

**REPORT FROM: ASSISTANT DIRECTOR, PLANNING, BUILDING CONTROL  
AND REGULATORY SERVICES**

**TO: COLNE & DISTRICT COMMITTEE**

**DATE: 07TH MARCH 2024**

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications.

# REPORT TO COLNE & DISTRICT COMMITTEE 07<sup>TH</sup> MARCH 2024

**Application Ref:** 23/0690/AGD

**Proposal:** Prior Approval Notification: Conversion of an agricultural building to 5 no. dwellings (Use Class C3).

**At** Piked Edge Farm, Skipton Old Road, Colne, Lancashire  
BB8 7EP

**On behalf of:** Mr Stuart Jonhstone

**Date Registered:** 18.10.2023

**Expiry Date:** 13.12.2023 (EXT until 15.02.2024 agreed)

**Case Officer:** Iain Crouch

## **Site Description and Proposal**

A large steel-framed, wooden clad building in countryside approx. 3 kilometres to the north-east of Colne, adjacent to a group of buildings known as Piked Edge Farm. The building received planning permission in 2008 under 13/08/0509P with the description 'agricultural building to house free range laying hens'. According to the Agricultural Statement submitted in support of the current application it was completed in 2012. Access to the highway network is via an existing track constructed without planning permission between 2011 and 2018 (Google Earth Timeline).

This notification is made under the provisions of Schedule 2 Part 3, Class Q (a and b) of the General Permitted Development Order (England) (Amendment) Order 2018 for conversion (change of use and operational development) of the building to 5 No. dwellings (Use Class C3). No previous development has taken place under Class Q.

The proposal involves splitting the building in two by removal of the centre portion plus demolition of the eastern end, to leave two similarly-sized detached structures. The western structure is to contain a four-bedroom dwelling (Unit 1) and the eastern structure is to contain four smaller two-bedroom dwellings (Units 2-5). To effect the conversion new fenestration is proposed as is an area of parking along the frontage (south-east) of each portion.

A Structural Appraisal is submitted. It states in 4.0:

'The building is structurally sound and capable of full retention, subject to a suitable scheme of conversion/refurbishment which is outlined in the submitted plans.'

Note that amended plans were submitted during the course of consideration of the application, showing visibility splays at the point the access track meets the public highway.

## **Relevant Planning History**

22/0525/FUL - Extension to existing poultry shed to provide office space, break room, welfare facility and overnight accommodation (retrospective). Refused 28.09.2022.

21/0986/FUL - Erection of agricultural building. Refused 19.05.2022.

## **Consultee Response**

### **Laneshaw Bridge Parish Council:**

Not received to date (06.02.2024)

### **Highways LCC:**

Following objections to the scheme as submitted originally:

'Based on the further information submitted the highway authority considers that the applicant has demonstrated that adequate visibility splays can be provided at the site access onto Skipton Old Road and withdraws its previous objection.'

LCC Highways suggest the following Conditions:

1. Within three months of the grant of planning permission a scheme for the construction of the amended site access on to Skipton Old Road, to include the construction of the access to an appropriate standard, kerbed radii, verges within the access surfaced in a bound porous material and a drainage scheme across the access to collect surface water, shall submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. The scheme shall be constructed and completed in accordance with the approved scheme prior to occupation of the first dwelling and maintained for the lifetime of the development.

Reason: In the interest of highway safety in order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site so that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

2. Prior to occupation of the first dwelling visibility splays measuring 2.4m back from the centre line of the access and extending 215m in both directions to the nearside carriageway edge shall be provided at the access onto Skipton Old Road. Nothing shall be erected, retained, planted and/or allowed to grow at or above a height of 0.9m above the nearside carriageway level which would obstruct the visibility splays. The visibility splays shall be maintained free from obstruction at all times thereafter for the lifetime of the development.

Reason: In the interest of highway safety to ensure adequate inter-visibility between highway users at the site access.

3. The car parking facilities and manoeuvring areas shown on the plans hereby approved shall be made available in accordance with the approved plan prior to the occupation of any of the dwellings; such parking facilities and manoeuvring areas shall thereafter be permanently retained for that purpose.

Reason: To ensure adequate parking and manoeuvring are provided within the site.

4. Prior to first occupation each dwelling shall have an electric vehicle charging point. Charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicle currently available.

Reason: To ensure that the development provides the infrastructure for sustainable forms of transport.

#### Informative Note

The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as the Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to, the construction of the access to an appropriate standard, kerbed radii, verges within the access surfaced in a bound porous material and a drainage scheme across the access to collect surface water to prevent it from discharging onto Skipton Old Road and to drain to a suitable outfall. The applicant should contact the county council for further information by telephoning the Development Control Section (Area East) on 0300 123 6780 or by email on [developer@lancashire.gov.uk](mailto:developer@lancashire.gov.uk) , in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.

