

REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

TO: WEST CRAVEN COMMITTEE

DATE: 4th October 2016

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO WEST CRAVEN COMMITTEE ON 4 OCTOBER 2016

Application Ref: 16/0476/FUL

Proposal: Full: Major: Excavate 12,600m³ of spoil (Retain 5,500m³ on site and remove 7,100m³), erection of extensions to North and South elevations of fan blade building and erection of associated retaining walls.

At: Rolls Royce, Bankfield Site, Barnoldswick

On behalf of: Rolls Royce PLC

Date Registered: 19 July 2016

Expiry Date: 18 October 2016

Case Officer: Lee Greenwood

Site Description and Proposal

This proposal is brought to Committee as a major development and is one of two applications on this agenda for new development at the Rolls Royce Bankfield facility on Skipton Road, Barnoldswick.

The site is within the settlement boundary of the town and allocated as a Protected Employment Area in the Local Plan.

This first scheme seeks to erect two extensions to the existing fan blade building, which is located to the rear of the site. Owing to the position of 'Luke's Mound' (a significant man made bund adjacent to the boundary) and land levels within the site, excavation works are required to accommodate the proposed developments and their associated infrastructure. This will be discussed in more detail below.

In total roughly 12,600 cubic metres of spoil and earth would be moved as part of the scheme. The difference between this and the following proposal (16/0477/FUL) lies in the retention and re-use of approximately 5,500 cubic metres of that material. This would be used to raise Luke's Mound, the remainder would be exported.

Planning History

The site has an extensive planning history, below are the most recent decisions;

13/10/0471P- Full: Major: Erection of industrial building (5,520 sq.m.); operation of a circulation space; realign security fence and additional 52 car parking spaces -

Approved

13/14/0197P – formation of car park, external lighting columns, fencing and retaining wall –
Approved

13/15/0002P - Erection of single storey extension to side (West Elevation) to form 138 Sq.m. of B2 industrial use – **Approved**

13/15/0246P - Demolition of effluent treatment plants and erection of replacement effluent treatment plant and chemical storage facilities in four locations – **Approved**

13/15/0526P - Construction of retaining wall 6.2m high and demolition of buildings 8, 22, 23, 29 and 31 - **Approved**

Consultee Response

LCC Highways; no objections – recommend conditions relating to the construction period of development.

Lancs Constabulary; no comments received at time of writing.

PBC Env Health; request standard land contamination condition; advise that radon protection measures may be needed; request that noise mitigation measures as detailed in D&A and Noise Assessment are implemented.

Canal and River Trust; main issues relate to the structural integrity of the canal and these matters have been discussed with the applicant. Request a condition requiring a detailed method statement for the works to be submitted and agreed prior to commencement. Separate consents from the C&R Trust may also be required and should be obtained directly.

HSE; site is within consultation distance of a major hazard site/pipeline. However based on the information provided, the HSE does not advise, on safety grounds, against the granting of planning permission in this case.

Natural England; no comments to make

LLFA; no comments received at time of writing.

Yorkshire Water; no comments received at time of writing.

United Utilities; no comments received at time of writing.

Barnoldswick TC; no comments received at time of writing.

Public Response

Fifty three neighbours notified, site and press notices also displayed; one response received, commenting on;

- Existing noise impacts/nuisance from the site
- Factory doors often left open which exacerbates issues
- Both day and night time noise impact on residents
- Do not believe that noise is taken seriously by the company
- Development will add to these problems and impact on enjoyment of dwellings
- Expansion is incompatible with the area
- Acknowledge the importance of RR in the town
- Ask Committee to ensure that no addition to ambient background noise levels
- Ask committee to consider installation of permanent noise monitoring equipment

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.

Policy ENV1 requires new development to ensure that natural and historic environments are protected.

Policy ENV2 requires development to be of the highest possible standards of design in new development.

Policy ENV4 requires new development to have regard to potential impacts that may be caused on the highway network. Where residual cumulative impacts cannot be mitigated, permission should be refused.

Policy ENV5 seeks to minimise air, water, noise, odour and light pollution. New development should account for these issues, addressing any resulting impacts relating to unstable or polluted land.

Policy ENV7 requires developments to consider the potential for flood risk on and off site.

Policy WRK1 seeks to support development which helps to strengthen and diversify the local economy. With regard to the West Craven Towns, it states that new development should help to support locally important aerospace and advanced engineered sectors.

Saved Policies 4C (Natural Heritage), 8 (Contamination and Pollution), 22 (Protected Employment Areas) and 23 (Location of Employment Development) of the Replacement Pendle Local Plan also carry some weight in the decision making process. Their relevance to this scheme will be discussed below.

National Planning Policy Framework

The Frameworks seeks to support sustainable development and economic growth in existing business sectors (para.21); refuse new development where cumulative highway impacts are severe (para.32); ensure good design in new development (para.64) and prevent unacceptable risks from pollution and land instability (para’s 120 and 121).

These aims are echoed in the aforementioned policies of the recently adopted Local Plan.

Officer Comments

Principle of Development

The application seeks to extend the existing fan blade building. The additions to the north and south elevations respectively are required to accommodate new technologies and production facilities in association with the existing use.

Both national and local policies seek to support existing businesses and the local economy. The site is designated as a Protected Employment Area and is home to a long standing and established use. Policy supports the location of new development within these designated areas.

