



**REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND
REGULATORY SERVICES MANAGER**

TO: COLNE & DISTRICT COMMITTEE

DATE: 5TH JANUARY 2023

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO COLNE AND DISTRICT COMMITTEE ON 5TH JANUARY 2023

Application Ref: 22/0750/FUL

Proposal: Full: Change of use and erection of single storey extensions to the front and rear to convert former stables to two holiday cottages.

At: Higher Ball Grove Farm, Skipton Old Road, Colne

On behalf of: Mr M Smith

Date Registered: 07/11/2022

Expiry Date: 02/01/2023

Case Officer: Laura Barnes

Site Description and Proposal

The application site relates to a former stables which are adjacent to a dwelling known as Higher Ball Grove Farm. The application site is located within the Open Countryside, Green Belt and Conservation Area. There is a Public Right of Way running through the site in a roughly east-west direction.

The application seeks planning permission to change the use of the redundant stables to two properties comprising holiday accommodation. In terms of external alterations, there is to be an extension to the front of the building, measuring 6.6m x 3.6m and an extension to the rear measuring 2.4m x 2.4m. The proposed development involves re-routing the public right of way to the north, around the boundary of the proposed holiday cottage.

Relevant Planning History

21/0718/HHO: Full: Demolition of lean-to store to front, erection of two storey porch to front elevation, alterations to windows and doors
Approved with conditions

22/0040/CND: Approval of Details Reserved by Condition: Discharge Condition 3 (Materials) of Planning Permission 21/0718/HHO.
Conditions Discharged

22/0144/FUL: Full: Erection of lean-to extension, installation of solar panels to southern roof slope and erection of 2 No. wind turbines to roof.
Approved with conditions

Consultee Response

LCC Highways

Having considered the information submitted, including the revised Site Plan/Block Plan/ Roof Plan (Drawing No 03A), the Highway Development Control Section does not have any objections regarding the proposed development at the above location, subject to the following comments being noted, and condition and informative note being applied to any formal planning approval granted.

Proposal

The proposal is for the change of use of former stables to two holiday cottages – 1 x one bed and 1 x two bed.

Access

The site would be accessed from Skipton Old Road via a private lane shared by the existing residential properties. Lancashire County Council's five-year database for Personal Injury Accidents (PIA) was checked on 14 December 2022. The database indicates there has been no collisions resulting in personal injury recorded near the site entrance on Skipton Old Road.

Car parking

Recommendations in Pendle Borough Council's 'Car and Cycle Parking Standards' are that one parking space should be provided for a one bed property and two spaces for a two bed property. Only two spaces are proposed which, given the type of proposed development and distance from local amenities and facilities, including public transport, is considered an under-provision. However, any marketing or publicity should indicate that only one parking space per let would be available, which would limit the number of vehicles visiting the site.

Public Right of Way

Public Rights of Way must not be obstructed during the proposed development. It is the landowner's responsibility to ensure that the necessary procedures are followed for the legal diversion of the section of Public Footpath 119 Colne (ref 13-4-FP 119) affected by the development. The granting of planning permission does not constitute the diversion of a Definitive Right of Way. If it is necessary for this Public Right of Way to be temporarily diverted or temporarily closed, it is the landowner's responsibility 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 to divert the above Public Right of Way, and the necessary Orders must be confirmed prior to construction to avoid enforcement action should the above Public Footpath become affected. Details regarding the procedure to permanently divert Public Footpath 119 can be obtained from Pendle Borough Council.

The following condition should be applied to any formal planning approval granted. The informative note provided by the borough council's Countryside Access Officer in their response dated 15 November 2022 should also be applied.

Condition

The proposed development should not be brought into use unless and until the parking area shown on the approved plan (Drawing No 03A) has been constructed and laid out.

The parking area shall thereafter always remain available for the parking of vehicles associated with the development. Reason: In order to ensure satisfactory levels of off-road parking are achieved within the site to prevent parking on the highway to the detriment of highway safety.

Colne Town Council

No comment

Countryside Access Officer

This application affects public footpath 119 Colne. The application acknowledges that these proposals require the diversion of the footpath and the line of the proposed diversion is shown in the proposed site plan.

The effect on the footpath is relatively minor and will only slightly lengthen the footpath to go around the edge of the proposed parking area. One element of the plans which I hope can be amended is where the proposed line of the footpath passes through a pedestrian gate. The gate should be set square to the direction in which pedestrians are walking rather than sideways on to the footpath.

