

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

TO: COLNE & DISTRICT COMMITTEE

DATE: 09TH MAY 2024

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO COLNE AND DISTRICT COMMITTEE ON 09 MAY 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 Johnstone

Date Registered: 18.10.2023

Expiry Date: 15.02.2024

Case Officer: Alex Cameron

The application was deferred for discussion with the applicant regarding landscaping and moving parking away from the front of the building. Changes have now been agreed and are expected to be submitted prior to this meeting.

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.

13/08/0509P - Erection of an agricultural building to house free range laying hens. Approved 21.10.2008.

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

dwelling; 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 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.

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 application was deferred from the previous Committee meeting for discussions with the applicant to amend the plans to move parking away from the front of the building and for landscaping. A progress update will be made to Committee, however, the recommendation remains to approve as proposed.

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 , 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

On behalf of: Mr Stuart Johnstone

REPORT TO COLNE AND DISTRICT COMMITTEE 9TH MAY 2024

Application Ref: 23/0719/FUL

Proposal: Full: Conversion of existing barn to form 3 no. dwellings with new detached garage block and associated parking and garden areas.

At Peter Laithe Farm, Foulds Road, Trawden, Lancashire BB8 8NT

On behalf of: Mr Darren Blackburn

Date Registered: 01.11.2023

Expiry Date: 27.12.2023

Case Officer: Laura Barnes

Site Description and Proposal

A group of buildings known as Peter Laithe Farm in countryside to the north of Trawden. Trawden Forest Conservation Area, Open Countryside, within the boundary of the Trawden Forest Neighbourhood Plan. Land to the north west (the proposed position of the garage block and parking area) is Green Belt.

The proposal seeks the conversion of an existing stone/stone slate barn to three dwellings (one 4 bed, two 3 bed) plus construction of a detached garage block in stone/artificial stone slate, creation of a parking area in front of the garage capable of accommodating six cars, and creation of separate garden areas for each new dwelling including construction of stone boundary walls. The proposal also includes demolition of existing structures attached to the barn, plus minor changes to the existing point of access onto Colne Road. Note that it is intended that all access shall be via Colne Road and an existing access track from this to the development. This track is a public footpath, as is Foulds Road running along the south-western elevation of the barn.

The application is accompanied by a Design and Access Statement and a Heritage Statement.

Relevant Planning History

13/95/0645P - convert attached barn to dwelling. Approved 08.08.1966.

Consultee Response

Trawden Forest Parish Council (prior to submission of amended plans):

Although it is good to see that there are plans for the barn to be reused/repurposed, councillors feel that the current plan does not preserve enough of the original features of the traditional barn. It is encouraging that the proposals include aluminium windows and not uPVC. There are concerns about the excessive amount of glass proposed in both existing and new openings and that there are a lot of additional rooflights to be added. It could be argued that the large door openings and windows would provide sufficient light to remove the need for rooflights. The garage roof should be using traditional materials.

LCC Highways (in response to amended plans):

No objection subject to the following Conditions:

1. No part of the development hereby approved shall be occupied until all the highway works have been constructed and completed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. Works shall include, but not be exclusive to the construction of the access to an appropriate standard, including kerbed radii and tie in details to the carriageway edge of the publicly maintained highway network on Mire Ridge.

Reason: In order 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 first occupation of any approved dwelling the first 6m of the access track from its junction with Mire Ridge shall be surfaced in a bound porous material and an appropriate means of surface water drainage installed in accordance with a scheme to be approved by the Local Planning Authority.

Reason: In the interest of highway safety to protect the structural integrity of the publicly maintained highway network.

3. Notwithstanding details shown on the approved plans the gates across the access onto Mire Ridge shall be removed and the access shall remain ungated for the lifetime of the development to prevent vehicles waiting on Mire Ridge where they could cause an obstruction.

Reason: In the interest of highway safety.

4. Prior to first occupation of the proposed development the parking and manoeuvring areas shown on the approved plans shall be provided and thereafter always remain available for the parking of vehicles associated with the dwellings and the manoeuvring areas shall be kept free from obstructions in perpetuity.

Reason: To ensure that satisfactory levels of parking and manoeuvring are provided.

5. 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 notes

1. 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, including kerbed radii and tie in details to the carriageway edge on Mire Ridge. 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 , 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.

2. The settings of Public Footpaths FP13-07-008, FP13-07-009 and FP13-07-010 (Trawden) may be affected by the proposed development. The grant of planning permission does not entitle a developer to obstruct a right of way. Any proposals for the temporary diversion or closure of any of the above footpaths should be made to Lancashire County Council's Public Rights of Way team

before any development works begin. They can be contacted by email at PROW@lancashire.gov.uk – the location, district and planning application number should be included in any correspondence.

PBC Engineering:

Not received to date (26.02.2024)

Environmental Health:

Not received to date (26.02.2024)

United Utilities:

Not received to date (26.02.2024)

PBC Public Rights of Way:

Not received to date (26.02.2024)

LCC Archeological Service:

The buildings (farmhouse & barn), by virtue of their nature and date, are therefore considered to be of sufficient historic interest to be categorised as non-designated heritage assets, and such historic farm buildings are becoming increasingly rare due to dereliction or conversion. The alterations as proposed will have a significant impact on the character of the barn and will result in the loss of some historic fabric.

Consequently should the Local Planning Authority be minded to grant planning permission to this or any other scheme, the Historic Environment Team would advise that a record of the barn be made prior to conversion, secured by means of the following condition:

1. No site preparation, clearance or demolition works shall take place until the applicant or their agent or successors in title has secured the implementation of a programme of building recording, analysis and reporting work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. The programme of works should comprise the creation of a Level 2-3 record as set out in "Understanding Historic Buildings" (Historic England 2016). The work must be undertaken by an appropriately qualified and experienced professional contractor to the standards and guidance of the Chartered Institute for Archaeologists. A copy of this record shall be submitted to the Local Planning Authority and the Lancashire Historic Environment Record.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site.

Notes: Relevant archaeological standards and lists of potential contractors can be found on the ClfA web pages: <http://www.archaeologists.net> and the BAJR Directory:

<http://www.bajr.org>. 'Understanding Historic Buildings' can be accessed online at <https://historicengland.org.uk/images-books/publications/understanding-historicbuildings/>.

Public Response

None received to date (26.02.2024)

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.

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.

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

Policy 10 seeks to conserve areas identified as historic or of architectural interest in their setting.

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.

Paragraph 152 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 153 states that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 154 describes exceptions to the general principle that construction of new buildings in the Green Belt is inappropriate.

Paragraph 155 states that certain other forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.

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

Conservation Area Design and Development Guidance Supplementary Planning Document (SPD).

Trawden Forest Neighbourhood Plan.

Officer Comments

Principle of Development:

Two elements to consider:

Conversion

The principle of whether the conversion is acceptable is based upon whether or not the location is an isolated one, for the purpose of paragraph 84 of the Framework. In this particular case, the proposed development falls within one of the exceptions of the paragraph which seeks to avoid the development of isolated homes. This is because it would represent the optimal viable use for a heritage asset or would be appropriate enabling development to secure the future of heritage assets. The proposed development would also re-use a redundant building which would enhance its immediate setting. The application site is located 137m outside the settlement boundary for Trawden and is not in an isolated location for the purpose of the assessment against National Policy.