#### **PBC Engineering:**

Not received to date (06.02.2024)

#### **Environmental Health:**

Not received to date (06.02.2024)

#### **United Utilities:**

Not received to date (06.02.2024)

#### **Architectural Liaison Officer:**

Not received to date (06.02.2024)

#### **PBC Public Rights of Way:**

Not received to date (06.02.2024)

#### **Public Response**

Not received to date (06.02.2024)

#### **Officer Comments**

To test the proposal against the requirements of Class Q (**my comments in bold**):

'Q.1 Development is not permitted by Class Q if—

(a)the site was not used solely for an agricultural use as part of an established agricultural unit—

(i)on 20th March 2013, or

- (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or
- (iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins;

**The submitted Agricultural Report states that the building was used for egg-laying between 2012 and 2016 with no other use. The Report describes the applicant's wider farming business as registered with the Rural Payments Agency, having both a Customer Reference Number and a Single Business Identifier Number. In addition the Report identifies the Holding Number, the Flock Number and the now rescinded 'laying hens' PR and P Numbers. Acceptable.**

(b) in the case of—

(i) a larger dwellinghouse, within an established agricultural unit—

(aa) the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or

(bb) the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres;

(ba) the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 465 square metres;

**The Class Q definition of a larger dwellinghouse is one with between 100 – 465sq.m. Unit 1 as proposed has a gross internal floor area (GIFA) of 372sq.m and is the only 'larger dwellinghouse' either existing or proposed at Piked Edge Farm. Note that the Report describes the 'agricultural unit' as including additional land at Silsden and Roughowden Top, however for the purposes of this Class Q I am happy to accept Piked Edge Farm as the unit. Acceptable.**

**The cumulative floorspace of the portion of the building to be retained as a 'larger dwellinghouse' will not exceed 465sq.m. Acceptable.**

**No proposed dwelling will exceed 465sq.m. Acceptable.**

(c) in the case of—

(i) a smaller dwellinghouse, within an established agricultural unit—

(aa) the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or

(bb) the floor space of any one separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres;

**The Class Q definition of a smaller dwellinghouse is one with a floorspace of no greater than 100sq.m. Units 2-5 (four in total) have gross internal floor areas between 87 and 88sq.m. No further 'smaller dwellinghouses' approved under Class Q exist at Piked Edge Farm. Acceptable.**

(d) the development under Class Q (together with any previous development under Class Q) within an established agricultural unit would result in either or both of the following—

(i) a larger dwellinghouse or larger dwellinghouses having more than 465 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;

(ii) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeding 5;

**No record of previous development under Class Q exists at Piked Edge Farm. Acceptable.**

- (e)the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;
- (f)less than 1 year before the date development begins—
- (i)an agricultural tenancy over the site has been terminated, and
- (ii)the termination was for the purpose of carrying out development under Class Q,unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;

**The Report states that the land is owned by the applicant and does not describe a tenancy. Acceptable.**

- (g)development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit—
- (i)since 20th March 2013; or
- (ii)where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins;

**Class A (a) is ‘works for the erection, extension or alteration of a building’ ‘in an agricultural unit of 5 hectares or more’.**

**Class B (a) is ‘the extension or alteration of an agricultural building’ ‘in an agricultural unit, of not less than 0.4 but less than 5 hectares in area’.**

**The building was extended between 2020-2023 (Google Earth Timeline). A retrospective planning application (22/0525/FUL) was subsequently submitted and refused using the description ‘Extension to existing poultry shed to provide office space, break room, welfare facility and overnight accommodation’. This extension is not referred to in the Agricultural Statement, however the provision of facilities such as toilets, a shower and a farm office is. This is therefore an extension to the agricultural building. However, this extension was unauthorised and therefore cannot be considered as falling under Class A(a) or Class B(a). In any event the extended portion is to be demolished as part of the proposed Class Q works. Acceptable.**

- (h)the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;

**This is not the case. Acceptable.**

- (i)the development under Class Q(b) would consist of building operations other than—
- (i)the installation or replacement of—
- (aa)windows, doors, roofs, or exterior walls, or
- (bb)water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse; and
- (ii)partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);

**This is the case. Acceptable.**

- (j)the site is on article 2(3) land;

**It is not. Acceptable.**

- (k)the site is, or forms part of—

- (i) a site of special scientific interest;
- (ii) a safety hazard area;
- (iii) a military explosives storage area;

**It does not. Acceptable.**

- (l) the site is, or contains, a scheduled monument; or

**It does not. Acceptable.**

- (m) the building is a listed building.'

**It is not. Acceptable.**

Based on the information provided, the Class Q application does appear to meet all of the GDPO technical criteria.

Under Class Q the following matters only are for consideration:

- (a) transport and highways impacts of the development,
- (b) noise impacts of the development,
- (c) contamination risks on the site,
- (d) flooding risks on the site,
- (e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order,
- (f) the design or external appearance of the building,
- (g) the provision of adequate natural light in all habitable rooms of the dwellinghouses.

To consider each in turn:

#### Transport and highways impacts of the development

LCC Highways has been consulted and has no objection subject to Conditions. This view is reached following submission of drawing No. 8940-MJM-XX-XX-DR-D-6691 to show that adequate visibility splays can be achieved at the proposed point of access to the public highway. LCC states:

'Based on an X measurement of 2.4m the highway authority considers that adequate visibility splays can be provided at the access over land within the applicant's ownership and/or the publicly maintained highway network.'

LCC requires that works to the junction be undertaken under the s.278 process, and that if approved, Conditions to this effect must be imposed.

In terms of traffic movements, it is the view of LCC (based upon information given in the submitted Agricultural Statement) that the proposal will result in fewer HGV and 'large vehicle' journeys, not including the construction phase.

The proposal is acceptable in respect of transport and highway impacts, subject to adherence with LCC's Conditions.

#### Noise impacts of the development

The proposed residential use is unlikely to result in detrimental levels of noise. The closest receptors are existing dwellings within the Piked Edge Farm group approx. 35m to the south-west.