I mention again that for planning applications which require the diversion of the footpath need to be advertised. I wonder whether this can be picked up at the validation stage, especially in cases such as this where the applicant has answered the relevant question correctly? Accordingly, please note that the impact on the footpath is a material consideration in determining the application and the advertising should mention that the proposed development affects the public footpath. The Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) provides that development affecting a public right of way must be advertised in a local newspaper and by posting a notice on the site (this is entirely separate from any notices and advertisements required when making and confirming a subsequent extinguishment or diversion order).

Also, can I please request that a note be included in relation to the footpath if planning permission is granted.

Suggested note

The developer should take note of all the public footpaths running through the site and take utmost care to ensure that these are kept undisturbed and free of obstruction during the course of the development. Any breach of the legislation which protects public rights of way can result in legal action, fines and default action carried out and re-charged to the landowner. Any proposals for the temporary diversion or closure of a footpath should be made to Lancashire County Council's public rights of way team. An enquiry about permanently diverting or closing the footpath may be made to Pendle Council.

Public Response

Nearest neighbours notified by post, a site and press notice have been displayed. Multiple comments have been received as follows:

- Intensification of the private driveway
- There is a restrictive covenant on the land which prevents the opening of a business
- A previous application was refused on the basis of highway impact
- The driveway is not sufficient for two vehicles to pass and the visibility is poor
- Skipton Old Road does not have a footpath at this point, this is dangerous
- A sand box highway layout was constructed when the farm was split into two cottages, this is now blocked by wheelie bins on collection days
- Access should be sought from Hill Lane

- Recent damage has been caused to the driveway by contractors involved in the extension at Higher Ball Grove Farm itself
- The driveway will continue to be degraded if holiday accommodation is approved here
- There is a business opposite which supports young adults with physical and mental health disabilities, increasing the vehicles to Higher Ball Grove Farm would pose a danger to them
- People visiting for holidays would not be so familiar with the access and the dangers of walkers in the road
- 30% increase in traffic
- There have been a number of accidents here including an overturned vehicle
- A wall around the existing dwelling will exacerbate parking issues
- The neighbour requires access to the gable wall of the property to take meter readings

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 (Presumption in Favour of Sustainable Development) takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy 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.

Policy 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.

Policy WRK1 (Strengthening the Local Economy) sets out that proposals will be given support where they facilitate expansion.

Policy WRK5 (Tourism, Leisure and Culture) states that applications for the provision of new or improved facilities for tourism will be supported where they: promoted sustainable tourism, improve the quality and diversity of the existing tourism offer, would not result in a significant increase to car usage, support conservation, are of an appropriate scale, would not have a detrimental impact upon the natural or historic environment and achieve a high standard in terms of design and accessibility.

Replacement Pendle Local Plan

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

for development.

Saved Policy 40 of the Replacement Pendle Local Plan seeks to support tourist accommodation, where it would redevelop within the footprint of an existing building in the open countryside, without the need for a large scale extension.

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.

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

Supplementary Planning Guidance: Development in the Open Countryside.

Green Belt

The application site is located within the Green Belt. The proposed development includes an extension to the front elevation and a small extension to the rear. The increase in volume has been calculated as being 34%. Paragraph 150 of the Framework sets out some uses which are not inappropriate within the Green Belt, one of them is the re-use of buildings provided that the buildings are of permanent and substantial construction. The existing building is a stone built structure which is of permanent and substantial construction. As such, the proposed development meets the criteria set out in paragraphs 149 and 150 of the Framework and is not inappropriate in the Green Belt.

Design & Heritage

The proposed holiday cottage is already a building within the grounds of the farmhouse. The external alterations include an extension to the front of the former stables and a small extension to the rear. Although one of the extensions is to the front elevation of the building, which is not usually supported by the Design Principles SPD, in this case the existing building is not a residential dwelling and would not breach a building line as it may had it been in an urban setting. Although the proposed development would result in a domestication of the building, this has to be read in the context of the existing cluster of residential dwellings. The case is totally different to an isolated building in the middle of a field.

The extensions to the building are to be constructed of natural stone with a natural slate roof, to match the existing structure and the adjacent farmhouse. The windows and doors are to be timber. The proposed materials are appropriate for this location within the Conservation Area.

Paragraph 202 of the Framework requires a balancing exercise to be undertaken where there would be less than substantial harm to the character and appearance of the Conservation Area. In this case the harm would be less than substantial but this would be outweighed by the benefit to the local economy arising from the tourist accommodation.

