

Application Number:	2021/0449	Application Type:	Full
Proposal:	Full: construction of 5 no. glamping pods and amenity block, with associated works.	Location:	Hey Meadow Farm Coal Pit Lane BB4 9SB
Report of:	Planning Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	07/09/2021
Applicant:	Mr & Mrs M & C Lyons	Determination Expiry Date:	20/09/2021
Agent:	Mr Steven Hartley (HPDA)		

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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	✓
Other (please state):	

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

Approval subject to the conditions set out in this report.

APPLICATION DETAILS

2. SITE

The site in question is within an area designated as countryside on moorland to west of Whitewell Bottom. The site is accessed via Coal Pit Lane and then further along a private unadopted lane.

The land subject of this application lies immediately adjacent to the existing dwelling and attached stone-built barn known as Hey Meadow Farm, and comprises open land largely covered in grass, low-lying vegetation and hard standing, and also containing numerous structures, containers and vehicles in various states of repair.

An extensive network of public footpaths surrounds the site, including public footpath 113 which crosses the site in a roughly north / south direction.

3. RELEVANT PLANNING HISTORY

2014/0358 - Change of use of Agricultural Building to a Dwelling House (Approved)

2021/0274 - Proposed Lawful Development Certificate: Erection of a single storey side extension (Approved)

2021/0291 - Full: construction of 5 no. glamping pods and amenity block, with associated works (Refused)

4. PROPOSAL

Planning permission is sought for the proposed development of 5 no. single storey timber 'pods' on the site (each 2.7m high and finished in a dark oak colour), to be used as overnight visitor accommodation. Also planning permission is sought for a single storey amenity building (containing showers, WCs and a drying room) of natural stone construction with a natural slate roof (maximum height 3.2m to the ridge of its pitched roof), to serve the occupants of the glamping pods.

The cabin would be managed by the applicant, who resides in the adjacent dwelling.

It is proposed that the existing vehicular access to the site along Coal Pit Lane and along the unadopted access track would be used for customers, who would then be able to park their vehicles in front of each pod (1 parking space per pod) with an area of consolidated natural stone hard standing created for the cars to drive on to (linking to the existing area of hard standing running in front of the existing buildings). No formal landscaping / new boundary treatment is proposed – the surrounding land to be left as grassed fields.

The application is a direct resubmission of the scheme refused under 2021/0291, which was refused for one reason relating to the lack of a badger survey, as follows:

"It has not been demonstrated that the development would avoid causing harm to a legally protected species and its habitat. As such, the proposal would conflict with Section 15 of the Framework and policies 1 and 18 of the Core Strategy which seek, amongst other things, to Version Number: 1 Page: 8 of 8 protect and enhance biodiversity, including habitats and species,

and avoid harm to Rossendale’s natural environment. It is not possible to address this matter with the use of a planning condition.”

The current application now includes a badger survey report.

5. POLICY CONTEXT

Policy Considerations

National

National Planning Policy Framework (Revised 2021)

- Section 2 Achieving Sustainable Development
- Section 4 Decision Making
- Section 6 Building a Strong, Competitive Economy
- Section 9 Promoting Sustainable Transport
- Section 11 Making Effective Use of Land
- Section 12 Achieving Well Designed Places
- Section 15 Conserving and Enhancing the Natural Environment
- Section 16 Conserving and Enhancing the Historic Environment

Development Plan Policies

Rossendale Core Strategy DPD

- Policy AVP3 – Waterfoot, Lumb, Cowpe and Water
- Policy 1 – General Development Locations and Principles
- Policy 9 – Accessibility
- Policy 14 – Tourism
- Policy 15 – Overnight Visitor Accommodation
- Policy 18 – Biodiversity, Geodiversity and Landscape Conservation
- Policy 19 – Climate Change and Low and Zero Carbon Sources of Energy
- Policy 21 – Supporting the Rural Economy and its Communities
- Policy 23 – Promoting High Quality Designed Spaces
- Policy 24 – Planning Application Requirements

Other Material Planning Considerations

National Planning Practice Guidance

National Design Guide

RBC Emerging Local Plan

6. CONSULTATION RESPONSES

Cadent	No comments received
Coal Authority	No objection
Ecology	No objection subject to conditions
Environment Agency	No comments received
Land Contamination Officer	No objection subject to conditions
LCC Lead Local Flood Authority	No comments to make on the application
LCC Highways	No objection
RBC Environmental Health Officer	No objection subject to conditions
United Utilities	No objection subject to conditions
LCC Public Rights of Way	No comments received

7. REPRESENTATIONS

In order to publicise the application a site notice was posted and neighbour letters were sent out. The application was also available for viewing on the Council's website and a press notice was published.