The principle of the proposed expansion is therefore acceptable and compliant with Policy WRK1 and saved policies 22 and 23.

Design and Visual Impact

The existing building is located to the rear, northern most section of the site. It is bound by the Leeds Liverpool Canal to the east, existing site infrastructure to the south and west, with 'Luke's Mound' to the north.

The design of the extensions and use of materials is typical of modern industrial development. As such their appearance raises no adverse issues accounting for the immediate setting. Their scale is also acceptable in this location, immediately adjacent to existing structures on site and forming part of the network of buildings.

North Extension

This addition would prove an additional 1,832 sq m of floor space. Due to the position of the extension, excavation from Luke's Mound is necessary to accommodate the building and surrounding infrastructure. 11,000 cubic metres of material would be removed and half of that would be utilised to grade and raise the height of the mound by 1.5m. In visual terms these works are acceptable, further screening the site from views to the north and would be supported by a new gabion wall. This excavation would allow circulation space around the building for deliveries and servicing. The remaining spoil would be exported from site.

South Extension

This is the smaller of the two additions and would create an additional 624 sq m of floor space. The land here is within a dip in the topography and between two existing buildings. 1,600 cubic metres of earth would be removed to facilitate the works and the remaining land retained by a new 3m high wall. These works are in relatively close proximity to the adjacent canal, the implications of this are discussed in a separate section below.

In visual and design terms, neither of the proposed extensions raise significant or unacceptable concerns. The development is contained wholly within the established boundaries of the site and the re-profiling works to the mound at the rear are not so significant as to be harmful. This area of the site contributes to the screening of the existing buildings from adjacent open countryside views.

The development does not conflict with the Local Plan and as such is acceptable.

Excavation Works

As detailed above, both aspects of the scheme require substantial earthworks to facilitate the development. Retaining and supporting features are proposed to ensure that land stability is maintained in accordance with Policy ENV5. This is crucial accounting for the position of the canal the east. The works would remove material adjacent to the embankment; therefore the structural integrity of the works is of paramount importance.

The applicant was advised to speak to the Canal and River Trust prior to submission and discussions were held. The Trust have not subsequently objected to the application but have requested a detailed method statement is submitted for approval prior to the commencement of

any works. This can be controlled by condition and would allow for suitable arrangements to be agreed during and post construction.

Noise and Pollution

Concerns have been raised from a local resident that the proposed development would lead to an increase in noise from the site.

The application is supported by a Noise Assessment, which covers both impacts from construction works and from the operation of the proposed extensions. The former is not deemed to raise any significant issues with regard to the southern extension and any associated noise would only endure for the lifetime of the build.

The northern extension is likely to generate greater noise due to its location and proximity to dwellings. These again would however be intermittent and would only cover the life of the works.

With regard to the extensions and their future use, the Assessment recommends mitigation measures to control and reduce any increase in noise (attenuators to flues, sensitive location of associated plant away from the boundary; installation of acoustic louvres). This would ensure no significant increase in operational noise.

This report has been considered by the Council's Environmental Health Services and found to be acceptable, subject to the implementation of the measures identified. This can be controlled by condition.

An Air Quality Impact Assessment has been undertaken and submitted as part of the application. This found a good baseline standard of air quality and predicts that the changes resulting from the construction, implementation and subsequent operation of the development would only lead to moderate changes. Again the Council's Environmental Health Officers have raised no concerns.

A contaminated land risk assessment has been undertaken, looking at the site and Luke's Mound. Some initial borehole trials have been carried out and further tests have been commissioned. A condition relating to contaminated land can be added should approval be granted. It is likely that the additional tests will then be able to confirm the presence or absence of any known contaminants.

In light of the above, the proposal accords with Policy ENV5.

Drainage

Whilst the site is in Flood Zone 1 (low risk) a flood risk and drainage assessment has been provided.

This concludes that flood risk is low, with limited potential for groundwater ponding. A drainage strategy is recommended which would restrict flows from the site and ensure capacity is available for extreme weather and climate change. This is acceptable in principle and these details can be subject to condition.

The development therefore accords with Policy ENV7.

Residential Amenity

The nearest properties to the site would be those on Whitworth Way to the north east of the development site. The topography of the area means that the dwellings site above the site, separated by the canal.

The design, appearance and location of the development within the site would not lead to any undue loss of amenity for those residents and the impacts of noise/odours etc are detailed above.

The extensions therefore do not raise any adverse concerns.

Natural Heritage and Ecology

The site is located immediately adjacent to the canal, which is designated as a biological heritage site in the Local Plan. An Ecology Survey and Appraisal has been undertaken.

The report finds that no protected species or habitats would be lost as a result of the proposal. A recommendation is made however that works which may remove or modify potential areas for breeding birds take place outside of the defined season. This can be controlled by condition.

The development thereby accords with Policy ENV1 and saved Policy 4C.

Highway Safety

Access to the site remains via the main entrance on Skipton Road. The most obvious impacts from a development of this nature is traffic associated with the construction phase of works. The Design and Access Statement advises that no additional jobs will arise from the extensions, therefore no additional parking is proposed.

It is intended to introduce an internal single route system within the site to ensure that any conflicts between traffic and existing operations are minimised. LCC Engineers have assessed the proposed strategy and raise no objections subject to the imposition of conditions relating to the management of construction traffic.

