

<b>Application Number:</b>	2012/0461	<b>Application Type:</b>	Full
<b>Proposal:</b>	Erection of 3 holiday lets, and alterations to stables building and parking area	<b>Location:</b>	The Pit Yard, Dean Lane, Water
<b>Report of:</b>	Planning Unit Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	11 <sup>th</sup> December 2012
<b>Applicant:</b>	Mrs R Wilson	<b>Determination Expiry Date:</b>	12 <sup>th</sup> December 2012
<b>Agent:</b>	Mr S Anderson		

<b>Contact Officer:</b>	Rebecca Taylor	<b>Telephone:</b>	01706-238640
<b>Email:</b>	planning@rossendalebc.gov.uk		

REASON FOR REPORTING	Tick Box
<b>Outside Officer Scheme of Delegation</b>	
<b>Member Call-In</b> Name of Member: Reason for Call-In:	
<b>3 or more objections received</b>	X
<b>Other (please state):</b>	

## 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 Permission be granted subject to the Conditions set out in Section 10.

## 2. SITE

The application site is located in the Countryside to the east of the Urban Boundary of Water. It is to the north side of Dean Lane.

Beyond its double access gate there is a U-shaped 1-storey building containing 9 stables and other ancillary uses including an office, the hillside rising to the east/north-east screening much of the building from many viewpoints. The building is constructed of stone/slate, with elements of

render. The building hooks around a generous yard area which extends to the north and is used for parking & manoeuvring and is bounded by a timber fence.

Between this complex and the stream to the west side is a public footpath (FP131), crossing fields to the north also within the applicant's ownership. Waste is stored in a midden in the north western corner of the yard, near the gate which leads up the hillside towards a ménage.

### **3. RELEVANT PLANNING HISTORY**

**2006/0008** Erection of wooden stables and riding ménage  
Approved

**2008/416** Erection of stone/slate stables and ancillary facilities  
Approved

**2012/049** Erection of 3 holiday lets, site manager's accommodation, alterations to existing stables and associated works to provide parking provision  
Officers were particularly concerned with that element of the proposal comprising the site manager's accommodation.

The Applicant withdrew the application prior to determination having been advised that Officers were minded to refuse it for the following reason:

*The application site is located within the Countryside, wherein national and development plan policies set out the framework for development restraint. The applicant has not advanced a case to adequately demonstrate why the erection of a dwelling should be permitted outside the Urban Boundary. Having regard most particularly to Section 6 of the NPPF, it has not been adequately demonstrated that Water Equestrian Centre has need for a dwelling in the location proposed. Accordingly, the application is considered unacceptable in principle in terms of national planning guidance and development plan policies in respect of Countryside and is contrary to the Council's Housing Policy. The application therefore conflicts with Section 6 of the NPPF, Policies DP1/EM1/RDF1/RDF4 of the Regional Spatial Strategy for the North West of England and Policies 1/2/3/23/24 of the Council's Core Strategy DPD (November 2011).*

**2012/0076** Erection of three 5m high lighting columns to the south of the existing ménage (retrospective) and erection of No.3, 5m high lighting columns to the north of the existing ménage  
Approved

### **4. PROPOSAL**

This application is a resubmission of 2012/049 that was withdrawn. It differs most significantly in that the site managers dwelling then proposed has been deleted from the scheme.

The applicant now seeks permission to erect 3 holiday lets and alter the existing stables building, as well as works to the car parking area. The proposal would provide overnight accommodation for visitors and tourists, along with 'bed and tack' facilities. Each holiday let could accommodate a group or a family.

The existing building on site would be reduced in size with the current office, feed room and quarantine stable being removed. The new building, which would contain the holiday lets, office, feed store and quarantine stable, would be attached to the existing building and be built into the hillside along the eastern boundary of the site.

The section of the new building containing the holiday lets would measure 7.5m x 14m x 5.5m high (1.3m higher than the existing building). The rest of the building would measure 4m x 12m x 4.2m high. The doors and windows would be timber framed. Each unit of the tourist section of the building would be illuminated by a large arched-topped window (mimicking a wagon-opening) and roof lights in the first floor which is built into the roof of the building. The elevation facing into the courtyard would be rendered with natural stone used elsewhere, and with the roof of natural slate. There would be a bin store area to the southern end of the new building.

As requested by LCC Highways, the parking/manoeuvring area for vehicles has been amended and would now have a total of 14 parking spaces and three horse-box spaces, necessitating a degree of excavation into the hillside.

