

Application Number:	2021/0086	Application Type:	Full
Proposal:	Full: Demolition of existing buildings and change of use of land from former coal yard to storage of caravans	Location:	Land South Of Hugh Business Park Cowpe Road Cowpe Rossendale Lancashire BB4 7EU
Report of:	Planning Unit Manager	Status:	For publication
Report to:	Development Control Committee	Date:	25/05/2021
Applicant:	Mr and Mrs Kempson	Determination Expiry Date:	04/06/2021 (time extension)
Agent:	Mr Steven Hartley		

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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	Yes. Applicant is Cllr Kempson
Member Call-In Name of Member: Reason for Call-In:	No
3 or more objections received	No
Other (please state):	No

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

1. **RECOMMENDATION**

That Planning Permission be granted subject to the conditions set out in Section 10.

2. **SITE**

The applicant alleges that the application site comprises a former coal yard which currently accommodates various derelict structures/buildings that were once previously in use in association with the coal yard.

The application site is accessed via a hardcore track leading up from Newchurch Road but the and the site itself is predominantly flat. The site is presently overgrown with grass/vegetation growing in between the dilapidated/ruined buildings..

Access to the site can be granted from Newchurch Road via Hugh Business Park but also from Cowpe Road

The surrounding area is a mixture of residential, open countryside/agricultural land and commercial (Hugh Business Park to the north).

The application site is a previously developed site which lies wholly within the Green Belt.

3. **PROPOSAL**

Planning permission is sought for the demolition of all existing buildings on site and the change of use of the land to the storage of up to 18 touring caravans with the site bounded by a 2m high security boundary fence and the surface is to be laid with consolidated free draining crushed stone. The caravans would have a typical volume of 37.5m² (6.5 x 2.5 x 2.5m). The applicant has provided the total volume of the existing buildings on site that are due to be demolished and their total volume amounts to 681.79m².

A high quality landscaping scheme was requested by Officers to be planted around the outside of the entire site apart from within the proximity of the access gates.

4. **PLANNING HISTORY**

None

5. **POLICY CONTEXT**

National

National Planning Policy Framework (2019)

Section 12 Achieving Well Designed Places

Section 13 Protecting Green Belt Land

Development Plan Policies

RBC Core Strategy (2011)

AVP3 Strategy for Waterfoot, Lumb, Cowpe and Water
Policy 1 General Development Locations and Principles

- Policy 17 Rossendale's Green Infrastructure
Policy 18 Biodiversity, Geodiversity and Landscape Conversation
Policy 23 Promoting High Quality Design and Spaces
Policy 24 Planning Application Requirements

Other

National Planning Practice Guidance

6. CONSULTATION RESPONSES

None Consulted.

7. NOTIFICATION RESPONSES

The application was advertised by posting a site notice next to the site in this instance by both Newchurch Road and Cowpe Road on the 26th February 2021. 22 letters were also sent out to properties within the immediate vicinity of the site. The publicity period has now expired and three representations were received raising the following:

1. Time restrictions would be necessary on people coming and going all night.
2. The Land Registry details are incorrect. A part of the Land at the back of Anderton Close was bought by households. The Land Registry is in the process of changing this.
3. The plans needs to indicate the access to the site. This should be via the main road and not Carr Lane.
4. The site will need screening with appropriate materials eg: bushes for the local ecology.
5. Visual amenity of the site

8. ASSESSMENT

Principle

Chapter 13 of the National Planning Policy Framework 2019 (NPPF) recognises that the Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

When defining Green Belt boundaries, the NPPF advises that plans should:

- ensure consistency with the development plan's strategy for meeting identified requirements for sustainable development;
- not include land which it is unnecessary to keep permanently open;
- where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;
- Make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development;

- be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period; and
- Define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

In respect of proposals affecting the Green Belt, paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

When considering any planning application the NPPF advises Local Planning Authorities (LPAs) of their responsibility to ensure that substantial weight is given to any harm to the Green Belt. LPAs are further advised that 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. As such (para145), 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.

Policy 1 of the Core Strategy advises that proposals for development outside of the urban boundary will be determined in accordance with relevant national and local planning guidance. In respect of a review of Rossendale's Green Belt borough wide this is currently being undertaken in respect of the emerging borough Local Plan but, to date, the application site has not been proposed for removal from the Green Belt.

Paragraph 146 of the NPPF states that 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. One of those other forms of development is:

- (e) material changes in the use of land.

Accordingly, the proposed development would not be considered inappropriate development subject to its impact on openness with regard to paragraph 145 (g) as well as any conflict with

the purpose of the Green Belt with particular regard to paragraph 146 (e) in respect of the change of use.