Summary

Subject to the imposition of appropriate conditions, the proposed development is acceptable and compliant with the Local Plan Part 1.

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 complies with the Local Plan Part 1. There is a positive presumption in favour of approving the application and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: In order to comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (As Amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 70-001 3, 70-002 3, 1009801-CL-XX-(90)-1007 A, 1009801-CL-XX-(90)-1009 A, 20-001 9, 20-002 6, 20-03 6, 20-004 2, 20-005 5, 20-006 4, 20-007 3, 24-001 4, 24-002 2.

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

3. All materials to be used in the proposed development shall be as stated on the approved drawings and shall not be varied without the prior written permission of the Local Planning Authority.

Reason: These materials are appropriate to the locality and in order to allow the Local Planning Authority to control the external appearance of the development.

4. The development hereby approved shall not commence unless and until a method statement detailing the particulars of any excavation, earthworks and retaining structures within the site has been submitted to and approved in writing by the Local Planning Authority. The statement shall include all necessary and associated structural information and the development shall be carried out in strict accordance with the approved details and shall not be varied without the prior written approval of the Local Planning Authority.

Reason: To safeguard the adjacent canal bank and ensure appropriate construction methods.

5. Plans and particulars showing a scheme of foul sewers and surface water drains, shall be submitted to, and approved in writing by the Local Planning Authority, and development shall not be commenced before these details have been approved, unless otherwise agreed in writing. The scheme shall include details of the flow attenuation measures for the surface water disposal system including final run off rates. The approved systems shall be installed in their entirety prior to the first use of the extensions hereby approved and shall thereafter be retained.

Reason: In order that the Local Planning Authority may be satisfied with the details of the proposal and to avoid flooding

6. The recommended mitigation measures as outlined in the Noise Assessment report carried out by AECOM dated July 2016, detailed in paragraphs 6.41 of the document shall be installed in their entirety prior to the first use of any extension hereby approved. Thereafter, unless otherwise agreed in writing by the Local Planning Authority, the mitigation measures shall be permanently maintained and retained in accordance with the approved details.

Reason: In the interests of residential amenity

7. No vegetation or tree clearance work shall take place during the bird breeding season. Such activities shall be confined between the months of October (start) to February (end) unless a bird breeding assessment and is undertaken by a suitably qualified ornithologist along with a report of the findings to identify if any breeding birds would be affected. Any clearance outside of the period between October to February (inclusive) must be agreed in writing by

the Local Planning Authority and clearance thereafter shall be undertaken in strict accordance with the approved details.

Reason: To ensure that suitable habitats for breeding birds are not harmed.

8. Prior to the commencement of development on site a method statement shall be submitted to the Local Planning Authority for written approval which shall include the following:

- i) the parking of vehicles of site-operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- iv) wheel-washing facilities
- v) measures to control the emission of dust and dirt during construction

the development shall proceed strictly in accordance with that method statement.

Reason: In the interests of residential amenity and highway safety

9. Prior to the commencement of development the applicant shall have submitted to and have agreed in writing by the Local Planning Authority a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site. The method statement shall detail how:-

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 will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to 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) will be submitted to and approved in writing by the Local Planning Authority.

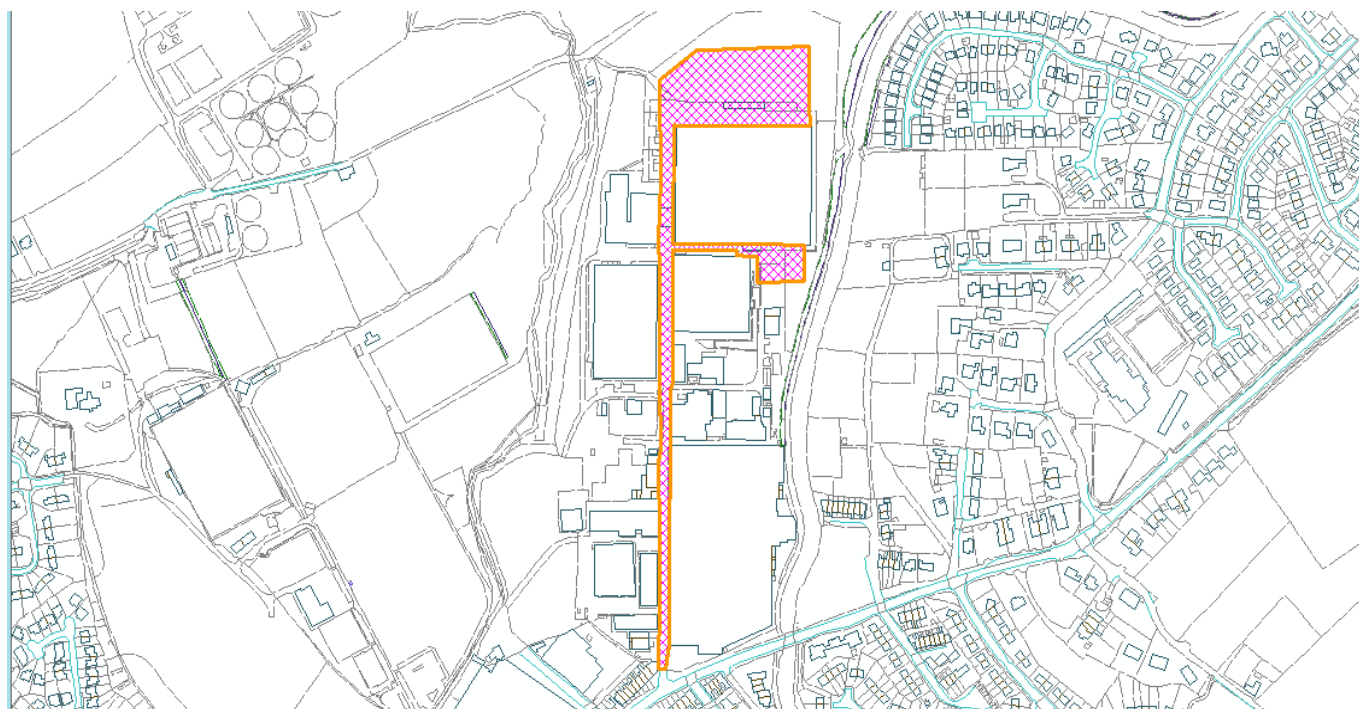
All agreed remediation measures shall thereafter be carried out in accordance with the approved implementation timetable under the supervision of a geotechnical professional and shall be completed in full accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local 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.