## 5. **POLICY CONTEXT**

### **National**

National Planning Policy Framework (2012)

Section 1 Building a Strong Competitive Economy

Section 3 Supporting a Prosperous and Rural Economy

Section 4 Promoting Sustainable Transport

Section 7 Requiring good design

Section 8 Promoting Healthy Communities

Section 10 Meeting the challenge of climate change

### **Development Plan Policies**

DP1 Spatial Principles

RDF2 Rural Areas

W6 Tourism and the Visitor Economy

W7 Principles for Tourism Development

L1 Health, Sport, Recreation, Cultural and Education Services Provision

RT2 Managing Travel Demand

RT4 Management of the Highway Network

EM1 Environmental Assets

### Rossendale Core Strategy DPD (2011)

AVP3 Waterfoot, Lumb, Cowpe, Lumb

Policy 1 General Development Locations & Principles

Policy 8 Transport

Policy 14 Tourism

Policy 15 Overnight Visitor Accommodation

Policy 18 Biodiversity, Geodiversity and landscape conservation

Policy 21 Supporting the Rural economy and its communities

Policy 23 Promoting High Quality Designed Spaces

Policy 24 Planning Application Requirements

## 6. **CONSULTATION RESPONSES**

### LCC (Highways)

The existing 6 spaces utilised by the horse owners and the manager must remain plus additional spaces to accommodate the guests in the holiday lets.

The original proposal was to have 2 of the lets sleeping 2 people and the 3<sup>rd</sup> to sleep 8 people in a dormitory arrangement. The number of spaces required is 1 space per 2 person let and 4 spaces for the 8 bed dormitory based upon the 8 guests arriving in couples.

The total required therefore would be 12 spaces plus horsebox parking spaces.

10 spaces have been provided plus 2 horsebox spaces and I would recommend that the 3<sup>rd</sup> holiday let is reduced from an 8 guest dormitory to a 3 / 4 guest dormitory and therefore the proposed number of spaces will be sufficient.

The Agent has submitted amended drawings which LCC Highways is now satisfied address its concerns.

#### Environmental Health

No Observations

#### Tourism Connect – Marketing Lancashire

The administration of Tourism Connect by Marketing Lancashire supports development of high quality, holiday accommodation within rural Lancashire. Within the Rossendale area, there is limited self catering accommodation available and the proposal would help to meet this demand, supporting the wider local economy within this rural part of the county. It is noted that the plans incorporate an accessible bathroom and there is limited accommodation within the wider area that is fully accessible and can meet the needs of this niche market. The applicant may wish to consider wider accessibility needs are met to enable this niche market to be targeted.

#### RBC Forward Planning

In relation to the Core Strategy, Policy 15 takes a *“positive approach to new, small-scale, high quality visitor accommodation”*. Small scale is defined in para 264 of the supporting text as *“offering no more than 10 bed spaces”*.

The policy does not rule out new buildings in the countryside, although it does emphasise *“proposals will be supported particularly where use is made of existing buildings”* and *“.... for areas outside of the urban boundary it will be expected that, where it is appropriate to the type of establishment (e.g. a hotel), use will be made of existing buildings.”*

Of particular pertinence is the criteria setting out where proposals will be supported (with all criteria needing to be met):

- Where appropriate to their locality (in terms of size, amenity to neighbouring uses)
- Complementary to existing tourism facilities
- Access is good by a variety of modes (with no adverse effects on the local road network)
- Adequate capacity of existing infrastructure (e.g. for clean and waste water, electricity etc)
- No harmful effects on visual amenity, landscape, or nature conservation assets
- The development will not reduce the amount of land for open space / recreation
- Need can be demonstrated.

Key aspects of this particular application relate to its appropriateness in respect of size and scale to the neighbouring properties in this vicinity, as well as effects on visual amenity.

The site is approximately 400m from the Rossendale Way, a long distance footpath, and which can be accessed from this site by a number of footpaths. The Pennine Bridleway (Mary Townley Loop), suitable for horse riders and cyclists as well as walkers, is 800m away via the road network.

The applicant's business case demonstrates that there is a need for the holiday lets, which is necessary, particularly as this proposal involves new permanent buildings in the countryside.

#### Environment Agency

It appears that the site has previously been used as a yard associated with nearby coal pits. Given the proximity of the site to Nabb Clough and Shepherd Clough, the developer must ensure that risks posed by ground contamination are adequately addressed.