Paragraph 133 of the NPPF states that the government attaches great importance to Green Belts and the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

The proposed change of use for the storage of caravans by virtue of their height and site coverage would be no greater in volume than the structures currently occupying the site. The applicant has provided the volume calculations of the existing buildings which have a volume of 682m³ which is the same volume as the proposed 18 caravans to be stored on the land. The way in which the caravans are to be laid out across the site, coupled with their volume and dimensions, demonstrates that there would be no loss of openness to the Green Belt over and above the existing situation on the ground.

In addition, as previously mentioned, paragraph 134 of the NPPF sets out of the five purposes of Green Belt. Two of those are pertinent to this case and these are to check the unrestricted sprawl of large built up areas and the second is to assist in safeguarding the countryside from encroachment. It is noted that the proposed development includes the laying of consolidated free draining crushed stone but in this instance the proposed development would not extend beyond the boundaries of the former coal yard or previously developed site and the overall 'encroachment' into neighbor countryside would therefore be very limited. For that reason it is not considered that there will be any significant loss of openness to the Green Belt.

Thus, the reasons outlined above demonstrate that the proposed development would not be considered inappropriate and it would be considered acceptable in principle.

Visual Amenity

Policy 24 of the Core Strategy DPD requires new development to be compatible with its surroundings to ensure that the visual amenity of existing development is not impaired: new development should most importantly be of an appropriate scale, density and style.

Paragraph 127, Section 12 Achieving well-designed places of the NPPF states that

“Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.”

The proposed development will be visible from a number of public vantage points, most notably when viewed from Carr Lane. However, following concerns raised by Officers an effective landscaping scheme has now been proposed by the applicant and it is considered that subject to condition, the development will not significantly impact upon the character, appearance or openness of the surrounding Green Belt area.

It is also recognised that the proposed site would not extend beyond the boundaries of the previously developed site and there is therefore no concern that the proposed development would unacceptable encroach into the countryside.

To this end the development will reasonably satisfy the relevant requirements of Policies 1, 17, 18 23 and 24 of the adopted Core Strategy and Section 12 of the NPPF in visual amenity terms.

Neighbour Amenity

It is not envisaged that the proposed development is likely to cause undue disturbance to surrounding local residents subject to a condition restricting the number of caravans stored on the site and the hours of which the site can be accessed. There are 5 residential properties sited off the access track leading to the proposed development site and it is considered necessary to impose a condition restricting the time at which the caravan storage site can be accessed to protect their amenity from undue noise and nuisance.

Subject to conditions, it is considered that the proposals will be acceptable in neighbor amenity terms.

Highway Safety

Access to the site is to be from Bacup Road (A681) adjacent to Hugh Business Park as confirmed by the applicant and as requested by LCC Highways. LCC Highways are satisfied with the submitted video evidence provided by the applicant demonstrating that full access can be achieved from this direction and they therefore raise no objection to the proposal.

Subject to condition, the development is therefore considered acceptable with regards to highway safety.

Conclusion

Subject to conditions, the proposal is considered acceptable in principle as it will reasonably safeguard the character, appearance and openness of the Green Belt area, the amenities of nearby local residents and highway safety. The proposal is therefore considered to be in accordance with the requirements of Policies AVP3, 1, 17, 18, 23 and 24 of the Council's adopted Core Strategy DPD (2011) and Section 12 the National Planning Policy Framework.

9. RECOMMENDATION

That planning permission is granted subject to the conditions set out in section 10 below.

10. CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following drawings, unless otherwise required by the conditions below:

1. Location Plan received 26th March 2021
2. Proposed Plan Drawing No. KK-26-01-21-PROP
3. Landscaping Plan Drawing No. KK-26-01-21-PROP

4. Landscaping Proposals Document received 21st April 2021

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development.

3. The development hereby permitted shall not exceed the amount of 18 caravans stored on site.

Reason: In order to safeguard the residential amenity and character of the area

4. Vehicular access and egress to the development hereby permitted shall be from Bacup Road (A681) only.

Reason: In the interests of Highways Safety

5. Access to and from the caravan storage site is permitted between the hours of 8am-8pm only.

Reason: In order to safeguard the amenity of neighbouring residents

INFORMATIVES

1. The Local Planning Authority has a Core Strategy (adopted in November 2011) and a series of Supplementary Planning Documents, which can be viewed at:

http://www.rossendale.gov.uk/downloads/download/331/core_strategy_local_plan_part_1_adopted

The Local Planning Authority has considered the application and where necessary considered either the imposition of planning conditions and/or sought reasonable amendments to the application in order to deliver a sustainable form of development in accordance with the National Planning Policy Framework and the local planning policy context.