Advisory Notes:

- (i) Where land identified as having the potential to be contaminated is undergoing redevelopment, a copy of the leaflet entitled "Information for Developers on the investigation and remediation of potentially contaminated sites" will be available to applicants/developers from the Council's Contaminated Land Officer. The leaflet will be sent to the developer by request.
- (ii) Three copies of all contaminated land reports should be sent to the Local Planning Authority.
- (iii) This condition is required to be fully complied with before development is commenced. Failure to comply with the condition prior to commencement of work may result in legal action being taken.

Reason: To identify any contamination of the site from previous uses and to ensure remediation of any contamination to safeguard future users or occupants and the environment beyond the site and prevent contamination of the controlled waters.



Application Ref: 16/0476/FUL

Proposal: Full: Major: Excavate 12,600m³ of spoil (Retain 5,500m³ on site and remove 7,100m³), erection of extensions to North and South elevations of fan blade building and erection of associated retaining walls.

At: Rolls Royce, Bankfield Site, Barnoldswick

On behalf of: Rolls Royce PLC

REPORT TO WEST CRAVEN COMMITTEE ON 4 OCTOBER 2016

Application Ref: 16/0477/FUL

Proposal: Full: Major: Excavation and removal of 12,600m³ of spoil, erection of extensions to North and South elevations of fan blade building and erection of associated retaining walls.

At: Rolls Royce, Bankfield Site, Barnoldswick

On behalf of: Rolls Royce PLC

Date Registered: 19 July 2016

Expiry Date: 18 October 2016

Case Officer: Lee Greenwood

Site Description and Proposal

This proposal is brought to Committee as a major development and is one of two applications on this agenda for new development at the Rolls Royce Bankfield facility on Skipton Road, Barnoldswick.

The site is within the settlement boundary of the town and allocated as a Protected Employment Area in the Local Plan.

This second scheme also seeks to erect two extensions to the existing fan blade building, which is located to the rear of the site. Owing to the position of 'Luke's Mound' (a significant man made bund adjacent to the boundary) and land levels within the site, excavation works are required to accommodate the proposed developments and their associated infrastructure. This will be discussed in more detail below.

In total roughly 12,600 cubic metres of spoil and earth would be removed as part of the scheme. The primary difference between this and the earlier proposal (16/0476/FUL) lies in that all excavated materials would be removed from the site and not partially used to re-profile the mound at the rear of the site.

In all other respects the submissions are the same.

Planning History

The site has an extensive planning history, below are the most recent decisions;

13/10/0471P- Full: Major: Erection of industrial building (5,520 sq.m.); operation of a circulation space; realign security fence and additional 52 car parking spaces - **Approved**

13/14/0197P – formation of car park, external lighting columns, fencing and retaining wall – Approved

13/15/0002P - Erection of single storey extension to side (West Elevation) to form 138 Sq.m. of B2 industrial use – **Approved**

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Consultee Response

LCC Highways; no objections – recommend conditions relating to the construction period of development.

Lancs Constabulary; no comments received at time of writing.

PBC Env Health; request standard land contamination condition; advise that radon protection measures may be needed; request that noise mitigation measures as detailed in D&A and Noise Assessment are implemented.

Canal and River Trust; main issues relate to the structural integrity of the canal and these matters have been discussed with the applicant. Request a condition requiring a detailed method statement for the works to be submitted and agreed prior to commencement. Separate consents from the C&R Trust may also be required and should be obtained directly.

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LLFA; no comments received at time of writing.

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United Utilities; no comments received at time of writing.

Barnoldswick TC; no comments received at time of writing.

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- Do not believe that noise is taken seriously by the company
- Development will add to these problems and impact on enjoyment of dwellings
- Expansion is incompatible with the area
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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.

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Policy ENV2 requires development to be of the highest possible standards of design in new development.

Policy ENV4 requires new development to have regard to potential impacts that may be caused on the highway network. Where residual cumulative impacts cannot be mitigated, permission should be refused.