The design of the proposed extension and materials conform to Policy EVN2 of the Local Plan Part 1: Core Strategy.

Tourism

Policy WRK5 of the Core Strategy and Policy 40 of the Replacement Local Plan seek to support proposed development associated with tourism, providing they promoted sustainable tourism, improve the quality and diversity of the existing tourism offer, would not result in a significant increase to car usage, support conservation, are of an appropriate scale, would not have a detrimental impact upon the natural or historic environment and achieve a high standard in terms of design and accessibility. The proposed development is of a scale appropriate to the surrounding area and would not have an adverse impact upon the natural or historic environment. It seeks to reuse an existing building. The proposed building is of a high quality design.

In relation to the location of the proposed development, it is acknowledged that there is an existing farmhouse, however an assessment of sustainability also needs to be undertaken in order to ensure that the proposal is a sustainable form of development, which would not result in an unacceptable increase in car usage. There has been an appeal decision recently dismissed within Pendle (20/0009/AP/REFUSE APP/E2340/W/20/3256958) for 26 holiday lodges which were to be sited 1.5km walk from the nearest settlement. In this case, the proposed tourist accommodation is located 0.7km from the edge of the settlement of Colne. However, the two schemes are not comparable and each case should be judged on its own merits.

The proposed development would support the tourist economy within the local area, this weighs positively in the planning balance. As such, the proposed development accords with Policy WRK5 and the National Planning Policy Framework.

Impact on Residential Amenity

The Design Principles SPD seeks to ensure that proposed developments do not as a result of their design, scale, massing and orientation have an unduly adverse impact on amenity.

The proposed holiday accommodation is to have two small windows in the front extension, serving bedrooms. There are no neighbouring dwellings within 21m to the front of the proposed development. As such, this would not result in an unacceptable neighbouring amenity issue. Also to the front elevation three of the stable doors are to be replaced with floor to ceiling windows. Again, this would not cause an unacceptable neighbouring amenity issue. To the rear elevation there is to be one small window serving a bedroom and a roof light serving a bathroom. To the rear of the proposed tourist accommodation there is an existing agricultural building, as such there would be no unacceptable neighbouring impact here. To the side elevation closest to the Public Right of Way there is to be a set of patio doors. There are no neighbouring dwellings within a 21m distance to this elevation of the proposed accommodation. As such, there would be no unacceptable neighbouring amenity issue. To the opposite side, closest to Higher Ball Grove Farm, there is to be a bedroom window. This is a secondary source of light to the room. However, there is an existing window to the rear of the farmhouse which is within close proximity to the proposed bedroom window and which would result in direct visibility between the two. As such, the proposed window will need to be obscure glazed, in the interests of neighbouring amenity. This can be controlled by a planning condition.

In relation to the other dwellings to the opposite side of Higher Ball Grove Farm, they are to the opposite side of the existing farmhouse. As such, there would be no unacceptable neighbouring amenity issue.

Subject to the condition regarding obscure glazing, the proposed development accords with Policy ENV2 in this regard.

Highways

The Highways Authority have not raised any objections relating to car parking or highway safety. However, they have noted the Public Right of Way 13-4-FP 119 which will be affected by the proposed development. The applicant has indicated that the route of this right of way will require altering in order to facilitate the proposed development. This can be dealt with under a separate procedure to the planning application. Although it is a material planning consideration in relation to the determination of this application, the experience of users of the right of way would not be dramatically altered as a result of the proposed development. As such, there is no concern in this regard.

Trees

The Council's Tree Officer has visited the site and noted that there is a membrane with gravel surrounding the roots of a mature lime tree which is the subject of a TPO and is adjacent to the application site. The roots of the tree are already adequately protected. As such, there is no further requirement to further protect the roots of this tree.

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 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 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: received on 02/11/2022, Proposed Site Layout: Drawing number 03A, Proposed Floor & Elevation Plans: Drawing number 04.

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

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

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

4. The holiday lets hereby approved shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The operators of the site shall maintain an up-to-date register of the names of the occupiers of the holiday let and of their main home addresses and shall make this information available at all reasonable times to the local planning authority.

Reason: In order to ensure proper control of the use of the holiday unit and to prevent the establishment of permanent residency.

5. The proposed development should not be brought into use unless and until the parking area shown on the approved plan (Drawing No 03A) has been constructed and laid out. The parking area shall thereafter always remain available for the parking of vehicles associated with the development.

