

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

**TO: COLNE & DISTRICT COMMITTEE**

**DATE: 02ND FEBRUARY 2023**

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications.

# REPORT TO COLNE AND DISTRICT COMMITTEE 2<sup>ND</sup> FEBRUARY 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

This application was deferred from the previous meeting so that Councillors could undertake a site visit.

## **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 have 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.

Given that the existing use of the surrounding land is agricultural and the proximity of the holiday accommodation to the main dwelling at Higher Ball Grove Farm, a condition is required in the

interests of residential amenity, to ensure that the tourist accommodation is not sold off separately as permanent residential accommodation.

Subject to the condition regarding obscure glazing and the properties remaining in one ownership, 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.

7. The development hereby approved shall not be sold off separately to the main dwelling "Higher Ball Grove Farm" and shall not be changed from holiday accommodation to permanent residential accommodation.

Reason: In the interests of residential amenity.

#### 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 2<sup>ND</sup> FEBRUARY 2023

**Application Ref:** 22/0815/FUL

**Proposal:** Full: Insertion of larger dormer window to front, alterations to front elevation and erection of two storey extension to the rear.

**At:** 120 Burnley Road, Colne, BB8 8JA

**On behalf of:** Mr Tom Ormerod

**Date Registered:** 02.12.2022

**Expiry Date:** 27.01.2023

**Case Officer:** Yvonne Smallwood

This application has been brought before Committee, as it has been called-in by a Councillor.

### **Site Description and Proposal**

The application site is an existing retail property, Markham's Mini-Market, outside Colne Town Centre. The site is a corner terraced property on a row of residential houses within the settlement boundary. The rear of the property is on a lower level than the front, as it is built on a slope and the rear elevation is marginally wider than the front elevation.

The proposal seeks to insert a larger dormer window to the front roofslope. The frontage of the shop would be replaced like for like to refresh it. There is a two storey extension proposed to the rear.

There are similar examples of dormers and rear extensions of this proportion within the row and along Burnley Road. The materials would be stone, blue slate with UPVC fenestration to match existing.

### **Relevant Planning History**

None

### **Consultee Response**

Highways LCC –

The dwelling is located within acceptable walking distances of local amenities and facilities, including public transport, which may reduce the reliance on the use of private vehicles. The application is unlikely to have any significant impact upon the highway network or its users. I can therefore confirm that there is no highway objection to this application. However as some of the work is to the frontage of the property, I would recommend the following to ensure highway safety. Informative Note · The developer should be aware that any works on, or immediately adjacent to the adopted highway network, would require the appropriate permits from Lancashire County Council's Highway Regulation Team, who would need a minimum of 12 weeks' notice to arrange the necessary permits. They can be contacted on [lhsstreetworks@lanashire.gov.uk](mailto:lhsstreetworks@lanashire.gov.uk) or on 01772 533433.

United Utilities

Architectural Liaison Unit

Environmental Health

PBC Engineering and Drainage

Colne Town Council –

The Town Council objects to the unnaturally large dormer, as this is not in keeping with the surrounding properties. The dormer is too large relative to the house and believes that approval would be setting a precedent.

### **Public Response**

Nearest neighbours notified by letter without response.

### **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.

Saved Policy 31 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 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) applies to extensions and sets out the aspects required for good design.

#### **Design and Materials**

The proposal to the shopfront would be a like for like replacement. The materials would match existing. This would therefore be acceptable.

The Design Principles SPD states that two storey rear extensions will be acceptable if they do not break the 45 degree guidance. For terraced properties where there is a single storey rear extension, a two storey extension may be allowed provided the 4m guide is respected for any first floor windows.

The existing dwelling is 9.1m in height. The proposed rear extension would be 6.35m in length and the height of the first storey would be 4.5m, which would be circa 7m overall height to the ridgeline. The row is built on a slope, so the level of the land to the rear of the house is lower than on Burnley Road. The extension would have a pitched roof and the materials would match existing and would therefore be acceptable in regard to design and materials.

The Design Principles SPD states that front dormers should be set below the ridge line of the original roof by a minimum of 0.2m, the front wall of the dormer should be set back by 1m and the sides should be set in 0.5m from either side. Front dormers are only acceptable where there are at least 25% of properties in the row or street frontage that have similar dormers.

The first iteration of the front dormer was larger in scale than the other dormers in the row. Amended plans have been submitted by the agent, reducing the size of the dormer to 2.55m in width and 2.1m in height, which would be the same dimensions as the dormer at number 126 Burnley Road. The amended plans would be acceptable and would be in keeping with the streetscene.

