



REPORT FROM:	PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER
TO:	WEST CRAVEN COMMITTEE
DATE:	1st March 2016

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PLANNING APPLICATIONS

PURPOSE OF REPORT
To determine the attached planning applications.

REPORT TO WEST CRAVEN COMMITTEE ON 01 MARCH 2016

Application Ref: 13/15/0524P **Ref:** 19099

Proposal: Full: Variation of Condition: Vary Conditions 13 and 15 of Planning Permission 13/05/0969P (Drainage).

At: D WILKINSON & CO RILEY STREET GARAGE RILEY STREET EARBY BARNOLDSWICK BB18 6NX

On behalf of: St Vincent's Housing Association

Date Registered: 26 October 2015

Expiry Date: 21 December 2015

Case Officer: Kathryn Hughes

This application was deferred from the previous meeting to order to allow further consideration of the drainage situation and appropriate solutions.

Site Description and Proposal

The application site is a completed residential development located within the settlement boundary of Earby and Earby Conservation Area. The site is not allocated for any specific use in the Replacement Pendle Local Plan.

The approved scheme was to demolish a vehicle repair garage and erect a two storey block of eight two bedroom flats. The scheme has been completed but not all the conditions have been discharged. A recent application to discharge conditions was submitted and it was established that some conditions could not be discharged due to an alternative drainage system being installed to that originally agreed. Therefore this application has been submitted to amend these conditions in order to allow a subsequent discharge.

This application seeks to modify condition no.'s 13 and 15 of planning permission 13/05/0969P which are listed below:

- 13.** The site shall be developed with separate systems of drainage for foul and surface water.
- 15.** Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

It is proposed to vary condition 13 to read:

- 13.** The site shall be developed with a combined system of drainage for foul and surface water.

It is proposed to vary condition 15 to read:

15. Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Relevant Planning History

13/04/0568P - Outline: Residential Development (0.13 ha) - Approved 08/09/04

13/05/0969P - Full: Demolition of vehicle repair garage and erection of two storey block of eight two bedroom flats - Approved 02/03/06

13/06/0032P - Conservation Area Consent: Demolition of vehicular repair garage building to enable erection of apartments - Approved 02/03/06

Consultee Response

LCC Highways - The car parking layout has been provided as the approved plan, the car parking shall remain unobstructed for the perpetuity of the site.

Yorkshire Water - No objection.

Earby & Salterforth Drainage Board

Earby Town Council - Due to insufficient information and detail in the application and the existing known overcapacity of the combined surface and foul water then it was proposed that council object.

Public Response

Site and press notices posted and nearest neighbours notified by letter without response.

Relevant Planning Policy

Code	Policy
ENV 1	Protecting and Enhancing Our Natural and Historic Environments
ENV 2	Achieving Quality in Design and Conservation
ENV 7	Water Management
LIV 1	Housing Provision and Delivery
LIV 5	Designing Better Places to Live
SDP 1	Presumption in Favour of Sustainable Development
	Supplementary Planning Document: Conservation Area Design and Development Guidance

Officer Comments

The main issue is whether revised drainage arrangements would be acceptable and not lead to adverse conditions away from the site.

1. Principle of Development

Planning permission was granted on 8th September, 2008 subject to thirty four conditions, some of which are pre-conditions requiring submission and approval prior to commencement on site whilst others require submission within two weeks of commencement including demolition. It is the wording of conditions 13 and 15 of which it is proposed to vary.

Yorkshire Water has stated that they would not normally accept an on/off site combined system especially as there is a surface water sewer in the vicinity. However, as the drainage arrangement have been signed off by Building Control/NHBC and the system has been in place for seven years then they will not object to the proposed variation of condition.

The agent has provided confirmation that Yorkshire Water approved the proposals to discharge into the existing combined sewer immediately adjacent to the site on Riley Street.

The agent has also stated that in order to provide a separate drainage system for foul and surface water the following would be necessary:

- vacant and provide alternative arrangements for the occupants during the works which could take several weeks;
- installation of a second drainage system would be technically difficult due to space and therefore it would result in the majority of the existing system being removed and new foul and surface water systems being required;
- a new below ground storage tank with a flow control device would need to be installed beneath the existing car park resulting in the majority of the car park being excavated and replaced;
- the existing Yorkshire Water combined sewer is not deep so the introduction of an attenuation tank may not be feasible in terms of levels; and
- there is no Yorkshire Water surface water sewers in the vicinity. Therefore installing a separate system at the time or now would achieve little as the foul and surface water discharges from the site would still discharge to the existing Yorkshire Water combined sewer immediately adjacent to the site on Riley Street.

There is more soft landscaping on the site than the previous use and therefore the surface water run-off will be less than previous.

Building control have confirmed the above and have issued completion notices based on this discharge on the 28th May, 2008 as the most appropriate option at that time taking into account that Yorkshire Water had already agreed to this drainage strategy.

Summary

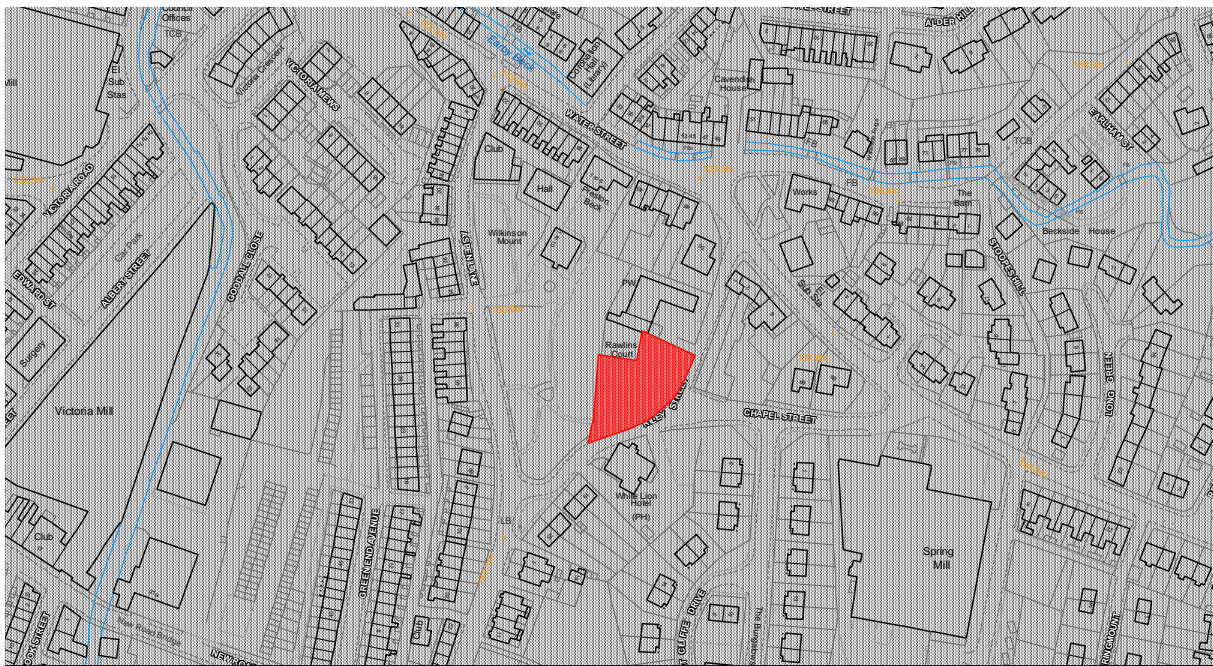
Bearing in mind the approval given by Yorkshire Water in 2007 it is recommended that an appropriate drainage condition be considered by Members. As the site has been built out for a number of years no other conditions are required at this stage.