We are satisfied that there are likely to be generic remediation options available to deal with the risks to controlled waters. Accordingly, conditions should be attached to require a scheme for the identification and remediation of ground contaminants to be undertaken and a verification report then submitted that demonstrates using sound methodology and assessment criteria, that the completion of the scheme for the identification and remediation of ground contaminants has been successful in resolving any contamination issues.

### **7. NOTIFICATION RESPONSES**

To accord with the General Development Procedure Order site notices were posted on 25/10/12 and 22 letters were sent to neighbours on 23/10/12.

Ten letters of objection have been received, raising the following concerns:

- Concern with how holiday lets will be maintained, what will they be used for when not let, is this a disguise for a residential property
- Detrimental to existing local accommodation (Commercial, Dean Lane and hotel on Burnley Road East)
- Likelihood of further development proposals
- Do not want further buildings at the site / Increased elevations visible from roadside
- Increase in road traffic on a congested highway
- Increase in congestion around the yard – horse boxes etc
- Increased demand on local services, including sewerage system
- Fouling to local watercourse from midden waste
- Privacy at Waterhouse Farm affected

### **8. ASSESSMENT**

The main considerations of the application are:

1) Principle; 2) Visual Amenity/Countryside Impact; 3) Neighbour Amenity; 4) Access/Parking; 6) Contaminated Land

#### Principle

The site lies within the Countryside area as designated within Policy 1 of the adopted Core Strategy DPD and illustrated on the Proposals Map 2011.

The business currently comprises of 9 stables which are used as commercial liveries. The application would extend the business to offer overnight visitor accommodation using three independent holiday lets aimed at horse riders and walkers.

Policy 15 of the Core Strategy states that proposals for overnight visitor accommodation will be supported 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.

The holiday lets do not involve the conversion or re-use of existing buildings on the site. There is easy access to the footpath network which is ideal for people visiting Rossendale to enjoy the Countryside through walking. There is no route to the Pennine Bridle Way without travelling along the main highway for a short time. As the business is an established equestrian centre currently users of the site already access the bridleways in this way.

Policy 14 of the Core Strategy states that development outside the Urban Boundary for tourism will only be supported if it is essential for the proposed facility, no sites within the Urban Boundary are suitable and there are no impacts affecting landscape character, or visual quality, or amenity to neighbours or nature conservation assets.

As stated in RBC Forward Planning comments, Policy 15 of the Core Strategy takes a *“positive approach to new, small-scale, high quality visitor accommodation”*. The policy does not rule out new buildings in the Countryside, although it does emphasise *“proposals will be supported particularly where use is made of existing buildings”* and *“...for areas outside of the urban boundary it will be expected that, where it is appropriate to the type of establishment (e.g. a hotel), use will be made of existing buildings.”*

Although the proposal does not involve the conversion/re-use of existing buildings in the Countryside the scheme is for a small number of new-build holiday-lets and the submitted business plan suggests there is an under-provision in Rossendale for suitable, specialist, small-scale equestrian accommodation providers. Tourism Connect consider there to be limited self catering accommodation. I am satisfied that the business plan demonstrates that the business would be viable and sustainable in this location with reference to similar businesses and realistic projections of customer numbers and pricing.

Overall the scheme is considered acceptable in principle.

#### Visual Amenity/Countryside Impact

The proposed building has been designed to have minimal footprint and limited height, whilst still providing the necessary internal space for the purposes of holiday lets. That the new building is set into the hillside will help reduce the extent to which it erodes the open countryside. By reason of being setback behind the existing stables building the view of it from Dean Lane is limited. It and the associated vehicle parking/manoeuvring area would be visible from the public footpath running to the west side. Having regard to the existing building and yard I am satisfied that the proposed development will not cause unacceptable detriment to the character and appearance of the area. The design form and intended facing materials are considered appropriate to the function of the building and its setting.

#### Neighbour Amenity

The proposal would not result in an unacceptable loss of light, privacy and outlook for any neighbouring properties. A condition is recommended regarding hours of construction to ensure nearby neighbours are not unduly disturbed (particularly by construction vehicles)

during this period. On this basis, the scheme is considered acceptable in terms of neighbour amenity.

#### Access / Parking

In response to LCC Highway's request the Agent has submitted an amended drawing to show 14 spaces and three spaces for horse box storage. On this basis it is satisfied its concerns have been addressed. Accordingly the scheme is considered acceptable in terms of access and parking.