Reason: In order to ensure satisfactory levels of off-road parking are achieved within the site to prevent parking on the highway to the detriment of highway safety.

6. The side elevation window closest to Higher Ball Grove Farm (serving the bedroom) of the development hereby permitted shall at all times be fitted with obscure glazing to at least level 4 or above unless otherwise agreed in writing by the Local Planning Authority. Any replacement glazing shall be of an equal degree or above. The window shall be hung in such a way as to prevent the effect of the obscure glazing being negated by way of opening.

Reason: To ensure an adequate level of privacy to adjacent residential properties.

Informative Note

The developer should take note of all the public footpaths running through the site and take utmost care to ensure that these are kept undisturbed and free of obstruction during the course of the development. Any breach of the legislation which protects public rights of way can result in legal action, fines and default action carried out and re-charged to the landowner. Any proposals for the temporary diversion or closure of a footpath should be made to Lancashire County Council's public rights of way team. An enquiry about permanently diverting or closing the footpath may be made to Pendle Council.

Application Ref: 22/0750/FUL

Proposal: Full: Change of use and erection of single storey extensions to the front and rear to convert former stables to two holiday cottages.

At: Higher Ball Grove Farm, Skipton Old Road, Colne

On behalf of: Mr M Smith

REPORT TO COLNE AND DISTRICT COMMITTEE 5th JANUARY

Application Ref: 22/0751/NMA
Proposal: Non-Material Amendment: Change of window and door materials from softwood to UPVC of Planning Permission 21/0596/FUL.
At: Greenbank House, Hollin Hall, Trawden, Colne
On behalf of: Mr Roy Pickles
Date Registered: 07.11.2022
Expiry Date: 05.12.2022
Case Officer: Yvonne Smallwood

This application is sent to committee due to being called in by a Councillor.

Site Description and Proposal

The application site is a stable block in an open field used for grazing. It is within Trawden Forest Conservation Area. A public right of way runs along the northern boundary of the site, roughly east to west. A further public right of way crosses the field to the south.

The proposed amendment seeks to insert UPVC fenestration in colour Agate Grey RAL number 7038 to the stable block, instead of softwood.

Relevant Planning History

21/0596/FUL – Full: Erection of a stable block – Approved with Conditions 06.10.2021

Consultee Response

None necessary.

Public Response

None necessary.

Officer Comments

In order for alterations to a proposed development to be considered as minor amendments they must comply with the criteria set out in the Council's Minor Amendment Practice Note which sets out the parameters for such alterations. These criteria are set out below:

1. There would be no alteration to the application site boundary.

The proposed amendments would not alter the site boundary.

2. The amendment would not conflict with Development Plan Policies.

The proposed amendments would not conflict with policy.

3. There would be no conflict with any conditions of the planning permission.

The proposed amendments would not conflict with any condition of the planning permission.

4. There would be no conflict with any comment expressed by any party on the planning application.

The proposed development does not conflict with any comments raised by any party.

5. No external wall will be moved outwards by more than the width of a wall.

The proposed amendment would not result in any walls moving outward.

6. The height of the building or extension would not be increased.

There would be no increase in the height of any building on the development.

7. The amendment would not result in any potential overlooking of any neighbouring property.

The amendments to the fenestration would not raise any privacy issues.

8. The amendments must not result in a fundamental change in the design of the building.

There would be no fundamental change in the design of the building.

9. There are no other circumstances that would warrant refusal of the request.

There are no other circumstances that would warrant refusal of the non-material minor amendment.

Summary

The proposed amendment to 21/0596/FUL would be acceptable as a non-material amendment. The Conservation Area Design and Development Guidance SPD states that care should be taken over the design and materials of ancillary buildings and the materials should be predominantly natural. The stable is stone built, therefore the main building is natural material. The stable is situated within a field, with a public right of way run along the northern boundary of the site, roughly east to west. A further public right of way crosses the field to the south. Whilst the stable is visible from these public vantage points, the Agate Grey RAL number 7038 windows would not have a detrimental impact on the character and setting of the Conservation Area and would therefore be acceptable.

RECOMMENDATION: Approve

The proposed amendment submitted on revised plans 2021/16/2D (received 4th November 2022) would insert UPVC windows in colour Agate Grey RAL number 7038 to the stable instead of natural materials. The revised plan accords with the criterion of the Non-Material Amendment Practice Note. The proposed amendment is an acceptable Non-Material Minor Amendment.

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 12th December 2022