An appropriate drainage condition will need to be attached to any grant of permission which will allow for the condition to be formally discharged.

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 variations of the conditions would not change the drainage scheme which has been implemented nor any other element of the development which has been completed and occupied for many years.

RECOMMENDATION: Approve



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On behalf of: St Vincent's Housing Association

REPORT TO WEST CRAVEN COMMITTEE ON 01 MARCH 2016

Application Ref: 13/16/0035P

Ref: 19262

Proposal: Full: Major: Change of use from hotel (C1) to offices (B1(a)) and cafe/restaurant (A3).

At: THE OLD STONE TROUGH LODGE AND INN COLNE ROAD
KELBROOK BARNOLDSWICK BB18 6XY

On behalf of: Mr S Grantham

Date Registered: 27 January 2016

Expiry Date: 23 March 2016

Case Officer: Neil Watson

Site Description and Proposal

This complex of buildings are a pub/restaurant with accommodation. The roadside section comprises of the main building with bar and restaurant. This is a combination of stone and white render.

There is a larger wing to it found running perpendicular to the road. This is built from random rubble in the central section and dressed artificial stone elsewhere.

There is a further rear accommodation block made from artificial stone.

There is car parking found on the southern side and to the rear of the stand-alone section. The land to the rear falls gradually away toward the disused railway line further to the west.

The proposal is to convert the premises into offices with the exception of two areas to the front of the complex. These are proposed to be used as a bar/cafe with associated kitchen.

Relevant Planning History

There is no relevant planning history to the site.

Consultee Response

Environment Agency: No comments.

Building Regulations: Required.

Public Response

11 Neighbours were notified by letter and a site and press notice have been posted, no comments have been received to date. Publicity expires on the 26th of February, any comments received will be reported to the meeting.

Relevant Planning Policy

Code	Policy
ENV 4	Promoting Sustainable Travel
SDP 1	Presumption in Favour of Sustainable Development
SDP 2	Spatial Development Principles
SDP 4	Employment Distribution
SUP 1	Community Facilities
WRK 1	Strengthening the Local Economy
WRK 2	Employment Land Supply

Officer Comments

The application site lies in open countryside. There are no neighbours immediately adjacent to it. The proposal is to undertake internal work to the buildings to create offices in all areas except for the front of the buildings at ground floor located adjacent to the highway. These would be used as a bar/café.

There is adequate car parking to service the new use. There are no drainage or landscaping issues nor would there be any impacts on neighbours.

The principal issues here relate to whether the change of use of a pub/restaurant and hotel to offices is acceptable in its rural location.

The application has been accompanied by a supporting statement. The main points may be précised as:

- The business has operated with small profits until recently but is now operating at a loss. This has been due to increasing competition.
- It is falling into disrepair with much maintenance being required.
- The proposed purchaser wishes to develop a premium office park. Research has shown (not supplied with the background documents accompanying the application) there is a lack of high quality flexible offices in the area.
- It is envisaged that there would be 75-100 employees there where there are currently 6 full time and 20 part time.
- There are bus stops on either side of the road immediately opposite the site.
- If the facility closes it will become an empty employment site
- To bring the hotel up to an acceptable standard would cost over £2m with no guarantee of returns.
- The site has been marketed but with no interest in developing it for its current use.

The starting point for the consideration of any planning application is the development plan. The Part 1 Local Plan was adopted in December 2015 and is fully compliant with the Framework. The decision on this application must therefore be taken in accordance with the provisions of that Plan unless material considerations indicate otherwise.

The facility is a community facility for the purposes of consideration of Local Plan policy SUP 1. No evidence has been supplied that the facility is no longer required as a community facility and we have no evidence to consider about its financial viability. Until that is undertaken and there is an evidence base for the Council to consider the development is contrary to policy SUP 1.

The development is a major development. Policy WRK 2 requires major employment developments to be directed to the M65 corridor unless it needs to be close to an existing business. The scheme is a stand-alone one that does not need to be near any existing business.

The development is not small scale as it is by definition a major development. Allowing it would be contrary to SDP 4.

The information that has been supplied indicates that the development could employ up to 100 people. Except for reference to bus stops there is no assessment of whether or not the development could be sustainable. Unlike its current tourist use, a large number of employees would go to the site each day travelling from areas inside and outside of the Borough. These journeys are likely to be in the main by car. The sustainability credentials of the proposed development have not been adequately analysed in order for the claim that it is a sustainable site to be properly assessed.

The development is contrary to the development plan. The application should be refused unless there are other material issues that would lead to a different conclusion. The applicant has indicated that the site is not viable and stemming from that if permission is not granted the site will become vacant with a loss of jobs. This clearly is a material consideration but there has been no supporting evidence to corroborate this. The applicant has indicated that there is a market for high quality offices and that this would create between 75-100 jobs.

These are material considerations that would weigh in favour of the application but are not supported by any evidence.

The application, as submitted does not justify the loss of a community facility, why the development of a major employment site should be located in a rural location, that the development is sustainable and that there is a market for the scheme and that there are no other community uses that the site could be used for. Unless these details are addressed the development falls squarely contrary to the development plan and should be refused.