Policy ENV5 seeks to minimise air, water, noise, odour and light pollution. New development should account for these issues, addressing any resulting impacts relating to unstable or polluted land.

Policy ENV7 requires developments to consider the potential for flood risk on and off site.

Policy WRK1 seeks to support development which helps to strengthen and diversify the local economy. With regard to the West Craven Towns, it states that new development should help to support locally important aerospace and advanced engineered sectors.

Saved Policies 4C (Natural Heritage), 8 (Contamination and Pollution), 22 (Protected Employment Areas) and 23 (Location of Employment Development) of the Replacement Pendle Local Plan also carry some weight in the decision making process. Their relevance to this scheme will be discussed below.

National Planning Policy Framework

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These aims are echoed in the aforementioned policies of the recently adopted Local Plan.

Officer Comments

Principle of Development

The application seeks to extend the existing fan blade building. The additions to the north and south elevations respectively are required to accommodate new technologies and production facilities in association with the existing use.

Both national and local policies seek to support existing businesses and the local economy. The site is designated as a Protected Employment Area and is home to a long standing and established use. Policy supports the new development within these designated areas.

The principle of the proposed expansion is therefore acceptable and compliant with Policy WRK1 and saved policies 22 and 23.

Design and Visual Impact

The existing building is located to the rear, northern most section of the site. It is bound by the Leeds Liverpool Canal to the east, existing site infrastructure to the south and west, with 'Luke's Mound' to the north.

The design of the extensions and use of materials is typical of modern industrial development. As such their appearance raises no adverse issues accounting for the immediate setting. Their scale is also acceptable in this location, immediately adjacent to existing structures on site and forming part of the network of buildings.

North Extension

This addition would provide an additional 1,832 sq m of floor space. Due to the position of the extension, excavation from Luke's Mound is necessary to accommodate the building and surrounding infrastructure. 11,000 cubic metres of material would be removed and exported from site. In visual terms these works are acceptable. The excavated area would be retained by a new gabion wall and allow circulation space around the building for deliveries and servicing.

South Extension

This is the smaller of the two additions and would create an additional 624 sq m of floor space. The land here is within a dip in the topography and between two existing buildings. 1,600 cubic metres of earth would be removed to facilitate the works and the remaining land retained by a new 3m high wall. These works are in relatively close proximity to the adjacent canal, the implications of this are discussed in a separate section below.

In visual and design terms, neither of the proposed extensions raise significant or unacceptable concerns. The development is contained wholly within the established boundaries of the site.

The development does not conflict with the Local Plan and as such is acceptable.

Excavation Works

As detailed above, both aspects of the scheme require substantial earthworks to facilitate the development. Retaining and supporting features are proposed to ensure that land stability is maintained in accordance with Policy ENV5. This is crucial accounting for the position of the canal to the east. The works would remove material adjacent to the embankment; therefore the structural integrity of the works is of paramount importance.

The applicant was advised to speak to the Canal and River Trust prior to submission and discussions were held. The Trust have not subsequently objected to the application but have requested a detailed method statement is submitted for approval prior to the commencement of any works. This can be controlled by condition and would allow for suitable arrangements to be agreed during and post construction.

Noise and Pollution

Concerns have been raised from a local resident that the proposed development would lead to an increase in noise from the site.

The application is supported by a Noise Assessment, which covers both impacts from construction works and from the operation of the proposed extensions. The former is not deemed to raise any significant issues with regard to the southern extension and any associated noise would only endure for the lifetime of the build.

The northern extension is likely to generate greater noise due to its location and proximity to dwellings. These again would however be intermittent and would only cover the life of the works.

With regard to the extensions and their future use, the Assessment recommends mitigation measures to control and reduce any increase in noise (attenuators to flues, sensitive location of associated plant away from the boundary; installation of acoustic louvres). This would ensure no significant increase in operational noise.

This report has been considered by the Council's Environmental Health Services and found to be acceptable, subject to the implementation of the measures identified. This can be controlled by condition.

An Air Quality Impact Assessment has been undertaken and submitted as part of the application. This found a good baseline standard of air quality and predicts that the changes resulting from the construction, implementation and subsequent operation of the development would only lead to moderate changes. Again the Council's Environmental Health Officers have raised no concerns.

A contaminated land risk assessment has been undertaken, looking at the site and Luke's Mound. Some initial borehole trials have been carried out and further tests have been commissioned. A condition relating to contaminated land can be added should approval be granted. It is likely that the additional tests will then be able to confirm the presence or absence of any known contaminants.

In light of the above, the proposal accords with Policy ENV5.

Drainage

Whilst the site is in Flood Zone 1 (low risk) a flood risk and drainage assessment has been provided.

This concludes that flood risk is low, with limited potential for groundwater ponding. A drainage strategy is recommended which would restrict flows from the site and ensure capacity is available for extreme weather and climate change. This is acceptable in principle and these details can be subject to condition.

The development therefore accords with Policy ENV7.

Residential Amenity

The nearest properties to the site would be those on Whitworth Way to the north east of the development site. The topography of the area means that the dwellings site above the site, separated by the canal.

The design, appearance and location of the development within the site would not lead to any undue loss of amenity for those residents and the impacts of noise/odours etc are detailed above.

The extensions therefore do not raise any adverse concerns.

Natural Heritage and Ecology

The site is located immediately adjacent to the canal, which is designated as a biological heritage site in the Local Plan. An Ecology Survey and Appraisal has been undertaken.