The principle of whether development is acceptable is also based upon an assessment against Green Belt policy. The proposal seeks to re-use a redundant building within the Green Belt. This is one of the exceptions for development within the Green Belt, especially where there is heritage value associated with the building and it is likely to fall into disrepair. There are no proposed extensions to the existing building but rather some additional openings to let natural light into the building to make it suitable for residential habitation. In terms of the garden areas, these have been kept small and proportionate to the building itself and would not result in an unacceptable or disproportionate effect upon the Green Belt.

New Garage in Green Belt

The original proposals included a garage within the Green Belt area of land. However, since this does not meet one of the exceptions to Green Belt policy it would mean the scheme would have to be refused on this basis. Therefore, the applicant has amended their plans to remove the detached garage block.

Access/Parking:

At present the farm group is served by an access track known as Foulds Road, which leads from Colne Road and the settlement of Trawden to the south. It is proposed to cease use of this access and use an historic track to the west of the farm group instead, leading to Mire Ridge. This historic track is within the application red line. It is a public footpath and was unmade until it was surfaced between 2020 – 2023 (Google Earth Timeline). Submitted plans show visibility splays and vehicle/pedestrian gates set back from the carriageway of Mire Ridge in accordance with LCC Highway's initial consultation response dated 22.11.2023. The subsequent consultation response dated 20.12.2023 states no objection subject to Conditions.

In respect of parking, the proposal involves the creation of one 4 bed and two 3 bed dwellings, requiring a total of seven parking spaces under Saves Policy 31. The proposed parking area is sufficient for six cars.

Conservation:

Amended plans were received on 29.01.2024 showing a reduction in fenestration in view of concern expressed by Case Officer. The amended plans have reduced the amount of openings to an acceptable level.

Amenity:

The farm group is 140m from the closest other dwellings therefore no impact upon residential amenity is likely. The farm group does contain one dwelling and this is attached to the southern end of the barn to be converted. The impact upon this existing dwelling is unlikely to be detrimental as it will not be overlooked and it will retain its own residential curtilage. Acceptable.

Ecology:

A preliminary bat roost assessment has been undertaken and was received on 12th March. However, there is a requirement for further surveys which can only take place at certain times of the year. At present, the agent has instructed the additional survey which is likely to take place at the beginning of May. Once this report has been received, if the information is satisfactory, delegated powers are requested to grant consent.

Drainage:

A surface water soakaway is shown in a field to the north-east of the group. A septic tank is identified on the application form for foul drainage, however the location isn't shown on submitted plans. Given the lack of a consultation response from UU and Environmental Health, a Condition requiring further details and adherence to those details is considered necessary.

Landscape

The site is considered 'Open Countryside' in the adopted Local Plan. The Development in the Open Countryside SPG shows the site on the border of 'Valley Sides/Western Industrial Foothills' and 'Moorland Fringe'. Development is to be limited in scale and is to relate closely to existing settlements. The proposal accords with the SPG in respect of its location as a conversion of an existing building.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed housing development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework, 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: Delegate grant consent, subject to satisfactory outcome of additional bat surveys

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 documents: Location Plan Drawing no. 01, Proposed Site Plan dwg 09

Rev C, Proposed Ground Floor Plan dwg 10 Rev A, Proposed First Floor Plan 11 Rev A, Visibility splay plan dwg 19 Rev A, Proposed Cross section dwg Sheet 1 of 2 12 Rev A, Proposed Cross section dwg Sheet 2 of 2 13 Rev A, Proposed Elevation Plan Sheet 1 of 2 dwg 14 Rev B, Proposed Elevation Plan Sheet 2 of 2 dwg 14 Rev B.

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. Notwithstanding details shown within the submitted planning application, prior to installation details of the design, materials and finishes of the window frames, roof lights, rainwater goods and doors shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the details so approved.

Reason: To ensure the use of appropriate material in order to protect the character and appearance of the Conservation Area.

5. Each dwelling hereby approved shall not be occupied unless and until the car parking area as identified on the approved plan specific to that dwelling has been laid out, surfaced in a bound material and made available for use. The car parking areas shall thereafter be maintained free from obstruction and available for parking in association with the dwellings.

Reason: In the interests of highway safety.

6. Notwithstanding details shown within the submitted planning application, the dwellings shall not be occupied until each one has a secure cycle storage facility and an electric vehicle charging point. These elements shall be retained for the lifetime of the development.

Reason: In order to promote sustainable transport as a travel option and reduce thereby carbon emissions.

7. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A, B, C, D, E, F, G & H of Part 1 and Classes A, B & C of Part 2 of Schedule 2 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: To enable the Local Planning Authority to control any future development on the site in order to safeguard the character and appearance of the rural area and the character and appearance of the Conservation Area.

8. The dwellings hereby approved shall not be occupied until details of foul and surface water drainage facilities have been submitted to and approved in writing by the Local Planning Authority. Said details shall be implemented prior to first occupation.

Reason: To ensure satisfactory drainage of the buildings and site.

9. The development hereby approved shall be carried out in strict accordance with a Preliminary Bat Roost Assessment and further bat survey [reference to be inserted here] and there shall be no variation without the prior written approval of the Local Planning Authority.

Reason: In order to safeguard a protected species.

10. No part of the development hereby approved shall be occupied until all the highway works have been constructed and completed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. Works shall include, but not be exclusive to the construction of the access to an appropriate standard, including kerbed radii and tie in details to the carriageway edge of the publicly maintained highway network on Mire Ridge.

Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

12. Prior to first occupation of any approved dwelling the first 6m of the access track from its junction with Mire Ridge shall be surfaced in a bound porous material and an appropriate means of surface water drainage installed in accordance with a scheme to be approved by the Local Planning Authority.

Reason: In the interest of highway safety to protect the structural integrity of the publicly maintained highway network.

13. Notwithstanding details shown on the approved plans the gates across the access onto Mire Ridge shall be removed and the access shall remain ungated for the lifetime of the development to prevent vehicles waiting on Mire Ridge where they could cause an obstruction.

Reason: In the interest of highway safety.

14. 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.

15. No site preparation, clearance or demolition works shall take place until the applicant or their agent or successors in title has secured the implementation of a programme of building recording, analysis and reporting work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. The programme of works should comprise the creation of a Level 2-3 record as set out in "Understanding Historic Buildings" (Historic England 2016). The work must be undertaken by an appropriately qualified and experienced professional contractor to the standards and guidance of the Chartered Institute for Archaeologists. A copy of this record shall be submitted to the Local Planning Authority and the Lancashire Historic Environment Record.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site.

16. The permission hereby granted is for the conversion and renovation of the existing buildings only and does not imply or grant permission for demolition or re-building of the external walls beyond the works to insert new openings for windows / doors.

Reason: For clarity and the substantial rebuilding of the barn building to create a new dwelling in an isolated location would be contrary to the development plan.

Informative notes

1. 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, including kerbed radii and tie in details to the carriageway edge on Mire Ridge. 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 , 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.

2. The settings of Public Footpaths FP13-07-008, FP13-07-009 and FP13-07-010 (Trawden) may be affected by the proposed development. The grant of planning permission does not entitle a developer to obstruct a right of way. Any proposals for the temporary diversion or closure of any of the above footpaths should be made to Lancashire County Council's Public Rights of Way team before any development works begin. They can be contacted by email at PROW@lancashire.gov.uk – the location, district and planning application number should be included in any correspondence.