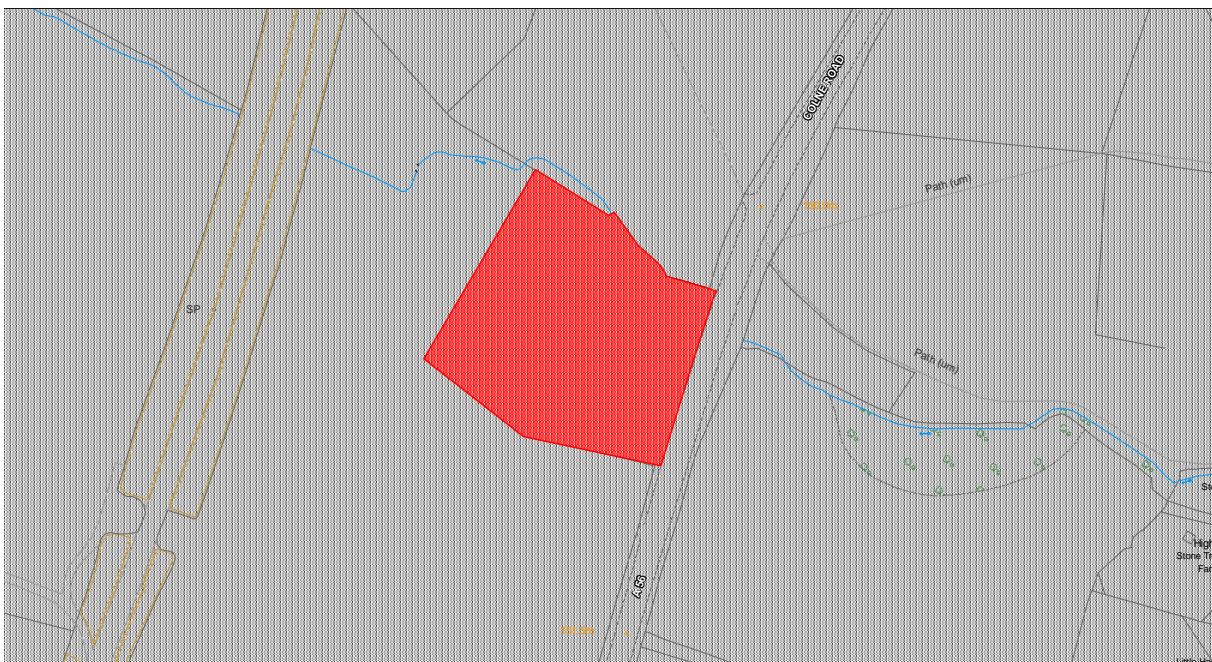
Reason for Decision

The application is recommended for refusal for the following reasons:

RECOMMENDATION: Refuse

For the following reasons:

1. The Local Plan sets out locations that new development should be located in order to provide for a sustainable pattern of development and to provide employment in appropriate locations. The development would be contrary to policies SDP 4 and WRK 2 of the adopted Local Plan Part 1.
2. The development is currently a community facility as defined in Policy SUP 1 of the adopted Pendle Local Plan Part 1. The loss of the community facility has not been justified and the development would thus be contrary to policy SUP 1 of the adopted Local Plan Part 1.



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KELBROOK BARNOLDSWICK BB18 6XY

On behalf of: Mr S Grantham

Note:

REPORT TO WEST CRAVEN COMMITTEE ON 01 MARCH 2016

Application Ref: 13/16/0015P **Ref:** 19236

Proposal: Outline: Residential development (0.49 hectares) (Access only).

At: LAND TO THE REAR OF THE GREYHOUND PUB
MANCHESTER ROAD BARNOLDSWICK BB18 5PW

On behalf of: Mr M Rawstron

Date Registered: 14 January 2016

Expiry Date: 10 March 2016

Case Officer: Neil Watson

Site Description and Proposal

The application site is accessed off Manchester Road. Access is proposed through an altered access between the Greyhound pub and the cottages on Manchester Road. Cottages on Crow Foot Row face onto the site where car parking is proposed along the new access road.

The site itself is relatively flat rising up toward its southern side. On its northern side it faces Crow Foot Row where the terraced cottages are set down below the height of the site. These are a mixture of natural stone finish and white painted cottages under a stone slate roof.

Hey Farm Cottage is situated on the south boundary adjacent to the existing pub car park, and beyond that is Hey Farm, listed at Grade II. Hey Farm Cottage is attached to Hey Farm and is covered by the listing. This has a blank gable facing the site and is elevated above it by circa 1.5m.

The western side of the site has a number of large mature trees on it. The land here drops sharply down towards allotments found on land substantially lower than the site. The height difference reduces the further south you travel along the western boundary.

The southern boundary itself has a mixture of trees and a hedgerow. A garden centre with a range of structures lies beyond this site boundary.

Overhead electricity lines cross the site running diagonally to the North West corner.

The site lies within two conservation areas. The Barnoldswick Conservation Area covers the eastern section of the site stopping roughly where the existing pub car park terminates. The remainder of the site lies in the Calf Hall and Gillian's Conservation Area.

Consultee Response

United Utilities: No objection. Foul and surface water to be disposed of via separate systems.

LCC Highways: The site will be accessed via an existing access on to Manchester Road. Manchester Road is classified as the B6251 and is categorised as a Secondary Access Road with a speed limit of 30mph, fronting the site.

The current access off Manchester Road currently serves the public house car park, the properties and parking area off Castle View, the properties off Crow Foot Row and the allotment gardens. There is a permitted development for 9 dwelling (planning application 13/15/0089P and the current application is proposing to add an estimated 7 new dwellings.

The applicant for the site has provided a Transport Statement as part of this application and the Development Support Section agrees that the proposed development for an additional 7 dwelling will not have a detrimental impact on highway capacity on Manchester Road.

Based on the applicants transport statement the overall development for 16 dwellings has the potential to triple the existing morning peak period vehicle movements from 5 movements to 15 movements (existing 5 + proposed 10) and add a third of vehicle movements in the evening peak from 17 movements to 26 movements (existing 17 + proposed 9).

Due to the increase in vehicle movements at the site access with Manchester Road the applicant should prove the site access for a twin axel refuse vehicle when a car is waiting in the other lane. This requirement is to prevent the need for vehicles to reverse back onto Manchester Road when another vehicle is leaving the access road, at the detriment to highway safety on a fast moving road, with restricted forward visibility. Additional congestion issues where vehicles need to wait on Manchester Road for the access to clear and causing confusion for other road users not seeing the reason for the vehicle in front not moving. Where a suitable access is not provided the Highway Development Control Section would

Where acceptable junction improvements with Manchester Road are not provided the Highway Development Control Section would raise an objection to the development in the interest of highway safety.

The planning application has provided a Transport Statement as part of this application. The shown sight lines to the south are only 2.4 x 24.7m which would be suitable for an 85th percentile speed of 20mph on a flat road and the northern sight lines of 2.4 x 43m are show to the centre line of the carriageway and not to the nearside channel line of Manchester Road.

A traffic count was carried out by Lancashire County Council in November 2013 and the study indicates the 85th percentile speeds are 32mph in both directions which are similar results to the applicants transport assessment. Due to increased traffic

movements generated by the overall development, The Highway Development Control Section is of the opinion that the applicant should improve the sight lines as recommended below

Using the calculation from Manual for Streets for gradients above 10% and the traffic speed survey, with an 85th percentile speed of 32 mph the sight lines of 2.4 x 53m to be provided in southern direction and the sight lines of 2.4 x 42m to be provided in northern direction.