At the time of writing, eleven objections and representations have been received, raising the following points in summary:

- Harm to visual amenity / countryside
- Harm to highway safety
- Harm to neighbour amenity / general amenity / disturbance
- Inadequate access
- Inadequate infrastructure
- Inadequate waste disposal / recycling facilities
- Inadequate water supply
- Animal welfare concerns / dogs harming sheep
- Litter
- Fire risk due to barbeques
- Safety issues
- Flooding issues / drainage issues
- Harm to ecology
- Pollution / light pollution
- Unsuitable location for this type of development
- Contrary to planning policy
- Climate change impact

8. ASSESSMENT

Principle

The site is located within the countryside, outside of the urban boundary within which Policy 1 (General Development Locations and Principles) of the Core Strategy seeks to locate the majority of new development.

However, Policy 1 states:

“Development within Rossendale should take place within the defined urban boundary (Local Plan Saved Policy DS1), unless it has to be located in the countryside...”

It is considered in this case that the proposed development is of a type which does have an affinity with the countryside. Rural locations are common for the type of overnight visitor accommodation / farm stay which is being proposed.

Policy 14 (Tourism) of the Core Strategy states:

“Tourism throughout the Borough will be promoted by:

-Taking a positive approach to development of complementary accommodation and hospitality facilities”

The policy then goes on to state:

“New development outside the urban boundary will be considered acceptable where it is essential for the proposed facility, no sites within the urban boundary are suitable, and there are no unacceptable impacts affecting:

- Landscape character, or*
- Visual quality (including light pollution), or*
- Amenity to neighbours (including noise pollution), or*
- Nature conservation assets.”*

The applicant owns Hey Meadow Farm and considers the site suitable for the type of visitor accommodation proposed. In this case, it is considered unlikely that other sites within the urban boundary would be suitable for the type of rural visitor accommodation proposed.

Policy 15 (Overnight Visitor Accommodation) of the Core Strategy states:

“The Council will take a positive approach to new, small-scale, high quality visitor accommodation. This includes hotels, bed and breakfast establishments, self-catering facilities, bed and tack, camping barns, and sites to be used for camping and caravanning. Proposals will be supported particularly where use is made of existing buildings.

Proposals will be supported at locations both within and outside of the urban boundary where:

- They are appropriate to their locality (including in terms of size, amenity to neighbouring uses), and*
- They are complementary to existing tourism facilities, and*
- Access is good by a variety of modes (with no adverse effects on the local road network), and*
- The capacity of existing infrastructure is adequate, and*
- There are no harmful effects on visual amenity, landscape, or nature conservation assets, and*
- The development will not reduce the amount of land in use for the purposes of open space or recreation, and*
- Where need can be demonstrated.*

In addition, for areas outside the urban boundary it will be expected that, where it is appropriate to the type of establishment (for example, a hotel), use will be made of existing buildings.

All ancillary facilities should be designed (in terms of style and materials) to take account of their functions and blend into their settings.

Ancillary facilities such as cycle storage or horse paddocks will be encouraged in locations such as along bridleways or the cycle network.”

It is considered that the scale of the proposed development (five small pods with a small amenity block) is appropriate to the context of the site in this case, and would not represent over-development of the site.

Policy 21 (Supporting the Rural Economy and its Communities) of the Core Strategy states:

“Support will be given to the social and economic needs of rural communities by encouraging:

- Sustainable tourism developments, including recreation and leisure uses appropriate to a countryside location such as horse-related activities*
- Diversification of the agricultural economy for business purposes”*

Paragraph 83 of the Framework states that planning decisions should enable *“sustainable rural tourism and leisure developments which respect the character of the countryside”*. Whilst the impact of the development on the character of the countryside will be assessed below, there is specific in-principle support for the development within Paragraph 83 of the Framework.

In light of all the above, it is considered that there is in-principle policy support within the Framework and Policies 14, 15 and 21 for the development of a small scale high quality overnight visitor accommodation facility on the site, provided that the scheme is compliant with the relevant criteria.

The acceptability of the development will depend on the specific details of the scheme’s access, layout, design, impact on the character and appearance of the wider countryside and other site-specific material planning considerations – which are assessed below in the relevant sections of the report.