Lancs Fire and Rescue Service

3. It should be ensured that the proposal is provided with suitable provision of Fire Fighting water. Any provisions should comply with National Guidance, details of which can be found: <https://www.water.org.uk/guidance/national-guidance-document-on-the-provision-of-water-for-firefighting-3rd-edition-jan-2007>

Application Ref: 23/0719/FUL

Proposal: Full: Conversion of existing barn to form 3 no. dwellings with new detached garage block and associated parking and garden areas.

At Peter Laithe Farm, Foulds Road, Trawden, Lancashire BB8 8NT

On behalf of: Mr Darren Blackburn

REPORT TO COLNE & DISTRICT COMMITTEE 9TH MAY 2024

Application Ref: 23/0750/ADV

Proposal: Advertisement Consent: Display of 1 no. fascia sign.

At: Primet Business Centre, Burnley Road, Colne.

On behalf of: Mr James Knowles.

Date Registered: 30/11/2023

Expiry Date: 25/01/2024

Case Officer: Joanne Naylor

This application was deferred at the March Committee Meeting.

Site Description and Proposal

The application site is part of the Holker Mill complex which has a range of uses within the mill complex. The business operates from Unit 5 Holker Mill and operates as an auctioneers. The application site is located within the Primet Bridge Conservation Area and within the Colne Neighbourhood Plan area.

The advertisement seeks to provide directions to the auctioneer business. The signage would be located on the side elevation of Primet Business Centre, it would have a black background with white text and an arrow directing to the business premises, the signage would be 1.5m high and 2m wide and set 1.85m above the ground.

Relevant Planning History

13/92/0344P: SUB DIVISION OF MILL TO FORM INDUSTRIAL UNITS INCLUDING FORMATION OF NEW CAR PARK/SERVICING AREAS WITH NEW ACCESS AND ACCESS DOORWAYS. Approved with Conditions (21st October 1992).

13/97/0058P: CREATION OF COMPOUND AND STORAGE YARD. Approved with Conditions (10th April 1997).

13/94/0296P: USE FOR AEROBIC STUDIO. Approved with Conditions (22nd August 1994).

Consultee Response

LCC Highways

The proposal raises no highway concerns. Therefore, the Highway Development Control Section would raise no objection to the proposal on highway safety grounds.

Parish/Town Council -

Colne Town Council objects to this application as it is not in keeping with the Conservation Area that it sits in.

Environment Agency

There is no objection to the development subject to comments that the application site is within flood zone 2 which is at risk of flooding. The standard comments Flood Risk Standing Advice may apply here.

Public Response

A press notice and site notice have been displayed, and the nearest neighbours notified by letter without response.

Relevant Planning Policy

Pendle Local Plan Part 1 Core Strategy

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

Policy 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.

Colne Neighbourhood Development Plan

Policy CNDP3 seeks high quality, beautiful and sustainable buildings and places, with new development to retain and enhance the defining characteristics and relate to the design code elements of the matrix.

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

The Conservation Area Design and Development Guidance Supplementary Planning Document.

Primet Bridge Conservation Area Appraisal May 2007.

Officer Comments

The issues to consider with this application are Design and Impact on the Conservation Area, Amenity, and Highway Safety.

Design and Impact on the Conservation Area

The application site is located within the Primet Bridge Conservation Area and there is a duty under Section 72(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

The Design Principles provides guidance for the design of advertisements that they should be of high standard of design, relate well to the building they are fixed to, sympathetic to the surrounding locality and street scene, materials to be blend with surroundings, finished and coloured carefully, to not create a safety hazard to pedestrians or traffic, and to not dominate or clutter buildings or forecourts.

The signage would be located on the side elevation of the mill building Primet Business Centre. The signage would have a black background with white text and a directional sign indicating towards the auctioneer business within Holker Mill. The signage would be 2m wide and 1.5m high and it would be 1.85m above ground. The maximum height of any individual letter and/or symbols would be 18cm and have aluminium fronted by plastic. The signage would not be illuminated and the signage is traditional in colour and in text font. Overall, the proposed signage is small in size and has a more traditional text and colour scheme of black and white, the proposed advertisement would be simple and restrained in its colour and size and would be sympathetic to the surrounding locality due to the muted colours with a more traditional design. The proposed advertisement would be erected 1.85m above ground and would not create a safety hazard to pedestrians or traffic.

Although the signage could have been located on the premises where the business operates from, in a mill complex there are a number of businesses and a directional sign would enable customers to find the business.

The site is located within the Colne Neighbourhood Plan with Policy CNDP 3 being relevant, the application site is located in the Colne Design Code Settlement Focus Area SFAF: Mixed area with employment, commerce and residential uses. The Colne Design Code indicates that SFAF is dominated by large industrial mills, with the remaining structures of great local significance and now primarily occupied by supermarkets and large retail premises. The advertisement would be located on the side elevation of Primet Business Centre to support the auctioneer's business which is located in an area of mixed employment, commerce and residential uses. In this location it would be expected that advertisements were displayed in order to support the employment and commercial uses, the signage seeks to support this.

The application site is located within the Primet Bridge Conservation Area and the legislation places a duty under Section 72 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider the desirability of preserving and enhancing the character or appearance of that area.

The Primet Bridge Conservation Area Appraisal identified the special character of late 19th century Victorian industrial development of textile mills and industrial premises. With the Primet Bridge the focus point of the conservation area and of particular value is the Grade II Listed Primet Foundry with two mill chimneys and adjacent Bridge Works. There are linear development forms of the railway, river and roads, with the viaduct creating a visual barrier. Buildings are mostly local sandstone and blue slate. The area remains relatively unchanged and is used for industry with buildings used and adapted for modern industrial processes.

In terms of the impact on the conservation area, the advertisement would be located on the side elevation of Primet Business Centre and not directly associated with the premises of the auctioneer business which is located in Holker Mill. Here the advertisement would provide direction to the business, the sign is 2.5m wide and 1.5m high, it would be black and white in

colour with a more traditional font and muted colours, it would not be illuminated and would be set above the ground by 1.85m, and it would only be visible when travelling from Nelson towards Colne along Burnley Road. There are other advertisements located on the wall which are larger and with more modern design with bright colours. If the proposed advertisement was taken on its own merits, it would be acceptable due to the size, design and muted colours which appear of a more traditional sign.

The nearest listed building is Primet Foundry which is set away from the signage, it would have no direct relationship to the listed building due to the distance and being set away from the advertisement, therefore would not impact on the Listed Building.

Due to the advertisement being muted, it would not be illuminated and set back from the road. Therefore, the advertisement would have a neutral impact on the conservation area.

The proposal accords with Policy ENV1 and ENV2 of the Local Plan, Policy CNDP3 of the Colne Neighbourhood Development Plan, the Conservation Area Design and Development Guidance SPD and the Design Principles SPD.

Amenity

In terms of the visual amenity, the proposal is 2.5m wide and 1.5m high, it is set 1.85m above ground and is not illuminated, the design and colours are muted and of a traditional style. On Burnley Road there are residential properties opposite the application site, the advertisement would not be illuminated and is set circa 24m away and at a right angle to the residential properties, the distance between the signage and the residential properties opposite are sufficient distance away to have no unacceptable impact to these properties. The signage would be acceptable in residential amenity terms and would conform to Policy ENV2 of the Local Plan: Part 1 Core Strategy and the Design Principles SPD.

Highways

The signage raises no highway concerns. Therefore, the Highway Development Control Section would raise no objection to the signage on highway safety grounds. The signage would not impact on highway safety and would conform to Policy ENV2 and the Design Principles SPD.

