

| | | | |
|----------------------------|---|-----------------------------------|--|
| Application Number: | 2013/128 | Application Type: | Full |
| Proposal: | Change of use of land and associated buildings from agriculture with stabling to use as a petting farm and creation of vehicular passing point on Newchurch Old Road and associated works (Retrospective) | Location: | Animal Quackers Huttock Top Farm, Newchurch Old Road, Bacup |
| Report of: | Planning Unit Manager | Status: | For publication |
| Report to: | Development Control Committee | Date: | 12 November 2013 |
| Applicant: | Mr T Bork | Determination Expiry Date: | 29 October 2013 |
| Agent: | | | |

| | | | |
|-------------------------|------------------------------|-------------------|--------------|
| Contact Officer: | Ian Lunn | Telephone: | 01706-238640 |
| Email: | planning@rossendalebc.gov.uk | | |

| | |
|---|------------------------|
| 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): | Given previous history |

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 Committee grant Permission subject to the Conditions set out in Section 10.

2. SITE

The application site relates to Huttock Top Farm which has an area of approximately 14.4 hectares. Lying to the rear of the residential properties fronting Bankside Lane, it fronts Newchurch Old Road, which is an adopted highway maintained by Lancashire County Council as a lowly trafficked route. This track is of single-vehicle width.

The farm comprises a farm house, stone barn attached to a former cottage, framed-barn, former stable-block and loose boxes, ménage, yards and a couple of fields. Its access is located approximately 100 m south west of the junction of Newchurch Old Road with Bankside Lane. The site is understood to be in use both as an agricultural holding and as a petting farm. The latter use is the subject of this application.

Whilst the residential area to the east of the application site is within the Urban Boundary of Bacup, the site itself is in Countryside. It should also be noted that Newchurch Old Road is a Valley Way.

3. RELEVANT PLANNING HISTORY

2008/594 Provision of visitor facilities with existing building for incidental use as petting farm
Refused 31/08/10 on highway safety grounds due to inadequate access

2011/481 Provision of visitor facilities within existing building and creation of parking area
Refused 14/12/11 for the following highway reasons :

1

Newchurch Old Road is maintained only as a lowly-trafficked no-through road. The proposed development is likely to increase the amount of vehicular traffic visiting the premises and, as a consequence, both the pedestrian and vehicular traffic using that part of Newchurch Old Road between Bankside Lane and the site. The proposal fails to provide for improvement of the full length of this section of Newchurch Old Road to the satisfaction of the Highway Authority and the Borough Council. The proposal is therefore considered likely to exacerbate problems that can arise with the parking of visitors vehicles on Bankside Lane, unsafe and unsatisfactory manoeuvring of vehicles on Newchurch Old Road and in the vicinity of its junction with Bankside Lane, to the detriment of safety and inconvenience of pedestrians and other road users and local residents, contrary to the provisions of PPG13 and Policy 8 of the adopted Core Strategy DPD 2011.

2

The proposal would facilitate the intensification of the petting farm function at the site and lead to increased traffic flows that would have a detrimental impact on users of the Valley Way (Newchurch Old Road) contrary to Policy 1 within the adopted Core Strategy DPD as illustrated by C10 on the LDF proposals map 2011

Enforcement Action On 13/9/13 an Enforcement Notice was issued in respect of Huttock Top Farm alleging the following breach of planning control :

The unauthorised change of use of the Land from mixed use comprising of agriculture and stables to mixed use comprising of agriculture and stables and petting farm with provision of visitor facilities and entertainment use.

Also, the unauthorised siting of a static caravan on the Land and its use for residential purposes.

An Appeal against the Notice, and its requirements that the Petting Farm/Entertainment Use cease and the Caravan be removed, has been lodged.

4. PROPOSAL

The application site is currently used in part as a petting farm ('Animal Quakers') without the benefit of planning permission.

This application has therefore been submitted seeking retrospective approval for the development.

Approval is sought :

- to continue using the south western portion of the site, and the buildings within the farmyard, in conjunction both with the agricultural holding and the petting farm
- to alter one of the farmyard buildings to provide ancillary visitor facilities for the latter (namely a café, toilets and a teaching and activity area) to create a vehicular passing point on Newchurch Old Road, and
- to create a visitor parking area within the site.

Some of these works have commenced.

The applicant has submitted a Design and Access Statement, a Traffic Management Plan and a Supporting Statement in support of their application in which they state :

- a) that the petting farm is required in order to provide an additional income stream for the farm,
- b) that the proposal addresses the previous concerns about the development in so far as it now proposes improved signage to the premises, a vehicular passing place on Newchurch Old Road and suitable 'on-site' visitor parking and maneuvering space,
- c) that the use has been operated for five years without causing any known highway safety problems,
- d) that an increase in visitors to the business would benefit the local economy,
- e) that the development would provide local employment,
- f) that the development would be sustainable because of its proximity to Bacup Town Centre,
- g) that the development would be suitably drained and would not exacerbate any known problems of flooding, and
- h) that access to the proposed visitor facilities would be level and accessible facilities (including toilets) would be provided within the building.