Visual Amenity and Countryside Impact

The site is located to the immediate south of Hey Meadow Farm, and is visible from a variety of public footpaths. However, the proposed development would sit low in the landscape adjacent to the far taller existing barn and dwelling, and would not be unduly prominent.

The proposed pods are relatively small in scale (as would the amenity block be) and it would not require a significant amount of earthworks to provide level surfaces for them. The pods would have a dark timber finish, which would not be out of keeping with the site’s context, and the stone-built amenity block would also be appropriately finished.

The proposed parking areas would be relatively small in scale and would be located close to the existing hard standing on site. The use of consolidated natural stone hard standing to form the parking areas would be visually appropriate, relatively low-impact in the wider landscape and would be free-draining.

Given the presence of derelict / scrap vehicles and containers on the wider site, it is considered that an opportunity exists to require the removal of these items prior to the use of the glamping pods. It is presumed that the owner would want to remove these items in any case, as they would currently degrade the area surrounding the pods if left there, potentially deterring customers. The addition of glamping pods to the site (along with associated vehicular parking and amenity block)

would add further structures to the site. It is considered appropriate therefore to require the removal of the scrap / derelict vehicles and containers from the site by planning condition, prior to the first occupation of any of the glamping pods.

Subject to the above, the scheme is considered acceptable in terms of visual amenity and countryside impact.

Neighbour Amenity

Despite concerns raised to the contrary by members of the public, it is not considered that the proposed pods and amenity block would not have a significantly detrimental impact on the outlook, daylight or privacy enjoyed by residents of any nearby residential properties, given their siting and the separation distances involved.

Whilst concerns have been raised about noise disturbance from the development, it is not considered that the proposed use of the site will necessarily lead to noise disturbance to nearby residents provided that the facility is appropriately managed. The Council's Environmental Health team have separate powers available (outside the planning process) to investigate and address noise nuisance if it should become an issue.

In considering this planning application it would be inappropriate to assume that the development will not be appropriately managed and that it will lead to nuisance being caused. In any event a condition has also been requested by the Environmental Health team relating to prohibiting live / amplified music outdoors on the site, in order to reduce the likelihood of disturbance to neighbouring residents. It is considered appropriate to include such a condition in this case given the nature of the proposed use.

The Council's Environmental Health team has raised no objection to the development subject to other conditions restricting hours of construction and deliveries to the site. They have also requested conditions in relation to burning of materials on site and noise generation during construction – but such matters are covered by separate legislation so it would not be appropriate to include planning conditions as such.

Although the site of the proposed pods is not in itself particularly close to other residential properties (the nearest being around 60m away), the access road leading to the site does serve other properties. As such it is considered appropriate to include a condition restricting hours of construction to prevent potential noise nuisance during unsocial hours from delivery vehicles and plant which may use the access road to the site.

Subject to the above, the scheme is considered acceptable in terms of neighbour amenity.

Access, Parking and Highway Safety

The Local Highway Authority has been consulted and has no objection to the proposed scheme and has not requested the inclusion of any conditions. In reaching this conclusion they make the following observations:

“The submitted plans indicate that the site will provide a total of 5 parking spaces 1 per pod, this is acceptable for the size of the units. The proposed parking would be accessed from a private access road connecting to Coal Pit Lane. Coal Pit Lane is a single track unadopted lane with acceptable passing places along its length.”

I am of the opinion that the level of traffic generated from a development of this size and nature (5 glamping pods) would not have an unacceptable impact on Coal Pit lane.

I have reviewed the Lancashire County Councils five year data base for Personal Injury Accident (PIA) and the Crashmap website. The data bases indicate no recorded incidents within the vicinity of the proposed development for the last 5 years.

It would be difficult to prove that the proposed use would have a severe impact and the principle of the proposed 5 glamping pods at this site is therefore acceptable from the highway perspective.

Consequently the Highway Development Control Section of LCC has no objections to the application.”

Officers have no reason to disagree with the findings of the Highway Authority and therefore the proposal is considered acceptable in regards to highway safety.

Ecology

The Council's ecology consultant has raised no objection to the proposed scheme and is satisfied that the development will avoid causing a loss of biodiversity, subject to conditions requiring the submission of details of lighting (if any lighting is to be included) and measures to increase the biodiversity value of the site.

As such, the scheme is considered acceptable in terms of ecology subject to the requested conditions.