Flood Risk

The signage is located within flood zone 2, here the proposal is for an advertisement located on the side elevation of Primet Business Centre which would be 1.85m above ground level and the signage would have no illumination. If a flood did occur the advertisement would not be adversely affected.

Reason for Decision

The advertisement is acceptable in terms of design and material, amenity and highways safety.

RECOMMENDATION: Approve

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, Drawings 20231109_125643, Elevation Plan - Proposed

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

3. Any illuminated advertisement shall be designed so that:

- No part of the source of the illumination shall at any time be directly visible to users of the adjacent adopted highway;
- Static illumination is provided and the sign shall not feature intermittent or flashing lights;
- The level of illuminance shall not exceed the maximum level found within the Institution of Lighting Engineers (ILE) document PLG 5 Brightness of Illuminated Advertisements or its equivalent in any replacement guide;
- Moving features are not provided.

Reason: In the interest of highway safety to avoid glare, dazzle or distraction to passing highway users.

4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the land entitled to grant permission.

Reason: Condition imposed by the Regulations

5. No advertisement shall be sited or displayed so as to –
- a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: Condition imposed by the Regulations.

6. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: Condition imposed by the Regulations.

7. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: Condition imposed by the Regulations.

8. Where an advertisement is required under these Regulations to be removed, the site shall be left in condition that does not endanger the public or impair visual amenity.

Reason: Condition imposed by the Regulations.

Application Ref: 23/0750/ADV

Proposal: Advertisement Consent: Display of 1 no. fascia sign.

At: Primet Business Centre, Burnley Road, Colne.

On behalf of: Mr James Knowles.

REPORT TO COLNE AND DISTRICT COMMITTEE 9TH MAY 2024

Application Ref: 23/0799/FUL

Proposal: Full: Change of use from agricultural to mixed use to retain a stable and feed store.

At: Land to the NW of West Lynn, Barrowford Road, Colne

On behalf of: Miss Pia Vinther

Date Registered: 26/02/2024

Expiry Date: 22/04/2024

Case Officer: Laura Barnes

Site Description and Proposal

The application site is a piece of land on Heirs House Lane, which is a private road and Public Right of Way. The application site is located within the Green Belt and outside the settlement boundary.

The proposal is for the change of use of the land from agricultural to a mixed use of agriculture and equine. At the time of the site visit there were some stables on the land and a timber shed. A field access had also been created off Heirs House Lane. The structures had already been erected and the application seeks to retain these. The stables measure 7.2m x 3.6m with a height of 2.5m. They have a mono-pitched roof. The shed is smaller and has a footprint of 2.6m x 3.1m. The shed has a dual pitched roof with a ridge height of 2.8m.

Relevant Planning History

None relevant

Consultee Response

Colne Town Council

No comment

LCC Highways

Having reviewed the enlarged location plan submitted, the above retrospective proposal raises no highway concerns. Therefore, the Highway Development Control Section would raise no objection to the development on highway safety grounds.

Environment Officer (Trees)

No objection

Environmental Health

No comments received

Public Response

Nearest neighbours have been notified by letter, a site notice has been displayed for wider publicity. Six comments have been received, two of which are from the same person so would count as one. As such, five comments have been recorded. Three comments are neutral, neither supporting nor objecting to the proposals.

Those who have neither objected nor supported (neutral) have raised the following:

- There are no passing places along Heirs House Lane
- This application would open the door to the siting of a caravan and a permanent structure
- There are bags of manure and bedding waste stacked up against a boundary fence. A waste management plan needs to be put in place
- Concerns that there is a piece of garden land included in the site
- There are restrictive covenants on this land which prohibit buildings
- Will there be a time limit on the temporary structures?

Of the objections, the following issues are raised:

- Concerns over access / dispute over Heirs House Lane for access
- This application is retrospective
- Blocking Heirs House Lane with a horse transporter, preventing access for others who use the lane
- This would set a precedent for access
- Heirs House Lane is not a bridleway
- Part of a private garden is included in the site

The comment in support of the application seeks to rebut many of the objections, as follows:

- The neighbouring land has been removed from the application site, this is no longer an issue
- No building works are proposed in the area with a restrictive covenant
- The lane is wide enough for two vehicles to pass. A further application will be made for car parking on the site.
- Access from both Heirs House Lane and Barrowford Road should be available, so that in case of emergency if one access is blocked the animals can be removed from the site via the alternative access
- There has been no damage to tele comms equipment
- The manure on site is currently bagged and given to a local allotment. The manure store can be located away from neighbouring property if this is an issue
- Mixed use, rather than equine use is required because there are sheep and horses on the land

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 ENV5 (Pollution and Unstable Land) concerns the risks of air, water, noise, odour and light pollution in addition to addressing the risks arising from contaminated land.

Policy ENV7 (Water Management) concerns the risk of flooding from flood or surface water. It requires flood risk to be assessed and sustainable drainage measures to be used.

Replacement Pendle Local Plan

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

Colne Neighbourhood Plan

Policy CNDP3 (Design in Colne and the Colne Design Guide) sets out that the design of high quality, beautiful and sustainable buildings and places will be supported. The design should be informed by the Settlement Focus Area in which it falls.

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.

Paragraph 153 states:

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 154 of the Framework is set out below:

"A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- (a) buildings for agriculture and forestry;*
- (b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- (c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- (e) limited infilling in villages;*
- (f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*

(g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”

Paragraph 155 states:

“Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- (a) mineral extraction;*
- (b) engineering operations;*
- (c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- (d) the re-use of buildings provided that the buildings are of permanent and substantial construction;*
- (e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
- (f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.”*

The Town & Country Planning Act 1990, section 336 sets out a definition for agriculture as follows: “agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly;”

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

The Development in the Open Countryside SPG is also relevant to this application.

Green Belt

The application site is located within the Green Belt. Paragraph 154 of the Framework states that appropriate facilities for outdoor recreation would not be inappropriate where they are in connection with a change of use, provided that they preserve the openness of the Green Belt. Being positioned to the rear of the dwellings and not central to the site would allow the main part of the land to remain open.

As such, the development would benefit from one of the exemptions in Green Belt terms. The stables are proportionate to the size of the land upon which they are sited and they would not result in an unacceptable impact upon openness, due to their positioning.

Overall, the proposed development would be acceptable in Green Belt terms.

Design

The development is for two timber structures. By their very nature, timber structures are more temporary than a building which is constructed of stone or traditional building materials such as

brick or block. The structures are constructed of timber and are not overly large that they would be disproportionate to the land upon which they are sited. The structures have a utilitarian appearance and have been sited so they are towards one end of the field rather than in the centre. Both timber structures are simple and functional in their appearance. They would comply with the guidance set out in the Design Principles SPD and the Open Countryside SPG.

The timber structures accord with Policy ENV2 of the Local Plan: Part 1 Core Strategy and Policy CNDP3 of the Colne Neighbourhood Plan.

Residential Amenity

In terms of odour, this is something which has been raised by members of the public. It is possible to condition any decision to ensure that details of a manure store are submitted. At the moment it appears that an informal arrangement is in place for the bagging of manure to be used by a local allotment. Indeed, at the time of the site visit bags of manure were noted on the site. The issue regarding the neighbouring boundary and ability to maintain a fence is a private matter which is outside the scope of this application.

Subject to condition, the development accords with Policy ENV5 of the Local Plan: Part 1 Core Strategy in this regard.