#### Contamination risks on the site

Whilst the building and environs have been used for agricultural purposes in the past, there is no indication within the application that the site contains contamination.

#### Flooding risks on the site

The site is within Flood Zone 1, therefore flooding of the site is unlikely.

#### Whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order

There is no reason from a locational or siting point of view why the use of the building should not change to C3.

#### The design or external appearance of the building

The design and proposed external appearance, whilst not 'conventional' in the sense that the building isn't a traditional upland stone structure, is acceptable on balance. The proposal involves the introduction of a considerable amount of fenestration plus parking, however the combination of elements whilst visible from the public highway, are not sufficiently deleterious to the visual amenity of the locality to warrant refusal on this ground alone.

#### The provision of adequate natural light in all habitable rooms of the dwellinghouses

All proposed habitable rooms will have adequate natural light.

### **Reason for Decision**

The proposal qualifies as a Class Q and all matters for consideration are acceptable.

### **RECOMMENDATION: Approve**

Subject to the following conditions:

1. The proposed development must be completed within a period of 3 years starting with the prior approval date.

Reason: Required to be imposed by Class Q (Q2(3)) of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

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

Drawing No. 8940-MJM-XX-XX-DR-D-6691

Drawing No. 410.01.001

Drawing No. 410.01.003



Drawing No. 410.01.101

Drawing No. 410.01.201

Drawing No. 410.03.003

Drawing No. 410.03.101

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

3. Within three months of the grant of planning permission a scheme for the construction of the amended site access on to Skipton Old Road, to include the construction of the access to an appropriate standard, kerbed radii, verges within the access surfaced in a bound porous material and a drainage scheme across the access to collect surface water, shall submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. The scheme shall be constructed and completed in accordance with the approved scheme prior to occupation of the first dwelling and maintained for the lifetime of the development.

Reason: In the interest of highway safety in order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site so that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

4. Prior to occupation of the first dwelling, visibility splays measuring 2.4m back from the centre line of the access and extending 215m in both directions to the nearside carriageway edge shall be provided at the access onto Skipton Old Road. Nothing shall be erected, retained, planted and/or allowed to grow at or above a height of 0.9m above the nearside carriageway level which would obstruct the visibility splays. The visibility splays shall be maintained free from obstruction at all times thereafter for the lifetime of the development.

Reason: In the interest of highway safety to ensure adequate inter-visibility between highway users at the site access.

5. The car parking facilities and manoeuvring areas shown on the plans hereby approved shall be made available in accordance with the approved plan prior to the occupation of any of the dwellings; such parking facilities and manoeuvring areas shall thereafter be permanently retained for that purpose.

Reason: To ensure adequate parking and manoeuvring are provided within the site.

6. Prior to first occupation each dwelling shall have an electric vehicle charging point. Charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicle currently available.

Reason: To ensure that the development provides the infrastructure for sustainable forms of transport.

### Informative Note

The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as the Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to, the construction of the access to an appropriate standard, kerbed radii, verges within the access surfaced in a bound porous material and a drainage scheme across the access to collect surface water to prevent it from discharging onto Skipton Old Road and to drain to a suitable outfall. The applicant should contact the county council for further information by telephoning the Development Control Section (Area East) on 0300 123 6780 or by email on [developeras@lancashire.gov.uk](mailto:developeras@lancashire.gov.uk) , in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.

**Application Ref:** 23/0690/AGD

**Proposal:** Prior Approval Notification: Conversion of an agricultural building to 5 no. dwellings (Use Class C3).

**At** Piked Edge Farm, Skipton Old Road, Colne, Lancashire  
BB8 7EP

## REPORT TO COLNE AND DISTRICT COMMITTEE 7<sup>th</sup> MARCH 2024

**Application Ref:** 23/0789/FUL

**Proposal:** Full: Change of use of land to site 4 no. holiday camping pods.

**At:** Moorlands, Skipton Old Road, Foulridge

**On behalf of:** Mr & Mrs I & D Handley

**Date Registered:** 27/11/2023

**Expiry Date:** 22/01/2024

**Case Officer:** Laura Barnes

This application was deferred for a site visit and to allow the applicant to prepare an ecology report.

### **Site Description and Proposal**

The application site is 0.71 hectares of agricultural land located within the Open Countryside, with access along part of the existing access to Moorlands and the construction of a new access to the field to the rear of the dwelling.

The proposed development is for the change of use of the existing field to install four structures for tourist accommodation. The pods are to have ensuite facilities, so the proposed development is solely looking at the change of use of the land and siting of four pods.

Public Rights of way bound the site to the north and south but would not require diversion as a result of the proposed development.

### **Relevant Planning History**

None relevant.

### **Consultee Response**

#### **Environment Officer (Trees)**

In principle, I have no objection to the proposals in terms of trees on the site being impacted upon. The Arb report submitted is thoroughly detailed and correctly grades the trees in accordance with the BS5837. It also covers all aspects of tree protection during the development phase by showing the right areas for tree protective fencing. As there is only 3 relatively small trees are to be removed I have no cause for concern regarding tree loss.

I would suggest that a landscaping scheme be provided as a condition that looks at boundary treatment for a small area along the south and southeast boundaries, just inside the wall. A planting scheme should look not to screen the activity inside the site completely, but to break up views from the footpath and bridleway into the site with single native species trees or groups of 3.