5. POLICY CONTEXT

National Planning Guidance

National Planning Policy Framework (2012)

Section 1 Building a Strong, Competitive Economy

Section 3 Supporting a Prosperous Rural Economy

- Section 4 Promoting Sustainable Transport
- Section 7 Requiring Good Design
- Section 11 Conserving and Enhancing the Natural Environment

Development Plan Policies

RBC Core Strategy (2011)

- AVP2 Strategy for Bacup, Stacksteads, Britannia and Weir
- Policy 1 General Development Locations and Principles
- Policy 8 Transport
- Policy 9 Accessibility
- Policy 10 Provision for Employment
- Policy 14 Tourism
- Policy 17 Rossendale’s Green Infrastructure
- Policy 18 Biodiversity, Geodiversity and Landscape Conservation
- Policy 21 Supporting the Rural Economy and its Communities
- Policy 23 Promoting High Quality Design and Spaces
- Policy 24 Planning Application Requirements

Other

- RBC Conversion and re-use of Buildings in the Countryside SPD (2010)

6. CONSULTATION RESPONSES

LCC (Highways)

No objections subject to conditions requiring the satisfactory construction of the proposed passing place and the implementation of the measures set out within the Traffic Management Plan.

RBC (Environmental Health)

No observations received

7. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order a site notice was posted on 4/9/13 and letters were sent to the relevant neighbours on 15/8/13.

No comments have been received.

8. ASSESSMENT

The main issues for consideration in this instance are:-

- a) Principle
- b) Visual Amenity
- c) Neighbour Amenity; &
- d) Access/Parking.

Principle

Given the nature of the proposed development, and its location within a Countryside Area, it is considered that it needs to be judged initially against the requirements of Policies of the Core Strategy referred to above and the Council’s adopted ‘Conversion and re-use of Buildings in the Countryside SPD’. In accordance with the National Planning Policy Framework, they seek to strike the appropriate balance between encouraging economic development/job

creation and protection of the character & appearance of the area, neighbour amenity, highway safety, etc.

The proposal is considered to be acceptable in principle, having regard to planning policy, for the following reasons :

- a) the development is considered to be sustainable in so far as it entails conversion/re-use of existing farm buildings
- b) the development has the potential to create local employment
- c) a petting-farm is a use that requires an extensive site and is tourism-related - whether ancillary to the existing agricultural holding or not, it represents a form of development that is appropriate in a rural area.

Visual Amenity

The building to be used to provide the associated visitor facilities is a prominent structure which is fully visible from Newchurch Old Road. It is not considered to be ideal in design terms as it is clad using metal sheeting. Nevertheless, it already exists, there are no proposals to alter its size or design (other than to refurbish it by way of repainting or re-cladding), and there are other similarly designed buildings on the site. In view of this, and as other buildings on the site are to be re-used without alteration, it is considered that a refusal of this proposal on either design or scale grounds could not reasonably be sustained in this instance.

Neighbour Amenity

The site is located near to residential properties and the use therefore has the potential to unduly disturb local residents by reason of noise associated with on-site activities and movements to and from the site.

The main on-site activities are to take place away from neighbouring residential properties, largely within the farmyard area and inside the converted 'visitor facility' building abutting Newchurch Old Road. Furthermore, whilst it is proposed to open to the public on Saturdays, Sundays, Bank Holidays and school holidays the (applicant has indicated that the) use is to be operated solely between the hours of 10am and 5pm, hours that are considered to be reasonable. Subject therefore to conditions making it clear that the permission granted relates solely to use as a petting farm, and requiring it to operate as described in the applicant's submission in terms of the hours it is open to the public, undue noise disturbance for neighbours is not considered likely. These conditions are also considered appropriate in order to adequately mitigate noise disturbance that might otherwise be caused to residential neighbours by reason of movement of people and vehicles to and from the site.

A use of this nature also has the potential to disturb local residents by reason of smell, flies, etc. However, subject to appropriate siting/construction/management of waste facilities there is no reason why the petting farm should impact on neighbours to a greater extent than if the site were to continue to be used solely for agricultural purposes. A condition is recommended in respect of the storage and disposal of animal waste.

Access/Parking

A Traffic Management Plan has been submitted with this application outlining the proposed measures for ensuring that the development meets highway safety requirements. Essentially it states that 21 car parking spaces are to be provided within the site, with 5 further spaces available for use by farm vehicles. These are to be accessed from Newchurch Old Road by way of a 'one-way' system, with separate points of access/exit being created to and from the site.

These arrangements have been considered by County Highways who consider them to be acceptable allowing for a suitable level of parking in conjunction with the development, adequate space for the 'on site' manoeuvring of vehicles and a satisfactory means of accessing and exiting the site.