Highways

The applicant has indicated that access will be taken off Heirs House Lane, with the insertion of a field gate in this location. The road to access the field is a private road and would be subject to separate arrangements regarding legal rights of access. This is beyond the scope of the application. The Highways Authority have not objected to the application and note this is a retrospective application. The proposed development would not result in an intensification of the site access such that it would result in a highway safety danger. There would be no unacceptable highway safety impacts.

Other Matters

Several members of the public have raised issues regarding the application which are not material planning considerations. There may be no passing places along this stretch of private road but this is not something the application could change. The Council can only take into account the information which is in front of them in terms of the current application, any future application would have to be determined on its merits. Some civil matters have been raised such as the manure being stacked up against a fence which does not belong to the applicant. The application did originally have a different red edge but upon receipt of comments from members of the public that this included land which was not within the applicant's ownership the application was returned and an amended plan was submitted in order to validate the application. This is a procedural point but the application which is for determination contains land only within the applicant's ownership. A member of the public has asked whether there would be a timescale for a temporary structure. The Council cannot grant temporary permission, it must consider the structures as though they are permanent. The application has been determined on this basis.

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 and Site Plan received on 14/02/2024, Proposed Elevation Plans and Floor Plans received on 12/12/2023.

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

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

Reason: Those materials are appropriate for the development and site.

4. There shall be no external lighting erected to illuminate the stables hereby approved without the written approval of the Local Planning Authority.

Reason: In the interest of amenity.

5. The stables hereby permitted shall be used solely for horses owned or leased by the owner of the site, and shall not be used for livery, equestrian events or any commercial purpose whatsoever at any time.

Reason: In the interest of highway safety.

6. Within one month of the date of this decision notice, details of a scheme for the storage of manure shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect controlled waters from pollution and protect the amenity of neighbouring residential properties from odours and flying insects.

7. Within one month of the date of this decision notice, details of the surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage shall be carried out only in accordance with the approved details.

Reason: In the interests of proper drainage of the site.

Application Ref: 23/0799/FUL

Proposal: Full: Change of use from agricultural to mixed use to retain a stable and feed store.

At: Land to the NW of West Lynn, Barrowford Road, Colne

On behalf of: Miss Pia Vinther

REPORT TO COLNE AND DISTRICT COMMITTEE ON 09 MAY 2024

Application Ref: 24/0132/HHO

Proposal: Full: Erection of a two-storey, two vehicle garage extension with pitched roof.

At: Brookside, Skipton New Road, Foulridge.

On behalf of: Mr Martin Petty.

Date Registered: 04/03/2024

Expiry Date: 29/04/2024

Case Officer: Joanne Naylor

Site Description and Proposal

The application site is a two storey semi-detached property with an existing single storey side extension, it is within the Green Belt and the open countryside. The application site has generous gardens to all sides and parking to the drive.

The proposal seeks to erect a two storey side extension with a garage below and a hobby/storage room above.

Relevant Planning History

20/0614/FUL: Full: Erection of single storey extension to side with balcony above. Refused (12 November 2020).

20/0019/AP/REFUSE: Full: Erection of single storey extension to side with balcony above. (7 June 2021).

Consultee Response

LCC Highways

LCC Highways raise no objection to the proposal on highway safety or capacity in the immediate vicinity of the site. The proposal would require 3 off-street parking spaces at 5m x 2.4m, and that for double garages an internal length of 6m and an internal width of 6m minimum. The proposed internal width and length of the proposed double garage is less than recommended for internal dimensions and would not be considered as parking spaces. However, the driveway will support three off-street parking spaces.

Parish/Town Council

No objection.

Cadent Gas

Raise no objection to the proposal subject to informative note included.

Public Response

The nearest neighbours have been notified by letter, four responses received supporting relating to:

- The proposal provides symmetry and balanced appearance to neighbouring property.
- Although the proposal would be in the green belt, the proposal would not impede on long range views.
- The proposal would not affect the view into the greenbelt.
- The proposal would enhance the appearance of the property.
- It would provide safe and secure place for vehicles to be kept.
- The proposal is on a large plot of land with private garden, the proposed garage would fit in easily and by visually pleasing.

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.

Policy SPD2 (Spatial Development Principles) states that proposals for new development should be located within the settlement boundary unless it is an exception identified in the Framework or the Development Plan.

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

Policy ENV4 relates to sustainable travel and requires new development to have regard to potential impacts that may be caused on the highway network in relation to safety.

Replacement Pendle Local Plan

Policy 31 states that the Council will support new development in line with the maximum car parking standards.

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.

Paragraph 139 of the National Planning Policy Framework states that poor design should be refused where it fails to reflect local design policies.

Paragraph 152 of the National Planning Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 153 states that when any considering planning application, local planning authorities should ensure that substantial weight is given to any harm in the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 154 states that the construction of new buildings should be regarded as inappropriate development in the Green Belt. Exceptions to this are:

c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces

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

Development in the Open Countryside Supplementary Planning Guidance has relevance.

Officer Comments

The main considerations for this application are impact on design and materials, amenity, Open Countryside and Green Belt, and highways.

Principle of Development

The application site is located beyond the settlement boundary, within the Open Countryside and within the Green Belt.

Green Belt

The application site is located within the Green Belt. Paragraph 154 states that the construction of new buildings should be regarded as inappropriate development in the Green Belt. Exceptions to this are:

c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces

An original building is defined as a building that existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built.

Having reviewed the plans the Council holds of the Borough in 1948. The original dwelling is the main part of the house which did not include the single storey kitchen/lounge and utility. In addition, there is an existing detached garage to the rear garden which is absent from the 1948 plan therefore the existing detached garage was post 1948. Appeal 20/0019/AP/REFUSAL

indicated that the detached garage was constructed after 1948 but the information with the application states it was pre-1948. However, the appeal is clear that it is not connected to the dwelling and therefore was and should be excluded from the calculations of the volume of the house. It would count as a building in the Green Belt in its own right.

The main consideration is the impact of the existing and proposed extension on the Green Belt. The proposed development would be a two storey side extension which would be attached to the existing single storey extension. The proposal would be for a double garage with a hobby/storage room above.

The applicant was given pre-application advice which included volume calculations. The applicant has used the calculations provided for the pre-application advice, their calculation indicates the original volume of the dwellinghouse to be 864.11sq.m, the existing extension to be 154.18sq.m, and the proposed extension to be 243.64sq.m. The applicant has calculated that the existing and proposed extension would result in a 46.03% increase in volume, the Council does not agree with the calculations presented by the applicant. An appeal at this site (20/0019/AP/REFUSE) found that an increase in volume of 33% to 40% would typically mark the threshold beyond which an extension would be likely to be considered “disproportionate”. Here the applicant has found that the existing and proposed extensions would have a volume increase of 46.03% which is higher than identified in the appeal, therefore the applicants’ own calculations identify that the proposal would be disproportionate in the Green Belt and result in a disproportionate addition over the original building.

The Council has re-calculated the volume of the original dwelling, the existing single storey extension and the proposed extension, the calculations have been based on the ground floor including the living room, dining room, hallway and kitchen and the first floor above, the bay windows and the roof area and includes the above ground basement volume.

The calculations have been made on the existing and proposed volume (with the proposed volume including the existing 1948 single storey extension). These calculations are detailed below:

Original dwelling: 781.31 sq.m.

Existing extension: 138.28 sq.m.

Proposed extension: 251.5 sq.m.

The proposed increase in above ground volume is 49.88%.