The report finds that no protected species or habitats would be lost as a result of the proposal. A recommendation is made however that works which may remove or modify potential areas for breeding birds take place outside of the defined season. This can be controlled by condition.

The development thereby accords with Policy ENV1 and saved Policy 4C.

Highway Safety

Access to the site remains via the main entrance on Skipton Road. The most obvious impacts from a development of this nature is traffic associated with the construction phase of works. The Design and Access Statement advises that no additional jobs will arise from the extensions, therefore no additional parking is proposed.

It is intended to introduce an internal single route system within the site to ensure that any conflicts between traffic and existing operations are minimised. LCC Engineers have assessed the proposed strategy and raise no objections subject to the imposition of conditions relating to the management of construction traffic.

Summary

Subject to the imposition of appropriate conditions, the proposed development is acceptable and compliant with the Local Plan Part 1.

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 complies with the Local Plan Part 1. There is a positive presumption in favour of approving the application and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: In order to comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (As Amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 70-001 3, 70-002 3, 1009801-CL-XX-(90)-1007 A, 1009801-CL-XX-(90)-1008 A, 20-001 9, 20-002 6, 20-03 6, 20-004 2, 20-005 5, 20-006 4, 20-007 3, 24-001 4, 24-002 2.

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

3. All materials to be used in the proposed development shall be as stated on the approved drawings and shall not be varied without the prior written permission of the Local Planning Authority.

Reason: These materials are appropriate to the locality and in order to allow the Local Planning Authority to control the external appearance of the development.

4. The development hereby approved shall not commence unless and until a method statement detailing the particulars of any excavation, earthworks and retaining structures within the site has been submitted to and approved in writing by the Local Planning Authority. The statement shall include all necessary and associated structural information and the development shall be carried out in strict accordance with the approved details and shall not be varied without the prior written approval of the Local Planning Authority.

Reason: To safeguard the adjacent canal bank and ensure appropriate construction methods.

5. Plans and particulars showing a scheme of foul sewers and surface water drains, shall be submitted to, and approved in writing by the Local Planning Authority, and development shall not be commenced before these details have been approved, unless otherwise agreed in writing. The scheme shall include details of the flow attenuation measures for the surface water disposal system including final run off rates. The approved systems shall be installed in their entirety prior to the first use of the extensions hereby approved and shall thereafter be retained.

Reason: In order that the Local Planning Authority may be satisfied with the details of the proposal and to avoid flooding

6. The recommended mitigation measures as outlined in the Noise Assessment report carried out by AECOM dated July 2016, detailed in paragraphs 6.41 of the document shall be installed in their entirety prior to the first use of any extension hereby approved. Thereafter, unless otherwise agreed in writing by the Local Planning Authority, the mitigation measures shall be permanently maintained and retained in accordance with the approved details.

Reason: In the interests of residential amenity

7. No vegetation or tree clearance work shall take place during the bird breeding season. Such activities shall be confined between the months of October (start) to February (end) unless a bird breeding assessment and is undertaken by a suitably qualified ornithologist along with a report of the findings to identify if any breeding birds would be affected. Any clearance outside of the period between October to February (inclusive) must be agreed in writing by the Local Planning Authority and clearance thereafter shall be undertaken in strict accordance with the approved details.

Reason: To ensure that suitable habitats for breeding birds are not harmed.

8. Prior to the commencement of development on site a method statement shall be submitted to the Local Planning Authority for written approval which shall include the following:
- i) the parking of vehicles of site-operatives and visitors
 - ii) loading and unloading of plant and materials
 - iii) storage of plant and materials used in constructing the development
 - iv) wheel-washing facilities
 - v) measures to control the emission of dust and dirt during construction
- the development shall proceed strictly in accordance with that method statement.

Reason: In the interests of residential amenity and highway safety

9. Prior to the commencement of development the applicant shall have submitted to and have agreed in writing by the Local Planning Authority a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site. The method statement shall detail how:-
- 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 will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to 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) will be 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 and timings, 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.

Advisory Notes:

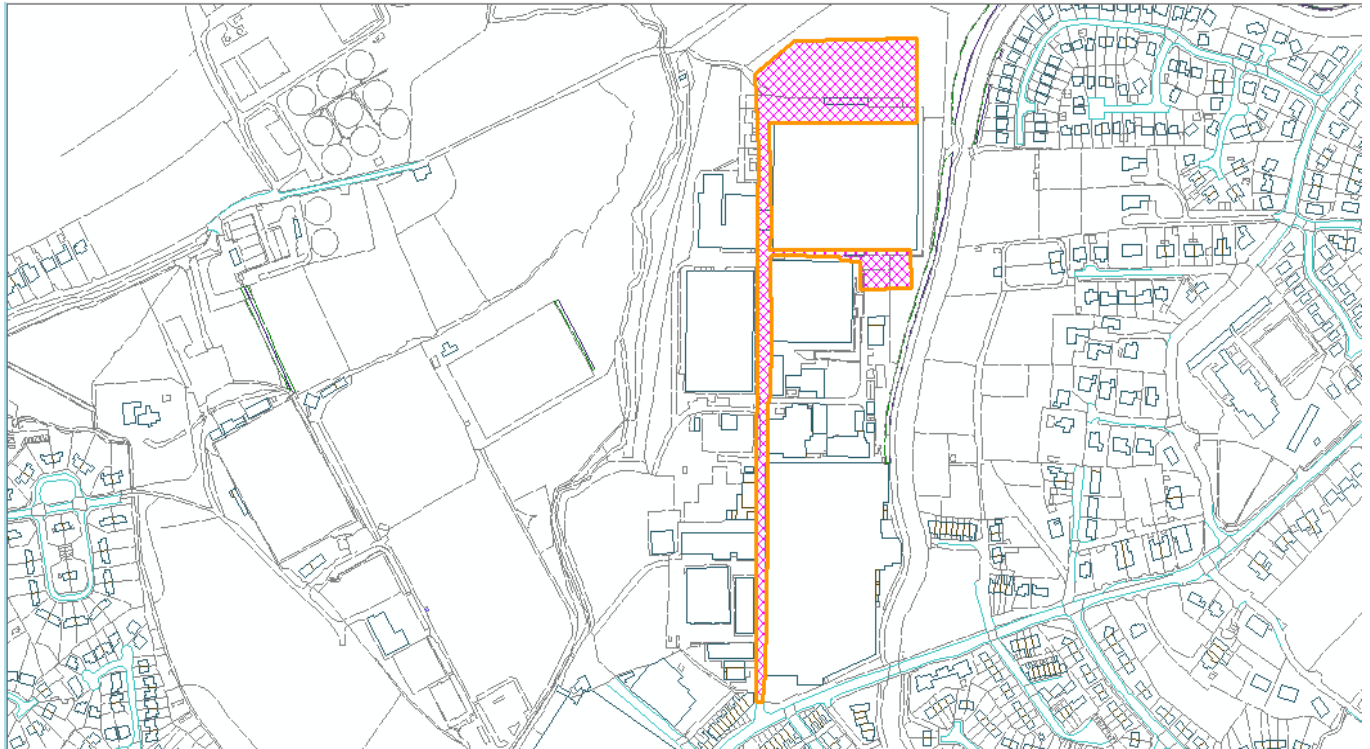
- (i) Where land identified as having the potential to be contaminated is undergoing redevelopment, a copy of the leaflet entitled "Information for Developers on the investigation and remediation of potentially contaminated sites" will be available to applicants/developers

from the Council's Contaminated Land Officer. The leaflet will be sent to the developer by request.

(ii) Three copies of all contaminated land reports should be sent to the Local Planning Authority.

(iii) This condition is required to be fully complied with before development is commenced. Failure to comply with the condition prior to commencement of work may result in legal action being taken.

Reason: To identify any contamination of the site from previous uses and to ensure remediation of any contamination to safeguard future users or occupants and the environment beyond the site and prevent contamination of the controlled waters.



Application Ref: 16/0477/FUL

Proposal: Full: Major: Excavation and removal of 12,600m³ of spoil, erection of extensions to North and South elevations of fan blade building and erection of associated retaining walls.

At: Rolls Royce, Bankfield Site, Barnoldswick

On behalf of: Rolls Royce PLC

REPORT TO WEST CRAVEN COMMITTEE ON 4 OCTOBER 2016

Application Ref: 16/0488/OUT
Proposal: Outline: Major: Application for up to 17 dwellings (Access only).
At: Land off Cob Lane and Old Stone Trough Lane, Kelbrook
On behalf of: Mr A Parker and Miss E Parker
Date Registered: 20 July 2016
Expiry Date: 19 October 2016
Case Officer: Lee Greenwood

Site Description and Proposal

This proposal is brought to Committee as a major development and seeks outline consent for two parcels of land bound by Old Stone Trough Lane and Cob Lane, Kelbrook. All matters other than access are reserved and the scheme is for up to 17 dwellings.

The site is located to the south east of the main village and is outside of, but adjacent to the defined settlement boundary. It currently comprises open grassland with sporadic areas of trees and foliage. The two parcels naturally split owing to the presence of a culvert within the site. The site has a combined area of just over 1 hectare.

The land slopes upwards from Old Stone Trough Lane, as Cob Lane rises away to the east. It is designated as Open Countryside in the Local Plan.

Planning History

13/86/0832P – erection of 2 dwellings on land adjacent to Yellow Hall - **Refused**

Consultee Response

LCC Highways; no comments received at time of writing.

LCC Education; make a request for a financial contribution towards the provision of 2 secondary school places.

Lancs Constabulary; make general recommendations relating to physical security (doors, windows, fencing and lighting) and building to Secured by Design standards.

Natural England; no comments to make

LLFA; objected owing to suggested lack of FRA. However an Assessment was provided and further response awaited.

Yorkshire Water; no comments received at time of writing.