From observations on site and the information provided on the applicant's site location plan the sight line requirement is not achievable. From a desk top study and observations on site the applicant is provisionally advised to investigate if a carriageway narrowing to the south of the site access would increase the sight lines to an acceptable level. The carriageway narrowing would require a widening of the footpath and moving the kerb line and this may address the problem by reducing the carriageway width from 7.85m to 7.0m at the site entrance.

The start of the build out would probably need to start about 25m south of the access to Hey Farm Cottage. The southern narrowing would provide better sight lines and the narrowing of the carriageway should reduce traffic speeds. The centre line markings would need to change to suit the narrower carriageway. In addition to the southern build out a smaller build out to the north could potentially be done with thermoplastic paint but actual details would need to be approved. The buildout would also aid with providing an acceptable access for a refuse vehicle to pass a car, as detailed above.

Where acceptable sight lines at the junction are not provided the Highway Development Control Section would raise an objection to the development in the interest of highway safety.

Any modifications to the site access will need to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Environment Directorate before works begin on site. Further information and advice can be found at www.lancashire.gov.uk and search for 278 agreement.

The Lancashire County Councils five year data base for Personal Injury Accident (PIA) was checked on the 12th February 2015. The data based indicates there has been one serious reported incident near at the site access involving a vehicle exiting the site with restricted visibility and a cyclist needing to take evasive action and falls off their bike. The weather was fine without high winds.

The Highway Development Control Section is of the opinion that the development should have a negligible impact on highway safety in the immediate vicinity of the site providing acceptable junction improvements can be achieved and the recommended sight lines can be provided.

The proposed development is adjacent to public footpath 13-1-FP29 and the applicant has shown a footpath link with the site and the public right of way. The Development Support Section recommends this route is widened to a 3m wide cycle link to support social inclusion and the promotion of sustainable transport.

Conditions are proposed on parking standards, garage sizes and adoption of the highway.

Public Response

Neighbour Comments

- The development will have a detrimental impact on the surrounding area.
- The area has a nice community feel
- There will be a detrimental traffic impact on a blind and fast corner
- Pollution to Gillian’s Beck
- It will be a blot on the landscape
- Traffic comes flying down the hill at 30-40mph
- There are many empty houses around in areas such as Cobden Street
- The site would decrease soil absorption
- There is disparity of levels between Manchester and Crow Foot rows
- Cars towing caravans would find it difficult to manoeuvre
- The land is the site of an old dam which has been filled in
- We cannot believe PBC would allow 32 cars plus the pub traffic on a blind bend

Relevant Planning Policy

Code	Policy
ENV 1	Protecting and Enhancing Our Natural and Historic Environments
ENV 2	Achieving Quality in Design and Conservation
ENV 7	Water Management
LIV 1	Housing Provision and Delivery
LIV 4	Affordable Housing

Policy Issues

Local Plan

The starting point for the consideration of any planning application is the development plan. The Core Strategy (“the Local Plan”) was adopted in December 2015 and is fully compliant with the National Planning Policy Statement.

The spatial strategy for the Local plan is to concentrate development in the M65 with development in the West Craven towns.

Policy ENV 1 sets the policy for consideration of development in both Pendle’s historic and natural environments. Development should not affect biodiversity interests. Heritage assets (these include conservation areas and listed buildings) and

their settings should be preserved and enhanced according to their significance. The significance of a heritage asset should not be harmed unless there is a clear and convincing justification.

ENV 2 requires development to be of the highest possible standards of design. They should contribute to the sense of place.

ENV 7 requires developments to consider the risk posed to flooding downstream of the development. Run off rates should be restricted on greenfield sites to 5 litres per second per hectare.

LIV 1 deals with the provision of housing over the Local Plan period. It sets an annual housing delivery target of 298 units per annum. Until the land use allocations plan is adopted sustainable sites that are in close proximity to a settlement boundary, but not in it, will be supported for development.

Policy LIV 4 requires that on sites in West Craven of 15 units or more must contain 5% of affordable housing.

National Planning Policy Framework

Paragraph 14 of the Framework sets out the overall principle of development. It indicates that there is a presumption in favour of sustainable development. Local Authorities should positively seek to meet the development needs of their area. That is unless *“specific policies in this Framework indicate development should be restricted”*. Clarity is given to this in footnote 9 which gives some examples of where policies would restrict development such as in green belt or areas of outstanding natural beauty.

Paragraph 47 of the Framework requires local planning authorities to identify a supply of deliverable housing sites to provide five years' worth of their housing requirements. Where there has been under delivery there should be a buffer of 20% added to the requirement. This 20% is to be brought forward from later in the Plan period. The Council has a five year supply of land.

Section 7 of the Framework deals with design and makes it clear that design is a key aspect of sustainable development. Paragraph 64 is a restrictive policy and it states that *“permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”*.

Section 12 advises on conserving and enhancing the historic environment. It requires the significance of affected heritage assets to be assessed in applications. In making planning decisions the desirability of sustaining and enhancing the significance of heritage assets must be taken into account and the desirability of development making a positive contribution to local character and distinctiveness.

Para 132 states that great weight should be given to the assets' conservation. The more important the asset the greater weight should be given.

Para 133 states that where a development would lead to substantial harm or total loss of an asset consent should be refused unless the harm or loss is necessary to achieve substantial public benefit that outweighs that harm or loss.

Where a development would lead to less than substantial harm para 134 states that the harm should be weighed against the public benefits of the proposal.

The Framework sets the policy test for approving or refusing applications on transport grounds in the third bullet point at paragraph 32. This states: *“Development should only be prevented or refused on transport grounds where the residual cumulative impact of development are severe.”*

Paragraph 64 of the Framework states that permission should be refused for applications for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Officer Comments

The application has been submitted in outline with only access to be approved at this stage. We however wrote to the applicant under the provisions of part 3 of the Development Management Procedure Order 2015 requiring further information to be provided for consideration at this stage. The information required was the elevations and design of the houses, the layout, land levels and landscaping including boundary treatment. These matters now fall to be determined as an integral part of the application.

Drainage

The site is a greenfield one with a permeable car parking area serving the public house. The application is not of a scale that requires a flood risk assessment as set out in the Framework. It has however been accompanied by a statement which sets out the approach to be undertaken to drainage. This has been supplemented by confirmation by the applicant that surface and foul effluent can be drained to separate systems.

Policy ENV 7 sets the standard that greenfield sites will have to achieve in terms of surface water run-off which is a maximum run off rate of 5lts/sec per hectare. This would be based on a 1:100 year + 30% storm event. This can be controlled by a Grampian condition requiring details of a drainage scheme to be approved before any development commences on site.

A comment has been received that there is standing water on the site. That is an area on the site adjacent to Crow Foot Row. That can be addressed in a drainage plan for the site and dealt with under a condition.