The proposed and existing extensions would extend into previously undeveloped land, the cumulative impact of the extensions would result in a 10.5m wide building which is disproportionate to the original house which has a width of 8m, this would conflict with the aim of Green Belt policy to prevent urban sprawl by keeping land permanently open. The proposal would cause unacceptable harm to the openness of the Green Belt and would be inappropriate development which would by definition be harmful to the Green Belt. Furthermore, the proposed and existing extensions would have a similar footprint as the original footprint of the dwelling house, the footprint and volume of the existing and proposed extension exceed what would be considered to be proportionate to the original dwelling.

The existing and proposed extension would result in an overall increase of 49.88% over the original dwelling house. The Inspector into the last appeal indicated that a figure of 47% would represent a significant extension to the building. Paragraph 152 of the Framework states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances, paragraph 154 states that construction of new buildings are inappropriate development but there are exceptions where the extension would not result in inappropriate development in the Green Belt, here the existing and proposed extensions would increase the volume of the original dwelling house by 49.88%. It would result in a development

that would be disproportionate to the size of the original dwelling. The proposed development would result in a disproportionate addition over and above the size of the original building which would be unacceptable and would result in an adverse impact on the openness of the Green Belt and would be inappropriate development. There are no very special circumstances which would justify allowing the development which is harmful to the openness of the green belt. The existing and proposed development would be contrary Policy ENV2 of the Pendle Local Plan Part 1 Core Strategy, and paragraph 152 of the Framework.

Design and Materials

The Design Principles SPD advise that garages should not be over dominant in relation to surrounding properties, to respect the design and materials of the original building.

The proposal would be set away from the side boundary and set back from the front elevation of the dwelling house, and have a lowered roof height which would be a pitched roof, the Design Principles SPD states that two storey side extensions should be less than the frontage width of the original property, the proposed development would be 6.4m wide, and with the existing extension it would result in a width of 10.5m which is greater than the width of the original house, the proposal would appear disproportionate to the original dwelling house and dominate the appearance of the dwelling house due to its overly large width and it being two storeys high which would be more prominent to wider views, this would cause harm to the character and appearance of the original dwelling house, and the two storey extension would be more prominent, footpath FP 1312026 runs up the towards the application site and footpath FP1312035 runs to the rear, here views of the proposed garage would be visible.

The proposal would have a dormer to the rear elevation, this could be achieved under permitted development. To the front there would be a gable element which mimics the gable element to the original roof and would retain the character of the of the original dwelling house. The proposed materials would match the materials on the dwelling house.

The cumulative impact of the existing and proposed extension would result in a 10.5m extension which is a greater width than the original dwelling house at 8.1m wide, the proposal would appear disproportionate to the original dwelling house and impact negatively on the appearance and character of the dwelling house and would represent poor design. The proposal would be contrary to Policy ENV2 of the Pendle Local Plan Part 1 Core Strategy, paragraph 139 of the National Planning Policy Framework and the Design Principles Supplementary Planning Document.

Impact on Amenity

The application site is a two storey semi-detached dwelling house located in the open countryside, the proposal seeks to erect a two storey side extension for a garage to the ground floor and hobby room/storage to the first floor. The proposal would have windows to the rear elevation, there are no properties to the rear within 21m of the application site. To the side elevation there would be a roof light to the roof slope and a window to the side elevation of the garage which would face towards the side of the garden, there are no properties to the side of the proposal.

The proposed extension would not cause any loss of privacy or outlook and would comply with Policy ENV2 of the Pendle Local Plan Part 1 Core Strategy and the Design Principles SPD.

Highway Issues

The proposed extension would be a two storey side extension, it would have a garage to the ground floor with an internal parking area of 5.6m long and 5.35m wide, LCC Highways require an internal dimension for a double garage to be 6m long and 6m wide, here the proposed internal

dimensions would be less than recommended, however three parking spaces can be accommodated to the front drive. The proposal would conform with Policy 31 of the Replacement Pendle Local Plan.

RECOMMENDATION: Refuse

1. The cumulative impact of the existing and proposed extension would result in a disproportionate addition over and above the size of the original building. The proposal would constitute inappropriate development within the Green Belt, it would result in unacceptable harm to the openness of the Green Belt and no very special circumstances have been demonstrated that would outweigh that harm, it would be contrary to Policy ENV2 of the Pendle Local Plan Part 1 Core Strategy, and paragraph 152 to 154 of the National Planning Policy Framework.
2. The existing and proposed extension would result in a development that is wider than the original dwelling house, it would be disproportionate and impact on the appearance and character of the original dwelling house and represent poor design. The proposal would be contrary to Policy ENV2 of the Pendle Local Plan Part 1 Core Strategy, paragraph 139 of the National Planning Policy Framework and the Design Principles Supplementary Planning Document.

Application Ref: 24/0132/HHO

Proposal: Full: Erection of a two-storey, two vehicle garage extension with pitched roof.

At: Brookside, Skipton New Road, Foulridge.

On behalf of: Mr Martin Petty.

REPORT TO COLNE AND DISTRICT COMMITTEE ON 09 MAY 2024

Application Ref: 24/0189/LBC

Proposal: Listed Building Consent: Erection of single storey extensions to front, side and rear for Use Class F.1 (f) purposes, insertion of a first floor, replacement windows, realignment of existing pedestrian access and the creation of a vehicular access.

At: Saint Bartholomews School, Exchange Street, Colne

On behalf of: Mr Shah

Date Registered: 14/03/2024

Expiry Date: 09/05/2024

Case Officer: Alex Cameron

This application has been brought before Committee as more than two objections have been received.

Site Description and Proposal

The application site is a grade II listed mid 19th century school building built in a 17th century vernacular style located within the Albert Road Conservation Area. The building underwent substantial internal alterations in the 1960s and few original internal features remain.

This is an application for Listed Building Consent for erection of a single storey extension to the north side, running the length of the existing boundary wall and a single storey extension to south west corner of the building, internal alterations, replacement windows and doors in timber and/or aluminium subject to conservation consultant's comments and alterations to the boundary wall to form a pedestrian link from School Street and vehicular access from Exchange Street.

Relevant Planning History

13/01/0590P - Convert former school building to 7 residential flats and one warden's flat. Approved.

13/01/0693P - Conservation Area Consent to demolish scout building. Approved.

19/0314/FUL - Full: Erection of single storey extensions to rear, side (North) and front for Use Class D1 purposes, alterations to windows to all elevations and creation of pedestrian link from School Street.

19/0316/LBC - Listed Building Consent: Erection of single storey extensions to rear, side (North) and front, alterations to windows to all elevations and creation of pedestrian link from School Street. Approved

Consultee Response

Conservation Consultants – Initial comments that the extensions are acceptable, however, the formation of the vehicular access would result in an unacceptable level of harm to significance.

Cadent Gas – Request a note regarding building near to gas infrastructure.

Colne Town Council - The Town Council objects to the removal of the listed wall and the creation of vehicular access and requests that all replacement windows be made from wood.

Public Response

A press and site notice have been posted and nearest neighbours notified – Responses received objecting on the following grounds:

- Impact of the demolition of the wall on the heritage of the Listed Building.
- Inadequate parking provision and increase in parking on surrounding streets.
- Noise and disturbance to residential properties nearby
- Privacy impacts
- Impact on value of properties nearby

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy ENV1 states that the historic environment and heritage assets of the borough (including Listed Buildings, Conservation Areas, Scheduled Monuments, non-designated assets and archaeological remains), including and their settings, will be conserved and where appropriate should be enhanced.