The design and materials of the developments would be acceptable and would accord with ENV2 and Design Principles SPD.

## **Residential Amenity**

The like for like replacement of the shopfront would not result in any impact on residential amenity.

The application site has an existing dormer. The larger dormer proposed would not result in any additional adverse impact to residential amenity to existing and would therefore be acceptable.

In regard to the two storey rear extension, there is an adjoining neighbour at number 122 Burnley Road. The 45 degree line is already broken by the existing extension to the rear of the application site at ground level. The neighbour has two windows to the rear of the first storey serving a bathroom, which is obscure glazed, and a bedroom to the north west of the proposed extension. The proposed extension would marginally break the 45 degree guidance horizontally, however the first storey extension would have a pitched roof with a ridgeline falling below the eaves of the dwelling. Therefore the proposed extension would not be overbearing and would not result in any unacceptable adverse impacts for the neighbour at number 122.

To the rear of the application site is 1 Phillips Lane. This house has a gable bedroom window to the first storey. The windows proposed to the first storey of the rear extension would be obscure glazed. There is a door and window proposed to the ground floor of the extension. There are no windows to the ground floor of number 1 Phillips Lane, therefore there would be no unacceptable impacts to the residential amenity of the neighbour at number 1 Phillips Lane.

The neighbour adjacent to the site at 118 Burnley Road is at a distance of 15m from the application site. There is a door proposed to the side elevation of the extension, which would not result in any loss of privacy to this neighbour. There is an obscure glazed window serving a WC to the first storey of the existing gable. The developments would not result in any adverse impacts for the residential amenity of the neighbour at number 118.

The proposed developments would not result in any unacceptable adverse impacts to the residential amenity of neighbouring properties and would therefore be acceptable and would accord with ENV2 and Design Principles SPD.

## **Other Matters**

An objection was received from Colne Town Council, as the proposed larger dormer to the front roofslope was too large and an approval could have set a precedent. Amended plans have been received for a dormer reduced in size, with dimensions matching those at number 126 Burnley Road. The amended dormer plans would be in keeping with the streetscene.

## **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 extension is acceptable in terms of design and materials and would not unduly impact on amenity. 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: 1000, 1001, 1002 P3, 1003 P3, 1006

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

3. The external materials used in 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. No windows shall at any time be inserted in the side elevations of the extension.

Reason: In order to protect and preserve the amenity of the occupants of neighbouring properties.

5. The windows proposed to the first storey of the rear elevation 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.

6. The window proposed to the side elevation of the existing gable 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**

#### Highways

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

# REPORT TO COLNE AND DISTRICT COMMITTEE 2<sup>ND</sup> FEBRUARY 2023

**Application Ref:** 22/0856/FUL

**Proposal:** Full: Siting of a static caravan to be used as a permanent dwelling with associated landscaping.

**At:** Green End Smallholding, Lenches Road, Colne

**On behalf of:** Mr Herbert Taylor

**Date Registered:** 20/12/2022

**Expiry Date:** 14/02/2023

**Case Officer:** Laura Barnes

## **Site Description and Proposal**

The application site relates to an area of land adjacent to the settlement boundary for Colne. It is located within the Open Countryside but it not subject to any statutory designations.

The application seeks planning permission to site a static caravan on the land, to be used as a permanent residence. It also seeks permission for some ground works involved in levelling the land along with a retaining wall. At the time of the site visit, some of the ground works had already been undertaken.

## **Relevant Planning History**

16/0738/OUT: Outline: Major: Erection of up to 10 dwellings (All Matters Reserved).  
Approved with conditions

## **Consultee Comments**

### LCC Highways

The submitted documents and plans have been reviewed and the following comments are made.

The application seeks to place a one-bedroom caravan as a dwelling using an existing private access from the eastern extremity of Hartley Terrace which is a sett-paved privately maintained road.

There is a large area of hard standing proposed with space for car parking and turning.  
A secure, covered cycle store and electric vehicle charging point should be provided to support sustainable travel, should the application be approved.