Affordable Housing

A condition will be added requiring one house to be an affordable unit in accordance with adopted policy LIV 4 to any grant of permission.

Residential Amenity

The scheme proposes car parking facing the properties on Crow Foot. That will extend the car parking area that currently exists to approximately half way along the row. The proposed car parking would be separated by a grassed area between the site boundary and the parking spaces. This relationship would not lead to a loss of privacy.

Blank gables would face the rear elevation of the Greyhound Pub and the detached property Overdale. The separation distances and the back gables would result in no loss of privacy or amenity to those properties from the development.

Design

The properties at the Manchester Road approach into the site are mainly traditional stone built terraced and semi-detached cottages with generally regimented street patterns. They are characterised by their flat frontages, simple pitched roof forms and strong vertical emphasis in their fenestration. The local use of materials is a combination of stone and painted elevations under stone slate roofs. The Greyhound is a taller building of rendered stone but otherwise has similar characteristics.

The proposed housing would be constructed of stone under stone slate roofs, with painted timber windows and doors. The use of materials would be appropriate for the area. The window detailing is in principle acceptable but stone jambs could be added to re-inforce the vertical emphasis.

The linear pattern of development is followed in the first (eastern) section of the site where two small terraces are proposed. This would reflect surrounding development and be an appropriate design solution for this section of the site.

The west and south west parts of the site are proposed to contain detached and semi-detached houses. Units 7 to 12 are semi-detached in a roughly linear arrangement, and would be set back from the western boundary where the land drops steeply away. Piling may need to take place to construct these. Units 13 to 16 are larger detached houses with attached garages; they are more randomly grouped around the access road turning head, and would be located close to the site boundaries at the south western edge of the site.

A range of dilapidated buildings were in situ on this parcel of land but these have been demolished. The land here is clearly visible from higher vantage points along Manchester Road. Although there is some vegetation cover here the detached houses are close to the site boundaries and would create a hard urban edge to the settlement (this is dealt with below in the heritage comments). The buildings would not provide a good separation distance from the boundary and would not adequately deal with the transition from the urban area into the open countryside.

Heritage Assets

A heritage assessment has been submitted with the application. It does not however adequately assess the significance of the heritage assets affected nor does it adequately deal with the impact of the proposed development on that significance. There are three designated heritage assets which are affected; two conservation areas and the listed buildings to the south of the site.

In terms of the setting of the listed buildings, the main views of them are from Manchester Road close to the Greyhound, where the attractive gable end of Hey Farm is visible, along with the linked Cottage. It is possible that the detached and semi-detached houses could be glimpsed behind the listed buildings in this view, although there is unlikely to be any significant adverse effect as the new houses will be sited at a lower level than the listed buildings and there are trees around the listed buildings which offer some screening. The main frontage of Hey Farm is not readily visible in public views due to screening by trees.

The listed buildings are gable end onto the site at their nearest point and are separated from the site on their northern side by a stone boundary wall and fence. They are separated by a garden, fence and hedging to their west although plot 16 is close to the joint boundary. The garden area between the listed buildings and plot 16 is generally well screened by trees and hedges. Their setting would be generally preserved and the impact of the new development on the setting would be minor.

This part of the Barnoldswick Conservation Area is characterised by its urban form comprising traditional stone built properties, mainly in terraces, in a relatively tight urban grain. Its boundary abuts the Calf Hall and Gillian's Conservation Area, the joint boundary lying at the end of the car park to the public house. This conservation area is different in nature to the Barnoldswick one. In this location it is characterised by sloping fields and open countryside interspersed with larger properties generally set in their own grounds.

The proposed development within the Barnoldswick Conservation Area would comprise stone terraced housing which would conform with the general pattern of development surrounding. It would have a design that would be appropriate for the area and would therefore preserve the character and appearance of the area. It would not lead to any harm to the significance of that conservation area.

The development within the Calf Hall and Gillian's CA however would comprise larger detached housing bringing a more urban or suburban form of development to the edge of the settlement. The proximity of the houses to the site boundary and lack of any green buffer zone or landscaped area to soften the transition between urban area and open countryside would result in harm to the rural character and appearance of this part of the conservation area, and would lead to a more suburban type of development inappropriate to the locality. This part of the site is prominent in views from Manchester Road and the proposed development here would not make a positive contribution to local character and distinctiveness.

Although this in itself would not lead to substantial harm to the conservation area, the less than substantial harm caused would need to be weighed against the public benefits the scheme would bring.

The applicant has not given details of the public benefit that would result. There would be some benefit associated with the provision of housing. The Council has a five year supply of housing land as is demonstrated in the Annual Monitoring Report adopted in December 2015. In the absence of any other public benefits the general provision of housing alone would not offset the harm the development would have to the significance of the designated heritage asset.

Highway Safety

The development would access the site off an amended access onto Manchester Road. The proposal is to re-align the access by moving it more centrally by part demolishing a wall. This would facilitate more direct access into the site.

Traffic counts and traffic speed surveys have been undertaken by the applicant and LCC have undertaken a traffic speed survey. The results of this are that the 85th percentile speed requires a visibility splay of 53m in the southerly (uphill) direction. The access can only achieve a visibility splay of 24.7m. The developer has been asked to look at ways of increasing the visibility splay which LCC indicate could be improved by undertaking improvements in the carriageway. An update on progress on this will be given to Committee.

The traffic statement submitted in support of the application indicates that the increase in traffic generated by the development would not be significant over and above the levels of traffic generated from the approved 9 dwellings. It is accepted that in overall terms the actual number of vehicle movement increases would be relatively small. However this would be set against an access which requires drivers to nose out onto the carriageway through an access which is substandard. The combination of the substandard access and the increase in movements would, unless further improvements are made, result in a cumulatively severe impact on highway safety conditions.

The carriageway in the site also needs to provide for a turning area for refuge vehicles otherwise they and similar vehicles would need to back out onto Manchester Road which would be significantly dangerous. Amended plans have been asked for to deal with this.

Trees and Ecology

Tree survey is dated November 2010 and is a re-submission of that provided for proposal on front portion of site for which consent has already been granted (13/15/0089P). The survey covers the whole of the extended site however so is acceptable.

The proposed site layout drawing ADM/15/58/01 does not appear to match the location plan red edge in the south corner of the site to the rear of indicative plots 13 and 14.

At the time of site visit, the site has already been stripped of topsoil which has been stock-piled on the site and several trees have already been removed. Those still in situ (Nos. 10, 12, 13, 15, 16, 17, 20, 21 and H2) can and should be retained and protected by fencing through the development process. Tree T19 is poor and can be felled.

Tree survey – several trees are recommended for removal either due to their poor condition and/or form or in order to facilitate the proposed development and are acceptable. These can be mitigated by a detailed planting scheme at reserved matters.