#### **LCC Highways**

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

#### *History*

Application reference 20/0698/PIP was refused and subsequently allowed at appeal under reference APP/E2340/W/21/3276380 for up to 3 new dwellings on land adjacent to Meadow View, Skipton Old Road, Foulridge.

The Inspector states:- *there is little evidence to suggest that the shared use of the carriageway (Skipton Old Road) has led to significant road safety concerns in the vicinity of the site or on the route towards the services within the village centre (Foulridge). Furthermore, there is little to indicate that the extent of proposed development would cause capacity issues within the local highway network.*

This site lies approximately 400m south of the application site. There is a change in speed limit on Skipton Old Road between this site and the application site, however the road layout doesn't change and vehicle speeds are unlikely to increase significantly, if at all due to this.

#### *Proposal*

This application seeks to erect 4 glamping pods comprising 2 x 2 bedrooms and 2 x 1 bedrooms.

#### *Access*

There is an existing privately maintained access on Skipton Old Road currently serving the dwelling 'Moorlands' and the 'Coach House' which had approval for conversion to a 3 bedroom holiday let under application 13/13/0345/P.

The access joins Skipton Old Road which is unclassified and subject to the national speed limit, at an acute angle. This results in difficulty for drivers of vehicles entering the access from the north (Kelbrook) and restricts visibility to the north for vehicles exiting.

Should the application be approved, we would seek to ensure that customers are advised at booking stage to access the site from Foulridge via Skipton Old Road rather than from Kelbrook. This should also be highlighted on the booking websites and social media pages.

Skipton Old Road is a single vehicle width with limited passing places and no separate footway for the majority of the route between the site and Foulridge centre. A distance of around 800m. The comments of the Inspector at the appeal for land adjacent to Meadow View are noted in terms of the lack of evidence to support a highway capacity or safety issue on Skipton Old Road which could support an objection to the proposal.

Generally, the traffic generated by the glamping pods will occur outside of the peak hours and would generate a lower impact upon the highway network than the 3 new dwellings allowed at the appeal site. We would have no grounds to raise an objection to this proposal on highway safety or capacity.

#### *Construction*

Large construction vehicles will need to access the site from Foulridge rather than Kelbrook to avoid the acute angled site access junction. We would request a condition for a construction traffic management plan to be submitted to address the routing to site and management of potentially large size of vehicles if the pods are delivered in a fully built form.

#### *Layout and parking*

Internally a new access road constructed of hardcore is proposed to provide vehicular access to each pod which has a single parking space. We would recommend that the 2-bedroom pods have 2 parking spaces and that the sizes are increased to 3.2m wide by 5m long plus 6m for manoeuvring.

FP 13-12-060 runs along the northern boundary of the site and bridleway BW13-12-043 runs along the southern boundary of the site. There are no connections proposed to these routes which could provide improvement for walkers and cyclists staying at the site.

The outfall to the watercourse will require consent from Lancashire County Council Flood Risk Team.

### *Conclusion*

Lancashire County Council acting as the Highway Authority does not raise an objection regarding the proposed development and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Should the application be approved the following conditions are requested.

1. No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Wheel washing facilities
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
- viii) Details of working hours
- ix) Routing of delivery vehicles to/from site – Vehicles shall access the site from Foulridge via Skipton Old Road.

Reason: To mitigate the impact of the construction traffic on the highway network.

2. Customers shall be advised at the point of booking that all vehicles shall access the site via Skipton Old Road from Foulridge rather than Kelbrook. Reason: For highway safety.

3. The access road, parking and turning areas shown on the approved drawing shall be constructed prior to the first use of the glamping pods. Reason: To ensure adequate access and parking provision.

4. A secure cycle store for 6 bicycles shall be provided prior to first use of the glamping pods. Reason: To support sustainable travel.

### *Further comment received 12<sup>th</sup> January 2024*

Further to the original comments dated 20th December 2023, we would make the following updated comments which include the addition of a requirement, should the application be approved, for the applicant to provide a sign on Skipton Old Road, on the Kelbrook approach, to give drivers an advanced warning of the site access driveway due to it being set at an angle to Skipton Road and concealed from view by the high wall. The sign shall comply with highway regulations and be agreed and installed under an agreement with the Highway Authority, Lancashire County Council.

### Foulridge Parish Council

A few residents have contacted the Council and raised concerns regarding this application. These include:

- 1. Noise issues, including setting off of firework displays close to fields with livestock. This is due to the main building, Moorlands, being used for large groups as a week/weekend party venue. The addition of four pods would allow for even larger groups to be accommodated.
- 2. Access issues onto Skipton Old Road, especially turning into, or out of, the Moorlands entrance toward or from Kelbrook.
- 3. Colour of materials proposed for use for the pods.

4. The site being visible from the A56 Skipton New Road.

The residents were advised that if they held strong views against the application, they should place their comments on the PBC Planning portal. On checking today, 17th December, the day before the deadline, we found nothing had been filed.

Based on no objections being filed, the Council's stance can only be neutral.

However, we would like Planning to consider the close neighbour's concerns regarding issues raised in a separate email to the planning officer.

The Parish Council believes that most of the other issues that have been raised could be covered by conditions applied by Planning if this application was successful.

#### Environmental Health – Private Water Supplies

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 by telephoning (01282) 661031.

#### **Public Response**

Neighbours have been notified by letter and a site notice has been displayed for wider publicity.