### Cadent Gas

We have received a notification from the Line search before Udig (LSBUD) platform regarding a planning application that has been submitted which is in close proximity to our medium and low pressure assets. We have no objection to this proposal from a planning perspective, however we need you to take the following action. [Details have been passed to the applicant and are available on the Council's website]

## **Public Response**

Nearest neighbours have been notified by letter, multiple letters of objection have been received, raising the following issues:

- Currently two caravans on the site
- The applicant has been living on the land for a number of years
- There is concern that the applicant is applying for this caravan on behalf of people who have moved from Essex Street
- The applicant should consider the existing static caravan site at Prospect Farm
- The application site falls outside the settlement boundary and should be used for agriculture
- The area has too many caravan parks
- All housing targets have been met, there is no need for this application
- The proposed development is not in keeping with the surrounding area
- There is an issue with landownership including the private road at the top of Wood Street
- The applicant is not the occupier
- Protected bats and owls live on this site
- Incorrect information supplied regarding the proximity to a watercourse
- Concern regarding foul sewage
- Loss of privacy
- Question regarding where utilities will be provided from
- It is understood that the occupier wants to run a garage business from here
- The site is in an elevated position and will lead to flooding downstream
- Will the applicant be provided with a household waste bin?
- Increase in traffic
- Will electricity be provided via a generator which would cause disturbance to neighbours?
- Contamination
- Dangerous driving of the occupier
- Untaxed vehicles have been left on the road here
- Occupant is leaving rubbish on the site

## **Officer Comments**

### **Policy**

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 SDP3 (Housing Distribution) sets out the location of new housing in the Borough in conjunction with SDP2 and LIV1.

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 ENV4 (Promoting Sustainable Travel) seeks to promote sustainable travel as well as development impacts and accessibility and travel plans for major developments to mitigate any negative impacts.

Policy LIV1 (Housing Provision and Delivery) sets out the requirement for housing to be delivered over the plan period. This policy allows for non-allocated sites within the Settlement Boundary as well as sustainable sites outside but close to a Settlement Boundary.

Policy LIV3 (Housing Needs) encourages the support and provision of a range of residential accommodation.

Policy LIV5 (Designing Better Places to Live) requires all new housing to be designed and built in a sustainable way. New development should make the most efficient use of land and be built at a density appropriate to its location taking account of townscape and landscape character. Provision for open space and/or green infrastructure should be made in all new housing developments.

### **Principle of development**

Although the proposed development would result in an additional dwelling outside the settlement boundary, Policy LIV1 does make provision for sustainable sites outside the settlement boundary. As such, the proposed development is acceptable, subject to design & amenity policies.

### **Design**

The proposed development is for the siting of a one bedroom static caravan. Internally the caravan is to comprise an open plan kitchen / living area along with a bedroom and bathroom. The caravan is to have composite cladding to the walls, with a grey metal composite roof and grey UPVC windows. In terms of scale, the proposed caravan is to measure 13.7m in length, 4.2m in width and 3.6m in height. It is to have a pitched roof, a central access door and a set of patio doors to the north elevation. The proposed static caravan is to be sited parallel to an existing shed, adjacent to a newly constructed retaining wall, reducing its visibility from Lenches Road. The proposed recessive colour and low height of the building assist in reducing the wider visual impact of the proposal.

Overall, in terms of design the proposed development would be constructed of materials which are muted in colour. Given the set back from the roadside, the retaining wall and the existence of another building screening it in views from the west, the proposed development would result in an acceptable design which accords with Policy ENV2 of the Local Plan: Part 1 Core Strategy and the Design Principles SPD.

### **Impact on Amenity**

The site is at the edge of the settlement, adjacent to Wood Street which comprises a row of terraced dwellings. Although the proposed static caravan is to have a set of patio doors which is to the north elevation, it is sited so that it is not directly in alignment with Wood Street. Further, it is to be positioned so that it is greater than 21m from the nearest neighbouring dwelling. None of the other proposed windows would be within 21m of the neighbouring dwellings. As such, the proposed development would not result in an unacceptable neighbouring amenity issue.

Some local residents have expressed concern about the landowner being able to walk their dog along the rear of the terrace on Wood Street. Whether this planning application had been before

the Council or not, there would be nothing to prevent the owner from exercising their right to walk across their own land. This is not a material consideration in this case.

The application is accompanied by a plan which indicates two rows of trees arranged to the north and south of the caravan, this would provide additional screening to the area and can be secured by condition.

Given its modest scale and height, being tucked away behind an existing agricultural building the proposed development would not result in an unacceptable overbearing effect upon neighbouring dwellings.

### **Parking and Highway Issues**

The proposed static caravan is to have one parking space and two cycle spaces. The Highways Authority have not objected to the proposed development. The proposed development would not result in an unacceptable highway safety issue.

