to avoid the drainage ditch and should be a minimum length of 10m x 2m wide in order to allow a vehicle to pull in fully.

The applicant has indicated that parking spaces can be accommodated within the site in front of the existing barn. The supporting statement suggests that there are six spaces at present and scope to accommodate 10 vehicles. However, no details of these have been provide and the agent has been requested to provide details of these as well as the proposed passing spaces.

Comments received from nearby residents refer to the access track being privately owned and that the applicant does not have business use rights of way over this access. This would be a private legal matter for the relevant parties to seek agreement on.

Subject to the proposed parking and access arrangements being acceptable then this proposal would then accord with policy ENV 4 and saved policy 31.

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 of the building for residential children's home is acceptable subject to parking provision/passing spaces and appropriate conditions. The development 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:

Location plan, existing and proposed floor plans.

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

3. The number of young people to be accommodated within the children's home at any one time shall be limited to a maximum of six.

Reason: To ensure that the development is small scale and can site accommodate the use.

4. The proposed development shall not be brought into use unless and until the car parking spaces and passing spaces have 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 and passing spaces area shall thereafter always remain unobstructed and available for parking and passing purposes.

Reason: In order to provide sufficient on-site parking for the development in the interests of highway safety and an acceptable access to the site along the unmade, unlit track.

Application Ref: 21/0876/FUL

Proposal: Full: Change of use of existing dwellinghouse (Use Class C3) to a children's home for a maximum of six young people (Use Class C2).

At: Lower Broach Farm, Skipton New Road, Foulridge.

On behalf of: Helm Care Services

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 26th February 2022