Multiple comments have been received from members of the public, raising the following issues:

- Issues with firework displays at the existing property causing issues for locals
- The main dwelling is being used as a party house and can accommodate up to 29 people
- Restrictions on the site should be placed, including reference to music, fireworks and the adding of marquees
- Private water supply will not cope
- Applicant has diverted the surface water around the site which has resulted in an animal water trough drying up and some flooding of a farmyard
- The site can be seen from 2 public rights of way
- Surprised this is not Green Belt land
- EV charging points should be required
- Landscape impact
- Unsafe access
- Concerns that the number of pods will add to the number of people potentially renting the main house for parties
- There are no good public transport links

- Loss of wildlife

## **Officer Comments**

### **Policy**

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

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) requires new development to have regard to potential impacts that may be caused on the highway network. Where residual cumulative impacts cannot be mitigated, permission should be refused.

Policy WRK5 (Tourism, Leisure and Culture) states that Proposals associated with the provision of new or improved facilities for tourism, leisure and cultural activities, including accommodation for visitors, will be supported where they:

1. Promote sustainable tourism associated with walking, cycling, waterways and the appreciation of the area's natural and historic environment.
2. Help to improve the quality and diversity of the existing tourism offer, and extend the tourist season.
3. Do not result in a significant increase in car usage and are readily accessible by public transport, and sustainable modes of transport (e.g. walking and cycling).
4. Support conservation, regeneration and/or economic development objectives, including the promotion of cross-border initiatives.
5. Are of an appropriate scale and will not have a significant detrimental effect on the natural or historic environment, local amenity or character of the area.
6. Achieve high environmental standards 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.

#### **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.

Supplementary Planning Guidance: Development in the Open Countryside.

## **Principle of Development**

The Open Countryside SPD recognises the importance of sport and recreational land uses, provided the uses are appropriate and in harmony with the countryside. Policy WRK5 states that provisions for tourism and leisure will be supported, provided they promote sustainable tourism, improve the diversity of tourism on offer and are of an appropriate scale for the character of the area.

The proposed development would be located within the Open Countryside, however it would provide a leisure and tourism use to the area, allowing more opportunity for people to access the open countryside. The site is one defined field, accessed via the existing access which serves Moorlands. Although the proposed development would result in four additional structures on the site which is currently open, the buildings would be viewed against the backdrop of the existing cluster of buildings at Moorlands. The proposed pods are not of a significant scale, being only four in number and would improve the quality and diversity of the existing tourism offer.

This development is therefore acceptable in principle, in accordance with Policy WRK5 and the Open Countryside SPD, subject to accordance with landscape amenity and highway policies.

## **Landscape & Visual Impacts**

The proposed development is a parcel of land broadly rectangular shape falling from east to west with a public right of way running to the north and one running to the south. However, the public rights of way themselves would be unaffected in terms of the route. There is no proposal to alter or divert the footpath. Clearly views from the footpath would change as a result of the proposed development. However, this would not result in an entirely different experience to footpath users, particularly given that directly adjacent to the development site the footpath runs along the edge of the curtilage of Moorlands, where a collection of buildings associated with Moorlands can be clearly viewed. As such, the application site is read in the context of the existing structures associated with the dwelling. Although some concerns have been raised that the application site is in an isolated location, the application site forms part of the context of the existing built development in this area. It is not in a remote field which is absent of other structures in the surrounding area. This field is directly adjacent to the main dwelling and a large outbuilding which is known as the coach house. As such, it would be read in the context of this cluster of development. The addition four timber structures, which could be well screened and assimilated into the surrounding landscape would not constitute an isolated dwelling in the same context as a building which was devoid of any built form in the surrounding area.

The site is screened by a number of interspersed mature trees and drystone walling. Any proposed landscaping could be controlled by a planning condition to ensure that an appropriate amount of species, along with the type and size could be planted, in order to assimilate the pods into the surrounding area.

Overall in relation to landscape and visual impacts, the proposed change of use to a camp site for timber pods would result in some change to the appearance of the site in the immediate vicinity. However, this would be read in the context of the wider surrounding cluster of buildings. As such, the proposed would not result in unacceptable impacts in landscape and visual terms, in accordance with Policy ENV1 of the Local Plan: Part 1 Core Strategy.

### *Trees*

The applicant has submitted an arboricultural impact assessment. The majority of the trees on the site are unaffected by the development. Three low quality trees require removal, the majority of trees are unaffected, and the arboricultural impact assessment demonstrates that there is no



unacceptable impact on trees. The Council is anticipating an amended plan which moves the parking and turning area out of the Root Protection Area for T7. Tree protection conditions could be put in place in the event of an approval.

The Council's Environment Officer has recommended that a landscaping condition is attached to any grant of planning permission in order to break up views into the site. This is something which could be secured by planning condition.

## **Design**

The proposed pods are to have two different types. Two of them are to be single bedroom pods whilst the other two are to each have two bedrooms. Each of the pods are to have grey composite walls with dark grey roof tiles to the arch shaped roof. The windows and doors are to be UPVC with anthracite frames. The chosen materials are muted in colour and would not draw attention to the site in an unacceptable way. They would blend well into the existing landscape.

## **Residential Amenity**

The application site would be closest to the hose dwelling at Moorlands. As such, they would be the closest neighbouring dwelling likely to be affected by any adverse effects. The proposed pods would be sited greater than 21m from the dwelling, ensuring that there would be no unacceptable privacy effects.