Policy ENV2 states that all new development should seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving heritage assets.

Colne Neighbourhood Development Plan

Policy CNDP3 states that, as appropriate to their scale, nature and location, development proposals should:

- a) retain, re-use and, where necessary, sympathetically re-configure existing street patterns;
- b) use and re-use traditional local materials (such as stone, stone slates, slate, and timber). Where appropriate to their setting, such materials should be traditional materials which have been recycled, or have a significant recycled content, and make a positive contribution to the overall quality of the character area;
- c) retain key features of the local vernacular, such as stone flags, stone setts, ironwork, building details and ornamentation; and
- d) ensure building form and layout responds to and is sympathetic to the form and layout within the Urban Character Area within which it is located.

National Planning Policy Framework

Paragraph 205 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation

Paragraph 206 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Paragraph 208 states that 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.

Design and Heritage Impact

The proposed extensions are of a simple contemporary style and would not be prominent from outside of the site, being largely screened by or appearing part of the boundary walls. They would be approximately level with the height of the existing boundary walls that would be replaced with their back walls replicating those sections of the existing boundary walls. They would be similar to the extension approved in 2019.

The proposed extensions would result in minor harm to the significance of the Listed Building and Conservation Area. Taking into account the benefits of enabling the re-use of this building, which has been vacant and deteriorating for many years, the less than substantial harm to the significance of the heritage assets resulting from the proposed extensions and alterations would be significantly outweighed by the public benefits of enabling the building to be brought back into use.

The proposed extensions, internal alterations and replacement of windows are acceptable subject to conditions to control the details.

The proposed pedestrian access to School Street would not adversely impact upon the significance of the Listed Building, Conservation Area or the visual amenity of the area and is acceptable.

However, the proposed formation of the vehicular access would result in the demolition of a larger section of the wall, furthermore, to provide adequate visibility a further section of the wall fronting Exchange Street would need to be lowered to not more than 1m, resulting in further loss of original fabric, including the feature pedestrian entrance. There is also insufficient details of the changes to the existing stone paved internal courtyard would be required for the access to meet the level of the road.

The formation of the access would result in a high degree of less than substantial harm to the significance of the Listed Building and Conservation Area which would not be outweighed by public benefits it would bring. This has been raised with the applicant and they are considering whether to remove that element of the development.

Ecology

Bat surveys have been undertaken and a bat roost has been established to be present within the building. The surveys conclude that the impacts on the roosts can be mitigated by preserving the entrance to the roost or replacing the roost with a bat box. These works would require a licence from Natural England which can only be applied for following the grant of Planning Permission. It has been sufficiently demonstrated that the impacts on protected species can be acceptably mitigated and therefore, subject to a condition requiring the recommendations of the survey report to be implemented, the proposed development is acceptable in terms of its impact on ecology in accordance with Policy ENV1.

Conclusion

The proposed works are acceptable in all regards other than the proposed formation of a vehicular access on Exchange Street. The applicant has been invited to remove that part of the proposed

development from the application prior to the Committee meeting, an update will be made if that change has been agreed.

RECOMMENDATION: Refuse

For the following reason:

1. The proposed formation of a vehicular access on Exchange Street, together with the further lowering of the boundary wall necessary to provide adequate highway visibility, would result in a high degree of less than substantial harm to the significance of the Listed Building and Conservation Area, the harm would not be outweighed by public benefits and therefore the proposed works are contrary to Policies ENV1 and ENV2 of the Pendle Local Plan Part 1: Core Strategy, Policy CNDP3 of the Colne Neighbourhood Development Plan and paragraphs 205, 206 and 208 of the National Planning Policy Framework.

Application Ref: 24/0189/LBC

Proposal: Listed Building Consent: Erection of single storey extensions to front, side and rear for Use Class F.1 (f) purposes, insertion of a first floor, replacement windows, realignment of existing pedestrian access and the creation of a vehicular access.

At: Saint Bartholomews School, Exchange Street, Colne

On behalf of: Mr Shah

REPORT TO COLNE AND DISTRICT COMMITTEE ON 09 MAY 2024

Application Ref: 24/0193/FUL

Proposal: Full: Erection of single storey extensions to front, side and rear for Use Class F.1 (f) purposes, insertion of a first floor, replacement windows, realignment of existing pedestrian access and the creation of a vehicular access.

At: Saint Bartholomews School, Exchange Street, Colne

On behalf of: Mr Shah

Date Registered: 15/03/2024

Expiry Date: 10/05/2024

Case Officer: Alex Cameron

This application has been brought before Committee as more than two objections have been received.

Site Description and Proposal

The application site is a grade II listed mid 19th century school building built in a 17th century vernacular style located within the Albert Road Conservation Area. The building underwent substantial internal alterations in the 1960s and few original internal features remain.

This is an application for Planning Permission for erection of a single storey extension to the north side, running the length of the existing boundary wall and a single storey extension to south west corner of the building, replacement windows and doors in timber and/or aluminium subject to conservation consultant's comments and alterations to the boundary wall to form a pedestrian link from School Street and vehicular access from Exchange Street.

It should be noted that this application does not involve any material change of use of the site. The lawful use of the site falls within Use Class F1 (Learning and non-residential institutions) this includes schools, public halls and places of worship, the site can be lawfully be used for any use within Use Class F1 without the need for a planning application.

Relevant Planning History

13/01/0590P - Convert former school building to 7 residential flats and one warden's flat. Approved.

13/01/0693P - Conservation Area Consent to demolish scout building. Approved.

19/0314/FUL - Full: Erection of single storey extensions to rear, side (North) and front for Use Class D1 purposes, alterations to windows to all elevations and creation of pedestrian link from School Street.

19/0316/LBC - Listed Building Consent: Erection of single storey extensions to rear, side (North) and front, alterations to windows to all elevations and creation of pedestrian link from School Street. Approved

Consultee Response

Conservation Consultants – Initial comments that the extensions are acceptable, however, the formation of the vehicular access would result in an unacceptable level of harm to significance.

LCC Highways – Object. There is an existing pedestrian access on Exchange Street that will be relocated, a new pedestrian access on School Street and a new vehicle access is proposed on Exchange Street to accommodate the hearse for funerals. The new access is proposed on Exchange Street and comprises a 4m wide opening in the existing boundary wall which is over 1m high. This is insufficient and presents a highway safety concern due to the lack of visibility for drivers emerging at the access onto Exchange Street. It would be necessary to lower the wall to below 1m high within the visibility splay which would be 2.4m back from the carriageway edge of Exchange Street and in both directions by 25m along the kerblines of Exchange Street.

The access is proposed for a hearse which are longer than a standard vehicle and require a wider turning area. Due to the heavy on-street parking on the east side of Exchange Street and narrow remaining carriageway width it is anticipated that the opening may be insufficient to accommodate the turning manoeuvre of a hearse. A swept path analysis should be provided to demonstrate that the manoeuvre is achievable with a hearse whilst the on-street parking is present.

Due to Exchange Street being on a gradient, the street level at the proposed access is lower than the internal ground level of the site. Therefore, it appears necessary to create a ramp internally to allow a vehicle to access the site from Exchange Street. This will reduce the internal manoeuvring area for a vehicle. A detailed design of the internal ramp and proposed levels should be provided together with a swept path analysis for a hearse to demonstrate that the hearse can enter, turn and exit onto Exchange Street in forward gear.