9. SUMMARY REASON FOR APPROVAL

The proposed development is acceptable in principle, and subject to conditions, would not detract unacceptably from visual amenity, neighbour amenity, highway safety or biodiversity. The scheme is compliant with the National Planning Policy Framework and Policies 1, 9, 14, 15, 18, 21, 23 and 24 of the Core Strategy DPD.

10. CONDITIONS

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

Reason: Required by Section 51 of the Planning and Compulsory Purchase 2004 Act.

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

- Application Form
- Site Location Plan
- ML-26-04-21-G (Proposed Site Plan)

Reason: To ensure the development complies with the approved plans and submitted details.

3. The glamping pods hereby approved shall be used for short-let holiday accommodation only. The accommodation shall not be occupied by any one person or group for a period exceeding six weeks in any calendar year. The owner shall maintain a register of occupants for each calendar year which shall be made available for inspection on request by the Local Planning Authority.

Reason: To define the planning permission and in order to protect the amenities of local residents

4. Prior to first use of any of the glamping pods hereby permitted, all derelict / scrap vehicles, waste materials and containers shall be permanently removed from the site.

Reason: To improve the appearance of the site and prevent the further accumulation of structures and items on the land, in the interests of visual amenity.

5. Any construction works and construction-related deliveries associated with the development hereby approved shall not take place except between the hours of 8:00 am and 6:00 pm Monday to Friday and 9:00 am and 1:00 pm on Saturdays. No construction shall take place on Sundays or Public Holidays / Bank Holidays.

Reason: To safeguard the amenities of neighbours.

6. No external lighting associated with the development shall be installed at any time unless full details have first been submitted to and approved in writing by the Local Planning Authority. Any submitted such details submitted for approval shall include measures to be taken to ensure that any lighting is designed in such a way to minimise impacts on bats and other crepuscular or nocturnal animals, and in such a way as to avoid light pollution through the spillage of light into the wider area.

Reason: In the interests of protecting biodiversity and avoiding light pollution.

7. Prior to commencement of any development on the site, a scheme of biodiversity enhancement shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include the planting of locally native hedge species and permeable boundary features and a timetable for its implementation and details of its maintenance. The scheme shall be implemented in accordance with the timetable contained therein.

Reason: In the interests of enhancing the habitat value of the site.

8. Notwithstanding any information submitted with the application, no development shall take place until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The submitted report shall include:

i) A Preliminary Risk Assessment report (phase 1), including a conceptual model and a site walk over survey;

ii) Where potential risks are identified by the Preliminary Risk Assessment, a Phase 2 Site Investigation report shall also be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The investigation shall address the nature, degree and distribution of land contamination on site and shall include an identification and assessment of the risk to receptors focusing primarily on risks to human health, groundwater and the wider environment; and

iii) Should unacceptable risks be identified the applicant shall also submit and agree with the Local Planning Authority in writing a contaminated land remediation strategy prior to commencement of

development. The development shall thereafter be carried out in full accordance with the duly approved remediation strategy or such varied remediation strategy as may be agreed in writing with the Local Planning Authority.

Reason: In the interests of mitigating risks associated with land contamination, and avoiding pollution.

9. Pursuant to condition 8 and prior to first use or occupation a verification report, which validates that all remedial works undertaken on site were completed in accordance with those agreed with the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of mitigating risks associated with land contamination, and avoiding pollution.

10. At no time shall there be any live or amplified music played outdoors on the site in conjunction with the development hereby permitted.

Reason: To avoid causing undue noise disturbance to other residential properties in the area.

11. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

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

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

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

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

12. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

11. INFORMATIVES

1. Standard approval informative.
2. Protected species and their place of shelter are protected at all times and should any protected species be found or suspected all work should cease until such time advice which has been sought and implemented from a suitably qualified consultant.

3. During the period of construction, should contamination be found on site that has not been previously identified, no further works shall be undertaken in the affected area. Prior to further works being carried out in the affected area, the contamination shall be reported to the Local Planning Authority within a maximum of 5 days from the discovery, a further contaminated land assessment shall be carried out, appropriate mitigation identified and agreed in writing by the Local Planning Authority. The development shall be undertaken in accordance with the agreed mitigation scheme.
4. The applicant is advised that they have a duty to adhere to the regulations of Part 2A of the Environmental Protection Act 1990, the National Planning Policy Framework 2018 and the current Building Control Regulations with regards to contaminated land. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.
5. Public Footpath 113 (Bacup) passes to the West of the proposed site. No development should encroach on or obstruct the line of this Public Right of Way.