Overall, in relation to neighbouring amenity the proposed use of the site and the significant separation distance from neighbouring occupiers would not result in significant detrimental loss of privacy or noise impacts on nearby residents. Whilst some issues have been raised relating to noise being heard from the site boundary, this is something which could be controlled under statutory nuisance powers. Outdoor lighting could be controlled, to ensure that the proposed development does not result in an unacceptable level of light pollution. It is therefore acceptable in accordance with Policy ENV2.

## **Access and Parking**

The site proposes to use the existing track off Skipton Old Road which serves the main dwelling. There would be a deviation from the existing access track in the form of a diverted access around the rear of the dwelling and coach house. The Highways Authority have not objected in this regard. In relation to facilities and services, tourists visiting the site would be able to explore the wealth of public rights of way in the area. The village itself is not without services, including a school, church, pub and small parade of shops. The proposed development is located 450m from the settlement boundary of Foulridge. The facilities and services of Foulridge can be accessed by foot and cycle and there is a bus service running between Colne and Barnoldswick along the main road with a frequent service.

The Highways Authority have requested an amended parking layout which has been submitted by the applicant and is acceptable. They have also recommended a condition in relation to providing guests with information about travelling from the Foulridge end of the access road and a request for directional signage on the Kelbrook approach.

Given the scale of the proposed development and its location within reach of other village facilities and services, it accords with the National Planning Policy Framework and Policy ENV4 of the Local Plan: Part 1 Core Strategy.

## **Ecology**

The Council is anticipating the applicant to submit a preliminary ecological assessment prior to the meeting taking place. An assessment of this report will be made against Policy ENV1 of the Local Plan: Part 1 Core Strategy, in an update report to members.

## **Other Matters**

Issues have been raised regarding the letting off of fireworks. This is controlled by statutory nuisance powers and is not something which the planning system controls.

## **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: Proposed Site Plan TS521-1B, One bedroom pod – elevation and floor plans 23/17-04, Two bedroom pod – elevation and floor plans 23/17-06.

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

3. Samples of all external materials shall be submitted to the Local Planning Authority for written approval prior to commencement of work on the site. The development shall be carried out using only the agreed materials.

Reason: In order that the Local Planning Authority can assess the materials in the interest of the visual amenity of the area.

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 lets 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 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.

- 6. Prior to commencement of development, a foul and surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority.

The drainage scheme must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
- (iii) A timetable for its implementation.
- (iv) Details of how foul and surface water will be disposed of.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme which shall be implemented prior to the first use of the pods and remain in place for the lifetime of the development unless otherwise agreed in writing with the local planning authority.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

- 7. No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:
  - i) The parking of vehicles of site operatives and visitors
  - ii) The loading and unloading of plant and materials
  - iii) The storage of plant and materials used in constructing the development

- iv) The erection and maintenance of security hoarding
- v) Wheel washing facilities
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
- viii) Details of working hours
- ix) Routing of delivery vehicles to/from site – Vehicles shall access the site from Foulridge via Skipton Old Road.

Reason: To mitigate the impact of the construction traffic on the highway network.

8. Customers shall be advised at the point of booking that all vehicles shall access the site via Skipton Old Road from Foulridge rather than Kelbrook.

Reason: In the interests highway safety.

9. The access road, parking and turning areas shown on the approved drawing shall be constructed prior to the first use of the glamping pods.

Reason: To ensure adequate access and parking provision.

10. A secure cycle store for 6 bicycles shall be provided prior to first use of the glamping pods.

Reason: To support sustainable travel.

11. A sign shall be placed on Skipton Old Road, on the Kelbrook approach, to give drivers an advanced warning of the site access driveway prior to the first use of the glamping pods.

Reason: In the interests of highway safety.

12. The development here by approved shall be carried out in strict accordance with the Arboricultural Impact Assessment and Method Statement, prepared by GM Consultants dated 15/01/2024 Job Ref: 1906.

Reason: In order to appropriately protect the trees on site.

13. The development hereby approved shall be carried out in strict accordance with the Ecological Assessment and there shall be no variation without the prior written approval of the Local Planning Authority.

Reason: In the interests of protected species.

**Application Ref:** 23/0789/FUL

**Proposal:** Full: Change of use of land to site 4 no. holiday camping pods.

**At:** Moorlands, Skipton Old Road, Foulridge

**On behalf of:** Mr & Mrs I & D Handley

## REPORT TO COLNE & DISTRICT COMMITTEE 07<sup>TH</sup> MARCH 2024

**Application Ref:** 24/0008/FUL

**Proposal:** Full: Partial rebuilding and associated remedial works to retaining walls.

**At** Retaining Wall And Gardens Adjacent To 4 To 10 Peter Birtwistle Close, Colne, Lancashire

**On behalf of:** Peter Birtwistle Trust

**Date Registered:** 08.01.2024

**Expiry Date:** 04.03.2024

**Case Officer:** Iain Crouch

### **Site Description and Proposal**

Stone-faced retaining walling adjacent to bungalows belonging to the Peter Birtwistle Trust in Colne. The main retaining wall is located on Carry Lane, Colne, adjacent to numbers 4 – 8 Peter Birtwistle Close, Colne. It is situated at the top of Carry Lane close to its junction with Keighley Road, Colne. There is smaller retaining wall behind nos 8 -10 Peter Birtwistle Close, Colne.

The majority of the walling is within the Settlement Boundary as defined in the adopted Local Plan. The smaller retaining wall behind Nos. 8 – 10 is on land defined as Open Countryside in the adopted Local Plan, however it is part of the same development and is situated between two terraces of housing.