The surface water from internal area will need to be collected and drained to a suitable outfall to prevent water flowing onto the highway.

Should the provision of a vehicle access on Exchange Street be deemed to be unfeasible then alternative measures are considered necessary to allow the hearse to be located off the highway whilst bodies are transferred to the site. It would not be suitable to rely on the surrounding highways to carry out the transfer. If an alternative location cannot be provided, then we would request that this element of the scheme is removed from the application.

Parking: We have previously considered that the site is located sustainably to allow worshippers to access the site on foot or by public transport. There are Town Centre public car parks in the vicinity of the site. We would consider that that secure, covered cycle storage is necessary for users and that if space permits internally that disabled car parking spaces are provided.

Lancashire Constabulary – Guidance in relation to secure design for schools.

Cadent Gas – Request a note regarding building near to gas infrastructure.

Colne Town Council - The Town Council objects to the removal of the listed wall and the creation of vehicular access and requests that all replacement windows be made from wood.

Public Response

A press and site notice have been posted and nearest neighbours notified – Responses received objecting on the following grounds:

- Impact of the demolition of the wall on the heritage of the Listed Building.
- Inadequate parking provision and increase in parking on surrounding streets.

- Noise and disturbance to residential properties nearby
- Privacy impacts
- Impact on value of properties nearby

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy ENV1 states that the historic environment and heritage assets of the borough (including Listed Buildings, Conservation Areas, Scheduled Monuments, non-designated assets and archaeological remains), including and their settings, will be conserved and where appropriate should be enhanced.

Policy ENV2 states that all new development should seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving heritage assets.

Policy ENV4 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.

Colne Neighbourhood Development Plan

Policy CNDP3 states that, as appropriate to their scale, nature and location, development proposals should:

- a) retain, re-use and, where necessary, sympathetically re-configure existing street patterns;
- b) use and re-use traditional local materials (such as stone, stone slates, slate, and timber). Where appropriate to their setting, such materials should be traditional materials which have been recycled, or have a significant recycled content, and make a positive contribution to the overall quality of the character area;
- c) retain key features of the local vernacular, such as stone flags, stone setts, ironwork, building details and ornamentation; and
- d) ensure building form and layout responds to and is sympathetic to the form and layout within the Urban Character Area within which it is located.

National Planning Policy Framework

Paragraph 114 states that it should be ensured that safe and suitable access to the site can be achieved for all users.

Paragraph 115 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 205 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation

Paragraph 206 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Paragraph 208 states that 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.

Design and Heritage Impact

The proposed extensions are of a simple contemporary style and would not be prominent from outside of the site, being largely screened by or appearing part of the boundary walls. They would be approximately level with the height of the existing boundary walls that would be replaced with their back walls replicating those sections of the existing boundary walls. They would be similar to the extension approved in 2019.

The proposed extensions would result in minor harm to the significance of the Listed Building and Conservation Area. Taking into account the benefits of enabling the re-use of this building, which has been vacant and deteriorating for many years, the less than substantial harm to the significance of the heritage assets resulting from the proposed extensions and alterations would be significantly outweighed by the public benefits of enabling the building to be brought back into use.

The proposed extensions and replacement of windows are acceptable subject to conditions to control the details.

The proposed pedestrian access to School Street would not adversely impact upon the significance of the Listed Building, Conservation Area or the visual amenity of the area and is acceptable.

However, the proposed formation of the vehicular access would result in the demolition of a larger section of the wall, furthermore, to provide adequate visibility a further section of the wall fronting Exchange Street would need to be lowered to not more than 1m, resulting in further loss of original fabric, including the feature pedestrian entrance. There is also insufficient details of the changes to the existing stone paved internal courtyard would be required for the access to meet the level of the road.

The formation of the access would result in a high degree of less than substantial harm to the significance of the Listed Building and Conservation Area which would not be outweighed by public benefits it would bring. This has been raised with the applicant and they are considering whether to remove that element of the development.

Residential Amenity

Concerns have been raised regarding noise and privacy impacts.

In relation to privacy it is proposed to re-open some blocked up windows facing the rear of Chapel Street separated by 12m serving a stairwell. Privacy could be adequately maintained with an obscure glazing condition.

The use does not involve a material change and the proposed extensions would not intensify the potential use to a degree that would be detrimental to residential amenity in terms of noise and would not result in any overbearing impact, unacceptable loss of light or loss of privacy.

Highways

The site could currently be used for any use within Use Class F1 and has no off-street parking provision. Taking this into account together with its location in close proximity to the Town Centre

of Colne and public car parks, it is not necessary to for off-street car parking to be provided to serve the additional floorspace provided by the proposed extensions. The provision of on-site secure cycle storage would provide sufficient sustainable transport provision for the proposed additional floorspace created by the extensions, this can be required by condition.

Vehicular access is proposed to allow a hearse to enter the site for funeral services and with the southwest side extension to be used as a mortuary. To provide acceptable visibility it would be necessary to further reduce the height of the boundary wall, as detailed above this is not acceptable in terms of heritage impact. Further detail is also required to demonstrate that vehicles could acceptably turn and exit in forward gear.

LCC Highways have raised concerns regarding hearses parking and unloading from the highway. However, the proposed use does not represent a material change of use of the site and there is on-street parking adjacent to the site on Exchange Street and School Street, therefore, it is not essential for a vehicular access to be formed and the need for an access does not outweigh the harms to heritage significance it would cause.

Ecology

Bat surveys have been undertaken and a bat roost has been established to be present within the building. The surveys conclude that the impacts on the roosts can be mitigated by preserving the entrance to the roost or replacing the roost with a bat box. These works would require a licence from Natural England which can only be applied for following the grant of Planning Permission. It has been sufficiently demonstrated that the impacts on protected species can be acceptably mitigated and therefore, subject to a condition requiring the recommendations of the survey report to be implemented, the proposed development is acceptable in terms of its impact on ecology in accordance with Policy ENV1.

Conclusion

The proposed development is acceptable in all regards other than the proposed formation of a vehicular access on Exchange Street. The applicant has been invited to remove that part of the proposed development from the application prior to the Committee meeting, an update will be made if that change has been agreed.

RECOMMENDATION: Refuse

For the following reason:

- 1 .The proposed formation of a vehicular access on Exchange Street, together with the further lowering of the boundary wall necessary to provide adequate highway visibility, would result in a high degree of less than substantial harm to the significance of the Listed Building and Conservation Area, the harm would not be outweighed by public benefits and therefore the development is contrary to Policies ENV1 and ENV2 of the Pendle Local Plan Part 1: Core Strategy, Policy CNDP3 of the Colne Neighbourhood Development Plan and paragraphs 205, 206 and 208 of the National Planning Policy Framework.
2. It has not been demonstrated that adequate provision to allow vehicles to turn and exit in forward gear would be feasible and therefore that the proposed vehicular access would not result in an unacceptable highway safety risk contrary to Policy ENV4 of the Pendle Local Plan Part 1: Core Strategy and paragraphs 114 and 115 of the National Planning Policy Framework.

Application Ref: 24/0193/FUL

Proposal: Full: Erection of single storey extensions to front, side and rear for Use Class F.1 (f) purposes, insertion of a first floor, replacement windows, realignment of existing pedestrian access and the creation of a vehicular access.

At: Saint Bartholomews School, Exchange Street, Colne

On behalf of: Mr Shah

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 05th April 2024