Ecology survey - Badgers, Great Crested Newts, Birds and Lancashire BAP Habitats are not present on site and therefore unaffected.

Bats – report acknowledges sub-optimal time for survey but concludes no buildings or structures suitable for roost but site offers potential foraging habitat but small and of minimal significance. No further surveys needed but report recommends a condition should be added regarding lighting being low level and directed downward and illumination along all boundaries, particularly along southeast, south and west must be avoided.

Hedgerow on south east boundary (H2 in Arboricultural survey?) is stated in the ecology report to be a Section 41 NERC Act habitat but is unaffected by the scheme and should be retained. To avoid damage through development process it should be protected by fencing to BS 5837 (2012).

Conclusions

Further details are required on the highway improvements needed in order to make the scheme acceptable in highway terms. Should they not be received the application should also be refused on highway grounds as the cumulative impacts would be severe.

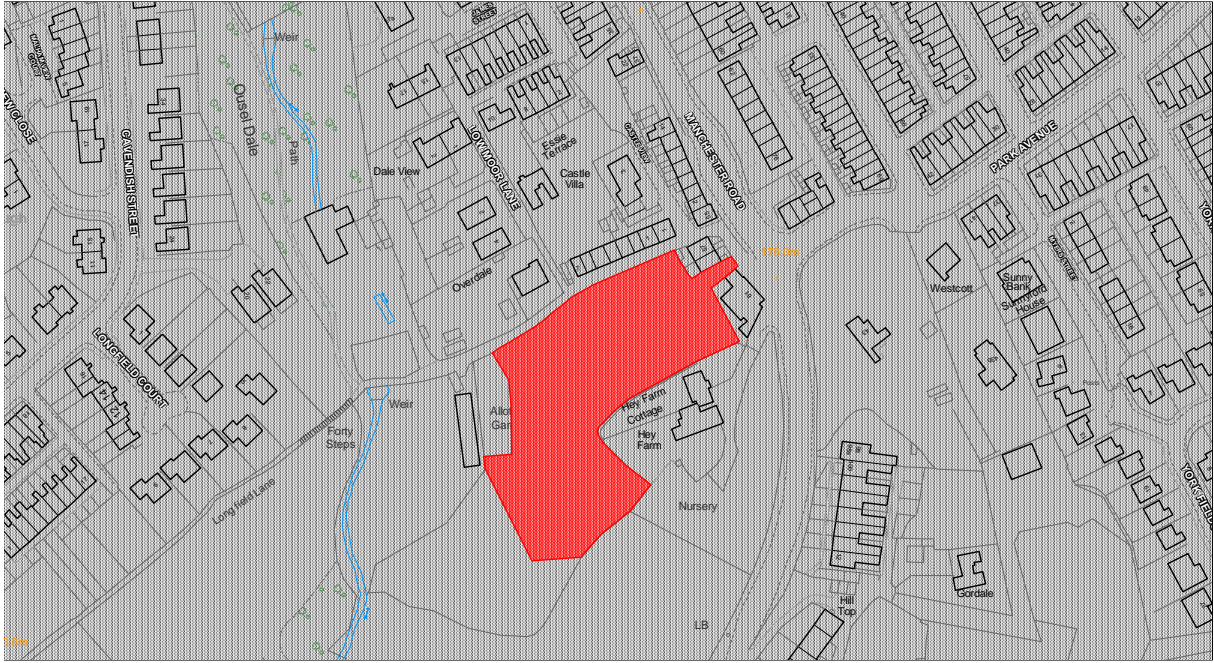
The application would harm the designated heritage asset of the Calf Hall and Gillian's Conservation Area and refusal is recommended on that ground.

RECOMMENDATION: Refuse

For the following reasons:

1. The development of the site would not preserve or enhance the Calf Hall and Gillian's Conservation Area. Although the harm would be less than substantial the public benefits of the scheme would not outweigh that harm. The development would thus be contrary to Policy ENV 1 of the adopted Part 1 Local Plan and to the policies in part 12 of the National Planning Policy Framework.

Note:



Application Ref: 13/16/0015P

Ref: 19236

Proposal: Outline: Residential development (0.49 hectares) (Access only).

At: LAND TO THE REAR OF THE GREYHOUND PUB
MANCHESTER ROAD BARNOLDSWICK BB18 5PW

On behalf of: Mr M Rawstron

REPORT TO WEST CRAVEN COMMITTEE ON 01 MARCH 2016

Application Ref: 13/16/0013P **Ref:** 19234

Proposal: Full: Erection of 3 detached dwellings with access from Dotcliffe Road.

At: DOTCLIFFE YARD DOTCLIFFE ROAD KELBROOK
BARNOLDSWICK BB18 6TN

On behalf of: Mr P Sanderson

Date Registered: 11 January 2016

Expiry Date: 7 March 2016

Case Officer: Mubeen Patel

Site Description and Proposal

The application site is Dotcliffe Yard located to the east of Kelbrook, at the end of the adopted section of Dotcliffe Road. The site amounts to approximately 0.16ha and historically was part of Dotcliffe Mill to the north. The mill has since been replaced by residential development. The site consists of open hard surfaced land currently used for caravan storage and is bounded by a stream and residential development to the north, a high retaining wall and No. 26 Dotcliffe Road to the east. Adjacent the eastern boundary are a group of trees that are protected under TPO No. 9, 2004. There is a building to the south and dwellings on the opposite side of Dotcliffe Road to the south and west.

This application is for the erection of three detached dwellings that would share access from Dotcliffe Road located in the western corner of the site. The dwellings would be detached and all two storeys high with integral garages with the attic space consisting of bedrooms and a bathroom. The footprint of each dwelling would be 9.3m x 8m, a two storey bay window extending forward 0.9m in each dwelling and an additional garage on house type 2 extending 3.2m to the side and a depth of 6.2m. Each dwelling would have pitched roofs and a height to the ridge of 9m and 6.2m to the eaves. Proposed materials for the dwellings are natural stone walls and slate roof.

The eastern boundary and boundaries within the site would comprise of 1.8m high wooden fences. Elsewhere the stone boundary walls are to be retained. On the northern boundary there would be a retaining wall to ground level with wrought iron railings above to a height of 1.1m.

Relevant Planning History

13/04/0141P - Outline: Residential Development (0.16 ha) - Approved Jan 2006.

13/08/0678P - Reserved Matters: Erection of three detached dwellings - Approved March 2009.

Consultee Response

Tree officer - No objection. TPO No. 9, 2004 extant on the trees on the embankment adjacent to the site to the east. The tree survey report submitted provides all the necessary information and detail about tree protection. Minor pruning to T2 as described in the report can be undertaken as part of and in order to implement any permission granted.

It should be a condition that prior to commencement on site all trees are protected by fencing in accordance with BS 5837 (2012) and as detailed in the tree report and within the areas so protected there shall be no excavation, changes of level etc.