The site is within the boundary of the Colne Neighbourhood Development Plan and specifically is within Colne Design Code Settlement Focus Area C – Victorian Terrace Areas.

The written Statement that accompanies the planning application describes the works as:

‘Partial taking down of the retaining wall on Carry Lane and rebuilding it at a lower height with existing materials in accordance with structural engineer’s recommendations.

Reprofiling the garden areas to the bungalows at 4-8 Peter Birtwistle Close to reduce levels and reduce the amount of soil the wall retains.

Taking up and replacing drainage to the bungalows.

Providing a land drain to the rear of the wall.

Providing buttresses to a small retaining wall between the properties on Birtwistle East Lemes and Peter Birtwistle Close.’

The application is accompanied by a Report by a structural engineer and a document titled ‘Construction Code of Practice, Environmental Management Plan’.

### **Relevant Planning History**

None recorded.

### **Consultee Response**

**Highways LCC:**

No objection subject to a Condition that The Construction Code of Practice, Environmental Management Plan submitted shall be adhered to throughout the development. Reason: For highway safety.

**Colne Town Council:**

Not received to date (19.02.2024)

**PBC Engineering:**

Not received to date (19.02.2024)

**Environmental Health:**

Not received to date (19.02.2024)

**United Utilities:**

Not received to date (19.02.2024)

**Public Response**

Not received to date (19.02.2024)

**Relevant Planning Policy**

Pendle Local Plan Part 1: Core Strategy Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Pendle Local Plan Part 1: Core Strategy Policy SDP2 defines settlement roles and principles for development outside the settlement boundary.

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

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

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) sets out aspects required for good design.

The Development in the Open Countryside Supplementary Planning Guidance (SPG).

## **Officer Comments**

### **Principle:**

The majority of proposed works (i.e. rebuilding of the Carry Lane length of retaining wall) are within the Settlement Boundary as defined in the Local Plan, therefore acceptable in principle subject to adherence with other Policies in the Development Plan. The southern length of walling is within 'Open Countryside' and is subject to the provisions of the Development in the Open Countryside SPG. Given this is a proposal to construct stone buttresses at two metre centres along a length of retaining wall between two existing terraces of houses, the proposal does not conflict with the provisions of the SPG.

### **Design and Materials:**

The Design Principles SPD, whilst providing guidance in respect of works to domestic property (the proposed works include re-profiling garden areas and rebuilding elements of boundary treatment), does not contain any advice that would preclude this proposal.

For the avoidance of doubt there is no proposal to construct wooden fencing on top of the wall facing Carry Lane.

For the avoidance of doubt, planning permission isn't required for the demolition element of the work, nor is it applied for in this application. A length of wall no higher than 1.0m is permissible where it abuts the highway, so the only walling that requires planning permission is that above 1.0m height. Note that it is unreasonable to require walling that obscures the view of other features within this application.

Policy ENV2 requires that all new development 'viably seek to deliver the highest possible standards of design' and that development be 'practical and legible'. This proposal does not conflict with ENV2.

Colne Neighbourhood Development Plan Policy CNDP3 states that 'The design of new development should be informed by and retain and enhance the defining characteristics of the Settlement Focus Area of Colne.....within which it is located.' In this instance the site is within Focus Area C with 'Architecture and Materials' the relevant consideration. It is proposed to re-use existing walling stone in the rebuilt structure facing Carry Lane and use natural stone for construction of the buttresses behind Nos. 8-10, both of which are acceptable in 'architecture terms and an appropriate use of materials.

The design and appearance is acceptable in this location and the proposal does comply with Local Plan Policy ENV2, the Design Principles SPD and Colne Neighbourhood Development Plan Policy CNDP3.

### **Residential Amenity:**

No detrimental implication.

### **Highways and Structure:**

The application is accompanied by a Structural Engineer's Report describing the condition of the

lengths of walling and why this work is necessary. In addition the application is accompanied by a document titled 'Construction Code of Practice, Environmental Management Plan', which describes how the work is to be undertaken.

The LCC Highways consultee has no objection subject to the works being undertaken in accordance with the submitted Construction Code of Practice, Environmental Management Plan.

### **Reason for Decision**

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework, subject to compliance with planning conditions. 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:

Drawing No. 584/01  
Drawing No. 584/03  
Drawing No. 584/04  
Drawing No. 584/05  
Drawing No. 584/06

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

3. All the external materials shall be as stated on the approved plans and application form. There shall be no variation without the prior consent 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 Construction Code of Practice, Environmental Management Plan submitted to support the planning application shall be adhered to throughout the development.

Reason: For highway safety.



**Application Ref:** 24/0008/FUL

**Proposal:** Full: Partial rebuilding and associated remedial works to retaining walls.

**At** Retaining Wall And Gardens Adjacent To 4 To 10 Peter Birtwistle Close,  
Colne, Lancashire

**On behalf of:** Peter Birtwistle Trust

## REPORT TO COLNE & DISTRICT COMMITTEE 07<sup>TH</sup> MARCH 2024

**Application Ref:** 24/0010/FUL  
**Proposal:** Full: Change of use from retail to a family assessment centre (Use Class C2).  
**At:** 29 New Market Street, Colne, Lancashire BB8 9BJ  
**On behalf of:** Acorn Child Services  
**Date Registered:** 22.01.2024  
**Expiry Date:** 18.03.2024  
**Case Officer:** IC

### **Site Description and Proposal**

An inner-terrace two storey building of traditional stone/slate construction in a mixed commercial/residential location. The terrace (including this property) is characterised by commercial premises with traditional shop fronts on the ground floor.