### **Other Matters**

Issues relating to the ownership of the site are not a material planning consideration. Further, the applicant is not obliged to occupy the land despite being the owner. The applicant has completed the correct ownership certificate to accompany the application and this has been verified by the Land Registry. Concerns regarding utilities have been raised with the applicant's agent, they have informed the Council that there is an existing electric and water supply to the site. There is also a sewer within the site. As such, there is no concern regarding a lack of appropriate facilities. There are no known contamination issue relating to this site or the surrounding area. There are several other issues which have been raised by local resident however, these are not material planning considerations and have not formed part of the determination of this application.

### **Reason for Decision**

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in terms of scale and amenity, thereby complying with Local Plan policies. 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 & Site Plan LU284-P01, Proposed Site Plan, Floor Plans and Elevation Plans LU284-P04

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

3. The development hereby permitted shall not be commenced until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:

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

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

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

**Application Ref:** 22/0856/FUL

**Proposal:** Full: Siting of a static caravan to be used as a permanent dwelling with associated landscaping.

**At:** Green End Smallholding, Lenches Road, Colne

**On behalf of:** Mr Herbert Taylor

## REPORT TO COLNE AND DISTRICT COMMITTEE 2<sup>ND</sup> FEBRUARY 2023

**Application Ref:** 23/0018/PNT

**Proposal:** Prior Approval Notification (Telecoms): Installation of 18m pole inc. antennas, ground based apparatus and ancillary development.

**At:** Hyde Park, Spring Lane, Colne

**On behalf of:** CK Hutchison Networks (UK) Ltd.

**Date Registered:** 11.01.2023

**Expiry Date:** 08.03.2023

**Case Officer:** Yvonne Smallwood

This application has been brought before Committee, as it has been called-in by a Councillor.

### **Site Description and Proposal**

The application site is a triangular parcel of land on Spring Lane. The site is surrounded by a mixture of business and residential properties. To the north and west of the site there are various businesses on North Valley Road. To the north east is a Day Nursery and to the south and south east are mainly residential properties, as the site lies within the settlement boundary.

This is a prior notification application under Schedule 2, Part 16 of the General Permitted Development Order 2015 for the installation of telecommunications equipment comprising a 18m pole including antennas, ground based apparatus comprising 1 cabinet of circa 1m and 3 cabinets 1.4m ancillary to the development.

### **Relevant Planning History**

None.

### **Consultee Response**

United Utilities

LCC Highways –

No objection. Having reviewed the submitted documents, the Highway Development Control Section raises no objection to the proposed apparatus location as per the information provided. The proposed site should not impede pedestrian movements nor interfere with driver sightlines. The footway width that will be retained is acceptable. Please ensure that the relevant permits to work in the adopted highway are obtained from the county council's Highways Regulation Team, who can be contacted on [lhsstreetworks@lancashire.gov.uk](mailto:lhsstreetworks@lancashire.gov.uk) or on 01772 533433.

Arquiva

MoD Safeguarding –

No safeguarding objections.

The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the Ministry of Defence (MOD) as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of defence sites such as aerodromes,

explosives storage sites, air weapon ranges, and technical sites or training resources such as the Military Low Flying System. The applicant is seeking prior approval for the installation of 18m pole inc. antennas, ground based apparatus and ancillary development. This application relates to a site outside of Ministry of Defence safeguarding areas. We can therefore confirm that the Ministry of Defence has no safeguarding objections to this proposal. The MOD must emphasise that the advice provided within this letter is in response to the information detailed above in the emailed document titled Planning Application Consultation on 23/0018/PNT Hyde Park Spring Lane Colne dated 12/01/2023. Any variation of the parameters (which include the location, dimensions, form, and finishing materials) detailed may significantly alter how the development relates to MOD safeguarding requirements and cause adverse impacts to safeguarded defence assets or capabilities. In the event that any amendment, whether considered material or not by the determining authority, is submitted for approval, the MOD should be consulted and provided with adequate time to carry out assessments and provide a formal response.

NATS (En Route) PLC

Environmental Health

Architectural Liaison Unit

PBC Engineering and Drainage

Colne Town Council

### **Public Response**

Nearest neighbours notified by letter with one response:

I object to the mast being directly across from my house. There is plenty of space on the roundabout across the road.

### **Officer Comments**

#### **Policy**

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

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) states that proposals in the designated open countryside should have regard to the Development in the Open Countryside SPG, or its replacement. In determining proposals which affect the Forest of Bowland Area of Outstanding Natural Beauty (AONB) great weight will be given to conserving its landscape and scenic beauty.