Vehicular access to/exit from the site is to be gained from Bankside Lane via a length of approximately 170m of Newchurch Old Road. Whilst this is an adopted highway it is currently only wide enough to allow 'one-way' traffic. The application proposes the creation of a vehicular passing place at the northern end of the site (60m from Bankside Lane. This has already been partially constructed; LCC Highways advise that it needs to be completed in accordance with the submitted details. A condition to secure completion of the passing-place is recommended.

On this basis, LCC Highways considers the proposed parking facilities within the site to be adequate and also the proposed means of accessing/exiting the site, despite previous concerns in respect of the latter.

9. SUMMARY REASON FOR APPROVAL

The proposed use as a petting farm is considered to be acceptable in principle in the Countryside and, subject to the conditions, will not detract to an unacceptable extent from visual and neighbour amenity or highway safety. It is therefore considered to accord with the relevant provisions of the National Planning Policy Framework, and Policies AVP2 / 1 / 14 / 17 / 21 / 23 / 24 of the Council's adopted Core Strategy DPD (2011).

10. RECOMMENDATION

That Permission be granted subject to the following conditions.

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. This permission relates to the Location Plan (which includes the pond) and the Site Layout Plan and Proposed Elevations received by the Local Planning Authority on 3/9/13. Any variation to the approved drawings may require the approval of the Local Planning Authority.
Reason : For the avoidance of doubt, in accordance with the requirements of Policies 1, 23 and 24 of the Council's adopted Core Strategy DPD (2011).

3. Details of the colour that it is proposed to paint the cladding, and/or of the colour of any replacement cladding to be installed, on the 'Visitor Facility' building shall be submitted to and approved in writing by the Local Planning Authority within one month of the date of this approval. The building shall be painted the approved colour, and/or the approved cladding shall be installed, within three months of the date of this approval.
Reason : In the interests of visual amenity, in accordance with the requirements of Policies 1, 23 and 24 of the Council's adopted Core Strategy DPD (2011).

4. Details of the proposed treatment of the site boundaries shall be submitted to and approved in writing by the Local Planning Authority within one month of the date of this approval. The details shall show a natural dry stone wall, of a height and design to match the existing wall, constructed around the proposed passing place in the position shown on the approved Site Layout Plan. The approved boundary treatment shall be completed in accordance with the approved details within three months of the date of this approval.

Reason : In the interests of visual amenity, in accordance with the requirements of Policies 1, 23 and 24 of the Council's adopted Core Strategy DPD (2011).

5. Details of the materials to be used to construct /surface all areas to be used by vehicles and pedestrians (including the proposed passing place) shall be submitted to and approved in writing by the Local Planning Authority within one month of the date of this approval. These areas shall be constructed/surfaced using the approved materials, and shall be laid out in the manner shown on the approved Site Layout Plan with the approved parking spaces clearly marked out, within three months of the date of this approval. These areas shall thereafter be kept freely available for use as such.

Reason : In the interests of highway and pedestrian safety, in accordance with the requirements of Policies 1, 23 and 24 of the Council's adopted Core Strategy DPD (2011).

6. The measures set out in the approved Traffic Management Plan (excluding the proposal for a Park and Ride facility) shall be implemented within three months of the date of this approval and shall thereafter be satisfactorily retained at all times.

Reason : In the interests of highway safety, in accordance with the requirements of Policies 1, 14, 23 and 24 of the Council's adopted Core Strategy DPD (2011).

7. Unless otherwise agreed in writing, the use hereby permitted shall be open to the public solely between the hours of 10am and 5pm on Saturdays, Sundays, Bank Holidays and the (Half Term) school holidays specified within the approved Traffic Management Plan.

Reason : In order to safeguard the amenities of adjoining residents from noise at unsocial hours, in accordance with the requirements of Policy 1 and 24 of the Council's adopted Core Strategy DPD (2011).

8. The use hereby permitted (as a petting farm) shall be operated solely in accordance with the details outlined in the 'Description of the Site Plan' section contained within the document entitled 'Huttock Top Farm Description of Purposed Plan and Site Plan'.

Reason : In order to enable the Local Planning Authority to retain a degree of control over the development, in the interests of safeguarding the neighbour amenity and highway safety, in accordance with the requirements of Policies 1, 14, 23 and 24 of the Council's adopted Core Strategy DPD (2011).

9. Details of the proposed measures for storing and disposing of animal waste from the development shall be submitted to and approved in writing by the Local Planning Authority within one month of the date of this approval. The approved measures shall be implemented in full within three months of the date of this approval and shall thereafter be retained at times for the duration of the use.

Reason : In order to safeguard the amenities of adjoining residents from undue odour, in accordance with the requirements of Policy 24 of the Council's adopted Council Core Strategy DPD (2011).

10. Notwithstanding the details given in the submitted application form, within one month of the date of this approval details of the proposed means of disposing of surface water from the site shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full within three months of the date of this approval and shall thereafter be satisfactorily retained at all times.

Reason : In the interests of the satisfactory drainage of the site, in accordance with the requirements of Policies 1 and 24 of the Council's adopted Core Strategy DPD (2011).