Within the Settlement Boundary, Colne Town Centre Boundary and the Albert Road Conservation Area as defined in the adopted Local Plan.

Within the Colne Town Centre Boundary and SFAC 'Victorian Terrace Areas' as defined within the Colne Neighbourhood Development Plan.

### **Relevant Planning History**

13/06/0603P - New shopfront. Approved 30.10.2006.

### **Consultee Comments**

#### **LCC Highways:**

No objection subject to the following Condition:

'Prior to first use of the premises hereby approved a secure covered cycle store shall be provided and maintained thereafter for as long as the premises are in use.'

#### **Colne Town Council:**

Not received to date (22.02.2024)

#### **Environmental Health:**

Not received to date (22.02.2024)

#### **United Utilities:**

Not received to date (22.02.2024)

#### **Architectural Liaison Officer:**

Not received to date (22.02.2024)

## **Public Response**

None received to date (22.02.2024). Note a request has been received from a Councillor that if recommended for approval, the application be 'called in'.

## **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 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 WRK4 (Retailing and Town Centres) states that all development within a Town Centre should seek to make a positive contribution to the area.

#### Replacement Pendle Local Plan

Saved Policy 31 sets out the maximum parking standards for development.

Saved Policy 26 refers to non-shopping uses in Town Centres & Local Shopping Areas.

#### 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.

#### Conservation Area Design and Development Guidance Supplementary Planning Document

#### Colne Neighbourhood Development Plan

Policy CNDP1 – Colne Market Town.

Policy CNDP2 – Shopfronts including proposal to retain existing shopfronts.

Policy CNDP9 – Protection of Local Shops and Public Houses outside the Town Centre.

### **Principle**

The property is within the Settlement Boundary therefore the principle of development is acceptable subject to adherence with other development plan policies.

Policy WRK4 (Retailing and Town Centres) states that all development within a Town Centre should seek to make a positive contribution to **(my comments in bold)**:

Safeguarding the retail function of the centre. **The shopfront is to be retained thereby enabling easy reuse of the building as a shop in the future.**

Improving the vitality and viability of the centre. **The proposed use arguably improves both the vitality and viability of the Centre, as it involves reuse of a presently unused building.**

Improving the overall mix of retail and other land uses. **The proposal certainly broadens the range of 'other land uses' within the area.**

Supporting the creation of a comfortable, safe, attractive and accessible shopping environment. **The proposal will make no difference to the wider shopping environment.**

Enhancing access to the centre by sustainable modes of transport, and encouraging multi-purpose trips. **The proposal is in a Town Centre location already.**

The Colne Neighbourhood Development Plan identifies the property as within the Town Centre Boundary and SFA C 'Victorian Terrace Areas'. There is no policy within the CNDP that precludes the proposal on principle.

## **Design**

No external alterations are proposed.

## **Residential Amenity**

The building currently has a Class E (Commercial, Business and Service) use. The proposed use is C2 (for the provision of residential accommodation and care to people in need of care). Whilst the proposal as described within the application is for the residence and care of single mothers and their babies with two members of staff (on shift) in attendance at all times, it should be noted that a C2 approval is for an approval within a Use Class and that a grant of planning permission is a grant for any use within that Class.

The matter for consideration is whether the proposed use will have a detrimental impact upon residential amenity, in particular upon occupants of the dwelling next door, No. 31 New Market Street. Given that the amount of floorspace will not be increased and that the property has the potential to be used as a dwelling without express consent (E to C3 as an MA prior approval despite it being in a Conservation Area), it is difficult to argue that the proposed use will have a greater impact upon the residential amenity of neighbours than a dwelling. It is appreciated that the proposal is for a family assessment centre for the care of mothers and babies, therefore a Condition requiring sound insulation is appropriate in this instance.

## **Highways**

No objections are raised by the Highways consultee subject to a Condition requiring a secure cycle store. If approved I suggest that such a Condition be imposed.

## **Impact upon Conservation Area**

Given that no external alterations are proposed, the impact upon the Conservation Area will be nil and therefore no assessment under NPPF Para.208 will be necessary:

‘208. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.’

## **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, subject to compliance with planning conditions. 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 and Statements:

Drawing No. AB0112 Proposed ground and first floor plans

Drawing No. AB0112 Proposed second floor plans

Drawing No. TQRQM24008163426725

Drawing No. TQRQM24008163203049

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

3. Prior to first use of the premises hereby approved a secure covered cycle store for at least one bicycle shall be provided and maintained thereafter for as long as the premises are in use.

Reason: To ensure that the development provides the infrastructure to support sustainable forms of transport.

4. A scheme of sound insulation to protect the adjacent dwelling from noise emanating from the C2 use shall be submitted to and approved in writing by the Local Planning Authority prior to the proposed change of use taking place. The scheme of sound insulation so approved shall be retained for the lifetime of the development.

Reason: To prevent unreasonable noise and disturbance to neighbouring occupants in the interests of residential amenity.

**Application Ref:** 24/0010/FUL

**Proposal:** Full: Change of use from retail to a family assessment centre (Use Class C2).

**At:** 29 New Market Street, Colne, Lancashire BB8 9BJ

**On behalf of:** Acorn Child Services

## **LIST OF BACKGROUND PAPERS**

Planning Applications

**NPW/MP**

**Date: 02nd February 2024**