Environmental Health - After considering the above-mentioned application Environmental Health Services has identified significant potential for adverse impact(s) and the need for suitable controls to be included in any permission granted.

Highways - The proposal raises no highway concerns and I would therefore raise no objection to the proposal on highway safety grounds, subject to conditions.

Environment Agency - Thank you for providing us with additional information in relation to the above planning application. We maintain our previous objection for the following reason:

The River Aire catchment has experienced unprecedented flood levels during December 2015. As this planning application makes no reference to this flood event we are unclear as to whether this site flooded.

We require the applicant to investigate and provide evidence as to whether or not this site flooded during the recent event and if so, to what depth. Mitigation measures may need to be altered/enhanced in light of the recent flood event.

Public Response

33 Neighbours were Notified by letter, no comments have been received.

Relevant Planning Policy

Code	Policy
ENV 2	Achieving Quality in Design and Conservation
LIV 1	Housing Provision and Delivery
LIV 5	Designing Better Places to Live
SDP 1	Presumption in Favour of Sustainable Development
SDP 2	Spatial Development Principles

Officer Comments

The main issues to consider in assessing this application are policy compliance, design, impact on amenity, highway issues, ecology and flood risk.

Policy

The starting point for consideration of any planning application is the development plan. Policies which are up to date and which conform to the provisions of the National Planning Policy Framework must be given full weight in the decision making process. Other material considerations may then be set against the Local plan policies so far as they are relevant.

Local Plan Core Strategy: Part 1

Policy SDP1 (Presumption in Favour of Sustainable Development) is set out to secure development that improves the economic, social and environmental conditions in the area.

Policy SDP2 (Spatial Development Principles) prioritises new development within settlement boundaries provided they are of a nature and scale that is proportionate to the role and function of that settlement.

Policy LIV1 (Housing Provision and Delivery) sets out the Council requirement to deliver new housing at a rate of 298 dwellings per annum. It states 'to further encourage significant and early delivery of the housing requirement, proposals for new housing development will also be supported where they accord with policies of the Core Strategy and are on non - allocated sites within a settlement boundary where they are sustainable and make a positive contribution to the five year supply of housing land.

Policy LIV 5 (Designing Better Places to Live) requires all new housing to be designed and built in a sustainable way in order to meet the needs for Pendles population and create sustainable communities. New housing developments should make the most efficient use of land and be built at a density appropriate to their location taking account of townscape and landscape character. As a guide, developments should normally seek to achieve a density of 30 dwellings per hectare. Provision for open space and/ or green infrastructure should be made in all new housing developments.

Policy ENV2 (Achieving Quality in Design and Conservation) 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 ENV2 goes on to state 'Good design should be informed by, and reflect, the history and development of a place. Therefore:

- Developments should be practical and legible, attractive to look at, and seek to inspire and excite,
- All new development will be required to meet high standards of design, being innovative to obtain the best quality design solution and using materials appropriate to the setting'.

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 paragraphs 18 to 219 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 47 of the Framework requires local planning authorities to identify a supply of deliverable housing sites to provide five years' worth of their housing requirements.

Paragraph 57 of the Framework states, it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Paragraph 63 of the Framework emphasises that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area and furthermore Paragraph 64 leads on to state permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Paragraph 32 of the Framework requires developments to provide a safe and suitable access to the site.

Principle of the development

The site falls within the settlement boundary of Barnoldswick and has no other land use designations. It is within walking distance of public transport where regular buses travel along Colne Road. The site also has easy access to essential services given its location near to Earby town centre and also to . Therefore the proposed property will be situated in a sustainable location and would be in accordance with policy SDP1 and SDP2 of the Core Strategy Part 1.

The development would be on a brownfield site within the settlement boundary and make a positive contribution to the five year supply of housing land which would contribute to the early delivery of the Councils housing requirement, therefore the proposed dwelling would be in accordance with policy LIV1 of the Core Strategy Part 1 providing it accords with all other policies of the Core Strategy.

The principle of residential development of this site is acceptable in accordance with the National Planning Policy Framework and the policies of the Local Plan Part 1.

Residential Amenity

The nearest dwellings to the application site are situated to the east and south. The gable elevation of plot 1 would be sited approximately 12m from a dwelling which sits on an elevated position that is also partly screened by a retaining wall. The rear

elevation of plot 2 would be sited approximately 14m from a pair of semi-detached dwellings. These properties are screened by an existing building. Both of these distances and the siting of these dwellings are acceptable in privacy terms.

There is a detached dwelling and a row of semi-detached dwellings to the west of the site. These are approximately 22m from the boundary of the site. North of the site are three blocks of recently built two storey residential development approximately 30m from the sites boundary line. The loss of privacy is not an issue affecting any of the surroundings dwellings.

The siting of the houses would not have an unreasonably overbearing impact on the neighbouring properties. In addition there are three blocks of newly built two-storey developments which also utilise the attic space, located to the north of the site and this proposal would therefore be in keeping with the style, scale and appearance of this residential development.

Visual Amenity

Plot 1 is a left handed version of plot 3 in terms of appearance. Plot 2 is similar with the addition of an attached single storey garage that is accessed via the integral garage. Each dwelling has a two storey bay window on the front elevation. The maximum height of the dwellings is 9m, which is acceptable in this residential area, consisting of two storey dwellings of similar style and scale to that proposed.

The existing street scene is depicted by various building lines and different styles of dwellings. The introduction of the proposed three dwellings to the street scene would harmonise with existing dwellings in terms of style, scale and height and pose no detrimental impact to the overall appearance.

Design

The scheme is acceptable in terms of number of units and design and overall represents a satisfactory scheme which relates to the nearby dwellings on Dotcliffe Mill recently constructed which are also two-storey development of a similar design.

Density of this proposal would amount to 19 dwellings per hectare. Policy LIV5 states that 30 dwellings per hectare should be used as a guide. However, the application site has physical constraints on all sides which impacts on the density of housing on the site. The siting of the proposed dwellings make effective use of the available land considering the constraints, characteristics of the area and is therefore acceptable in this respect.

The design and site layout around a communal turning head will encourage a sense of community aiming to discourage criminal activity on the site. Fencing around the curtilage of each dwelling and the gated entrance re-enforces further protection from intruders.

The materials proposed are natural stone walls and slate roof tiles. No details of the window and door framework and garage doors have been submitted with the application and therefore need to be conditioned. The eastern boundary and

boundaries within the site are 1.8m high wooden fences. There would be a retaining wall along the northern boundary 1.1m high wrought iron railings. The south west boundary wall adjacent Dotcliffe Road would be 1.8m high stone built. The proposed materials are acceptable.