Policy ENV2 (Achieving Quality in Design and Conservation) states that all new development should viably seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving our heritage assets. Proposals should protect or enhance the natural environment and not detract from the natural beauty of the AONB by way of their siting, size, design and appearance.

##### **Replacement Pendle Local Plan**

Policy 38 (Telecommunications) of the Replacement Pendle Local Plan states that proposals for new telecommunications development should, in the first instance, seek to share an existing mast

or site. All proposals should minimise the impact on the natural and built environment, designated areas, listed buildings, educational establishments and residential amenity. Design should be sympathetic in respect of height, materials and colours.

Applicants are also required to submit a statement which certifies that ICNIRP guidelines will be met.

Policy 38 is supported by the Adopted SPD: Guidelines for the Control of Telecommunications Equipment. In relation to development in urban area this states:

"Telecommunications apparatus may be refused consent where they adversely affect the character and appearance of a listed building or its setting, or would be detrimental to amenity within conservation areas and other special areas. There should be no needless duplication. Development should be adequately distanced from residential properties. In any urban area, masts and antennae should be integrated into the townscape by utilising existing structures and buildings."

Guidance on telecommunications development is also contained within the National Planning Policy Framework paragraphs 114-118.

Paragraph 118 states that "Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for the telecommunications system, or set health safeguards different from International Commission guidelines for public exposure."

## **Permitted Development**

Schedule 2, Part 16, Class A(a) of the General Permitted Development Order 2015 (as amended) allows the installation, alteration or replacement of any electronic communications apparatus by electronic communications code operators.

Development including a mast is subject to a prior approval process for the determination of the local planning authority as to whether the prior approval of the authority will be required as to the siting and appearance of the development.

### **Compliance with Part 16, Class A of the GPDO**

Development not permitted: ground-based apparatus

A.1— (1) Development consisting of the installation, alteration or replacement of electronic communications apparatus (other than on a building) is not permitted by Class A(a) if—

(a) in the case of the installation of electronic communications apparatus (other than a mast), the apparatus, excluding any antenna, would exceed a height of 15 metres above ground level;

(b) in the case of the alteration or replacement of electronic communications apparatus (other than a mast) that is already installed, the apparatus, excluding any antenna, would when altered or replaced exceed the height of the existing apparatus or a height of 15 metres above ground level, whichever is the greater;

(c) in the case of the installation of a mast, the mast, excluding any antenna, would exceed a height of—

(i) 30 metres above ground level on unprotected land; or

(ii) 25 metres above ground level on article 2(3) land or land which is on a highway;

The height of the proposed mast is 18m and the associated equipment of circa 1.5m. The proposed development therefore falls within the thresholds of Part 16 Class A.

## **Siting**

An ICNIRP certificate declaring compliance with guidelines for public exposure has been submitted with the application and therefore the siting of the proposed installation is acceptable in terms of public health.

Although the proposed mast would be visible from some nearby dwellings it would not result in an overbearing impact upon or unacceptable loss of light to any adjacent dwellings. It is located sufficiently far away from the nearest house that it would not have a detrimental impact on the living conditions of any nearby resident.

The existing pavement is of sufficient width to accommodate the siting of the proposed mast and equipment cabinets without causing unacceptable obstruction to pedestrians.

Therefore, the proposed development is acceptable in principle in accordance with policy supporting high quality communications, paragraphs 114-118 of the Framework.

## **Appearance**

The proposed mast would be adjacent to a circa 9m tree. There is an existing Royal Mail post-box and a raised bed of shrubs in alignment with the proposed cabinets. The mast itself would be considerably higher than the existing street furniture around. The area has modern lamp posts which give a context for other vertical structures but they are at a general height of circa 9m so the 18m mast would be higher. It would also be thicker in profile so would be more noticeable in the street scene.

The site is one that is in a mixed use area. That has a mixture of residential and commercial units to the south with generally commercial units and the main arterial route through Colne to the north.

The mast would be an obvious and different form of development in the locality. However the area is predominantly commercial and such infrastructure would not be out of keeping with the locality.

## **Reason for Decision**

The siting and appearance of the proposed development is acceptable in accordance with the Pendle Local Plan Part 1: Core Strategy, the saved policies of the Replacement Pendle Local Plan and the National Planning Policy Framework.

## **RECOMMENDATION: Approve**

Subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: PND 26520\_M001\_H3G\_GA A

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

## **LIST OF BACKGROUND PAPERS**

Planning Applications

**NPW/MP**

**Date: 11th January 2023**