#### Contaminated Land

The Environment Agency and the Council's own Environmental Health Section are satisfied that the proposed development can be undertaken without unacceptable risk to health or of pollution, subject to conditions.

### **9. SUMMARY REASON FOR APPROVAL**

The proposed development is considered appropriate in principle in the Countryside and, subject to the conditions, will not detract to an unacceptable extent from the essentially open and rural character of the area, neighbour amenity or highway and public safety. It is considered that the development is in accordance with Section 7 / 11 of the National Planning Policy Framework 2012, Policies RDF1 / RDF2 / RT2 / RT4 / EM1 of the Regional Spatial Strategy and Policies 1 / 14 / 15 / 21 / 23 / 24 of the adopted Core Strategy DPD 2011.

### **10. RECOMMENDATION**

That Permission be granted, subject to the following conditions.

#### **CONDITIONS/REASONS**

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

Reason: To accord with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the drawings date stamped 17/10/12 and amended plans received 26/11/12, unless otherwise required by the conditions below or first agreed in writing by the Local Planning Authority.

Reason: To ensure the development complies with the approved plans and to protect visual and neighbour amenity, in accordance with Policies 8 & 24 of the adopted Core Strategy DPD 2011

3. The development hereby permitted shall not commence until a scheme for the identification and remediation of ground contaminants is submitted to and agreed in writing by the Local Planning Authority ("LPA"). Thereafter, the development shall be carried out within a timescale agreed to in writing by the LPA and in full accordance with the agreed details. If during development, contamination not previously identified is found to be present at the site, then development shall cease (unless otherwise agreed in writing with the LPA) until the developer has submitted and obtained written approval from the LPA for an addendum to the Method Statement. This addendum to the Method Statement must detail how unsuspected contaminants will be dealt with and shall be implemented as approved.

Reason: In the interests of public safety and to protect ground and surface waters, in accordance with Section 10 of the National Planning Policy Framework 2012 and Policy 24 of the adopted Core Strategy DPD 2011.

4. The uses hereby permitted shall not commence until a verification report is submitted to and approved in writing by the LPA. The verification report must demonstrate using sound methodology and assessment criteria that the completion of the scheme for the

identification and remediation of ground contaminants has been successful in resolving any contamination identified. The report shall include results of sampling and monitoring and shall demonstrate that the works were carried out in accordance with the approved Method Statement(s). It shall also include any plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason: In the interests of public safety and to protect ground and surface waters, in accordance with Section 10 of the National Planning Policy Framework 2012 and Policy 24 of the adopted Core Strategy DPD 2011.

5. Prior to the commencement of development a samples of the facing and roofing materials to be used shall have been submitted to and approved in writing by the Local Planning Authority. The retaining wall and bin store shall be constructed of stone. The development shall be undertaken with the approved facing materials and shall not be varied unless otherwise first agreed in writing by the local planning authority.

Reason: To ensure that the development will be of satisfactory appearance, in accordance with Policy 24 of the adopted Core Strategy DPD 2011

6. Prior to first use of the holiday-lets hereby permitted the approved car parking and manoeuvring space shall be provided and thereafter kept freely available for use as such.

Reason: In the interests of highway safety, in accordance with section 4 of the NPPF and Policy 8 of the adopted Core Strategy DPD.

7. Notwithstanding what is shown on the submitted drawings, prior to the commencement of development full details of landscaping/boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. Any fences/walls/gates/hard-surfaced areas forming part of the approved scheme shall be completed prior to first use of the building hereby permitted and any new planting in the first planting season thereafter, unless otherwise first agreed in writing by the Local Planning Authority. Any of the plants which are removed, die or becomes seriously damaged or diseased within 5 years shall be replaced by others of the same siting/size/species, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To protect visual and neighbour amenity, in accordance with Policies 17, 18 & 24 of the adopted Core Strategy DPD 2011.

8. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, or any order amending, revoking or re-enacting that Order, the building which is subject of this permission shall be used solely for holiday let accommodation and ancillary uses connected with the stables, and shall not be used for any other purpose including use as dwellinghouse(s) (C3).

Reason: To accord with Countryside policy and protect highway safety, in accordance with Policies 1 / 24 of the adopted Core Strategy DPD.

9. Any construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.

Reason: To safeguard the amenities of neighbours, in accordance with Policy 24 of the adopted Core Strategy DPD 2011.