Provision for open space has not been proposed on this small housing development, however, in this case the proposal is for 3 detached dwellings laid out in generous plots that provide ample garden space and allow for some planting around the site. Moreover, small strips of green infrastructure have been provided along the retaining wall to the north of the site. Given the small nature of the proposal this would be in accordance with LIV5 of the Local Plan Part 1.

Highway Issues

The three detached dwellings would share the proposed access from Dotcliffe Road located in the western corner of the site. The access would be gated with the gates set back 8m from the carriageway. The access provides for an acceptable visibility splay 2.4 x 30m. Car parking spaces in front of the dwellings and internal garages meet the normal requirements.

The proposal raises no highway concerns and no objection to the proposal has been raised by highways on safety grounds subject to the adherence of conditions.

Protected Trees

TPO No. 9, 2004 extant on the trees on the embankment adjacent to the site to the east. The tree survey report submitted provides all the necessary information and detail about the tree protection. Minor pruning to T2 as described in the report can be undertaken as part of and in order to implement any permission granted. This is acceptable.

A condition should be attached to any approval that prior to commencement on site all trees are protected by fencing in accordance with BS 5837 (2012) and as detailed in the tree report and within the areas so protected there shall be no excavation and changes of level.

Landscaping

The plans show indicative graphics on the drawing numbered SA/02-02B, with a planting scheme for the site. There are a mixture of plant type's proposed including lavender, silver birch, cherry and willow; however no details have been submitted and therefore a condition will need to be attached to any grant of permission requiring details and specification of landscaping.

Protected Species

The proposed site will use the direct access from Dotcliffe Road and the dwellings will be set well back from the culvert adjacent. The positioning of the dwellings and access road into the site would not impact on the hibernation and breeding of bats which use the culvert.

Environmental Health

Given the previous use of the site a standard contaminated land condition should be attached to any grant of permission.

Flooding

The application site lies within Flood Zones 2 and 3 defined by the Environment Agency Flood Map as having a medium to high probability of flooding. A Flood Risk Assessment has been submitted with this application. However the FRA does not take into consideration recent flooding events where the River Aire catchment has experienced unprecedented flood levels during December 2015.

In response to the above further information has been provided by the applicant which states that over the Christmas period during the unprecedented rain falls the site was free from flooding and the beck still had a considerable way to rise before the site was under any threat of flood.

A response to this is awaited from the Environment Agency as to whether this addresses the concerns and the holding objection can be removed. Subject to confirmation from the EA further conditions may be required in order for this proposal to be acceptable.

Summary

The scheme is acceptable in terms of policy, impact on amenity, design and highway issues, matters such as contamination, tree protection and landscaping can be controlled by appropriate conditions. Subject to the holding objection being withdrawn by the Environment Agency then the flooding issues can be appropriately addressed.

Contributions

Previously S.106 monies to address highway improvement works were attached to the Outline consent. However, as Members are aware the regulations for seeking contributions have since been revised and given that this development is only for 3 dwellings it would be unreasonable to request contributions for this development.

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 is acceptable in principle and accords with Policies SDP1 SDP2, ENV2, LIV1 and LIV5 of the Core Strategy Part 1. 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:

SA/02

SA/02 - Dwg - 01

SA/02 - Dwg - 02B

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

3. The external materials to be used on the walls and roofs of the development shall be natural stone and slate, representative samples and coursing details for which shall be submitted to and approved in writing by the Local Planning Authority prior to any development being commenced.

Reason: To ensure a satisfactory appearance to the development.

4. No part of the development hereby permitted shall be commenced until:-
 - a) an investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site has been carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001 and be agreed in writing with the Local Planning Authority prior to the investigation and assessment being carried out) and submitted to and approved in writing by the Local Planning Authority; and,
 - b) a comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) has been submitted to and approved in writing by the Local Planning Authority.

All agreed remediation measures shall thereafter be carried out in accordance with the approved implementation timetable under the supervision of a geotechnical professional and shall be completed in full accordance with the agreed measures prior to development being commenced on the construction of any building hereby permitted, unless otherwise agreed in writing by the Local Planning Authority. In addition, prior to commencing construction of any building, the developer shall first submit to and obtain written approval from the Local Planning Authority a report to confirm that all the agreed remediation measures have been carried out fully in accordance with the agreed details,

providing results of the verification programme of post-remediation sampling and monitoring and including future monitoring proposals for the site.

Reason: To prevent pollution of the water environment.

5. No development shall be commenced until a scheme for surface water disposal for the site, including details of any balancing works, on-site attenuation or off-site works, has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved scheme has been carried and completed.

Reason: To reduce the risk of flooding.

6. Unless approved in writing by the Local Planning Authority no ground clearance, demolition, changes of level or development or development-related work shall commence until protective fencing, in full accordance with BS 5837 : 2012 has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land, and no work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction.

All works involving excavation of soil, including foundations and the laying of services, within the recommended distance calculated under the BS 5837 (2012) of the trees to be retained on the site, shall be dug by hand and in accordance with a scheme of works which has been submitted to and approved by the Local Planning Authority, prior to the commencement of works.

Reason: To prevent trees or hedgerows on site from being damaged during building works.

7. No part of the development shall be commenced unless and until a Construction Code-of-Practice has been submitted to and approved in writing by the Local Planning Authority. The code shall include details of the measures envisaged during construction to manage and mitigate the main environmental effects of the relevant phase of the development. The submitted details shall include within its scope but not be limited to:

a) A programme of works including phasing, hours of operation and measures for the control of traffic to and from the site, and within the site, during construction.

c) The areas for the storage of plant and materials.

e) Details of wheel-washing facilities including location

k) Measures to ensure that vehicle access of adjoining access points are not impeded.

- n) Location and details of site compounds
- u) Parking area(s) for construction traffic and personnel
- v) Routing of construction vehicles

The Construction Code-of-Practice should be compiled in a coherent and integrated document and should be accessible to the site manager(s), all contractors and sub-contractors working on site. As a single point of reference for site environment management, the CCP should incorporate all agreed method statements, such as the Site Waste Management Plan and Demolition Method Statement. All works agreed as part of the plan shall be implemented during an agreed timescale and where appropriate maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate measures are in place to protect the environment during the construction phase(s).

8. The development hereby permitted shall not be commenced until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:
- a. the exact location and species of all existing trees and other planting to be retained;
 - b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
 - c. an outline specification for ground preparation;
 - d. all proposed boundary treatments with supporting elevations and construction details;
 - e. all proposed hard landscape elements and pavings, including layout, materials and colours;
 - f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its entirety approved form within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

Reason: To ensure that the development is adequately landscaped so as to integrate with its surroundings.



Application Ref: 13/16/0013P

Ref: 19234

Proposal: Full: Erection of 3 detached dwellings with access from Dotcliffe Road.

At: DOTCLIFFE YARD DOTCLIFFE ROAD KELBROOK
BARNOLDSWICK BB18 6TN

On behalf of: Mr P Sanderson