Kelbrook and Sough PC; object on the following grounds;

- Sight lines are poor and in a well known accident black spot
- Increased traffic would lead to unacceptable levels in this area
- Lack of footpath is problematic for pedestrians

- Access on blind bend
- Not part of the development plan
- Sites already set aside for housing in Kelbrook
- Outside settlement boundary
- Is greenfield and used for agriculture
- Additional run off will exacerbate flood risk
- Will have an adverse impact on adjacent listed buildings

Public Response

Twenty four neighbours notified, site and press notices also displayed; 125 letters of objection received, a précis of the comments are as follows;

- Outside of settlement boundary and not in development plan
- Loss of a greenfield site and agricultural land
- Sites already allocated elsewhere for housing
- Will impact on existing drainage and flood risk problems
- Poor, narrow access with no pavement for pedestrians
- Previous refusals of permission to build on the site
- How will services/utilities/schools cope with additional houses
- Existing parking/traffic flow problems would be exacerbated
- Accidents involving walkers and children likely to happen due to layout of the road
- Existing road network has already been described as problematic by LCC
- Vehicles constantly break speed limit
- Traffic survey undertaken during quiet period (easter holidays etc)
- Existing conflicts between agricultural vehicles and cars on narrow roads
- Could set a precedent to develop remainder of the fields
- Would impact on rural nature and setting of the village
- Lack of facilities for additional population
- West Craven has met its required contribution for housing
- School traffic causes problems at peak times of day
- Land is Green Belt
- Loss of agricultural land
- Affordable houses appear to be large and may not be affordable
- Impacts during construction process
- Several houses of varying sizes/prices already for sale in the village
- Site not in the SHLAA
- Loss of views
- Loss of habitats/nature
- Modern dwellings unsuitable for the village
- Suitable footway could not be provided in accordance with Manual for Streets
- Pedestrians must travel long distances without a path
- Not known where percentile road speeds have been recorded or are fit for purpose
- Splays cannot be achieved due to third party land
- On street parking would impact on Cob Lane access (inc refuse and emergency vehicles).

- Trip generation would be higher than shown in transport statement owing to the calculations used

Policy Issues

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 (the 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.

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.

Local Plan Part 1: Core Strategy

The following Local Plan policies are relevant to this application:

Policy SDP2 identified Kelbrook as a 'Rural Service Centre'. These settlements are to be the focus for growth in Rural Pendle. It also advises that where Greenfield land is required for new development, it should be in a sustainable location and well related to an existing settlement.

SDP3 indicates that new housing provision and distribution will be guided by the settlement hierarchy within the policy. Rural Pendle (inc. Kelbrook) is expected to account for 12% of the Borough's supply over the plan period.

Policy ENV1 requires developments to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

Policy ENV2 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings. The proposal's compliance with this policy is addressed in the design and amenity sections.

Policy ENV7 does not allow development where it would be at risk of flooding and appropriate flood alleviation measures will be provided and/or would increase the risk of flooding elsewhere. The proposal's compliance with this policy is addressed in the drainage and flood risk section.

Policy LIV1 sets out the housing requirements for 2011 to 2030 and how this will be delivered.

Policy LIV3 provided guidance on the housing needs in order to provide a range of residential accommodation.

Policy LIV4 sets out the targets and thresholds required to contribute towards the provision of affordable housing.

Policy LIV5 requires all new housing to be designed and built in a sustainable way. New development should make the most efficient use of land and built at a density appropriate to their location taking account of townscape and landscape character. Provision for open space and/or green infrastructure should be made in all new housing developments.

The following saved policies from the Replacement Pendle Local Plan are also relevant:

Policy 31 'Parking' requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP. This is addressed in the Highways Issues/Parking section.

National Planning Policy Framework

In national terms the National Planning Policy Framework ("the Framework") provides guidance on housing requirements, design and sustainable development which is relevant to this proposal.

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. The SHLAA was updated in support of the publication of the Core Strategy. This is dealt with in detail below.

Paragraph 49 states that where a Council cannot demonstrate a five year supply of land policies that relate to the supply of housing will be considered out of date. The Council cannot currently demonstrate the required supply.

Section 7 of the Framework deals with design and makes it clear that design is a key aspect of sustainable development. Paragraph 64 of the Framework 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".

The Framework expects that Councils meet their full objectively assessed housing needs and to annually update their supply of specific deliverable sites to meet a five year supply.

The Framework states that good design is a key aspect of sustainable development and is indivisible from good planning. Design is to contribute positively to making places better for people (para. 56). To accomplish this development is to establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live and responding to local character and history (para. 58). It is also proper to seek to promote or reinforce local distinctiveness (para. 60).

Para 64 of the National Planning Policy Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving character and quality of an area and the way it functions. This paragraph is unqualified. If a development is poor in design is should be refused. There is no balancing exercise to be undertaken with other sections of the Framework as poor design is not sustainable development and the requirement under paragraph 14 is to allow sustainable development to come forward.

Principle of Housing

The Framework gives clear direction on the interpretation of policy in paragraphs 49 and 14 in situations where a five year supply of land cannot be demonstrated. Paragraph 49 indicates that in such circumstances policies on housing need be considered out of date.

Current case law in Hopkins Homes is that there must be a wide interpretation of what policies relate to the supply of housing. That is the basis that Councils must apply the Framework against.

In the circumstances set out in paragraph 49 where the Local Plan housing policies are out of date paragraph 14 of the Framework applies.

This states for decision making where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

- specific policies in this Framework indicate development should be restricted.

The policy test is that any harm from a housing development must significantly and demonstrably outweigh the benefits. This is not therefore the normal weighting that would be given to housing schemes balancing the merits and harm of a scheme. Any harm must significantly outweigh the benefits.

Proposals for new development should be located within a settlement boundary as required by Policy SDP2.

These boundaries will be reviewed as part of the site allocations and development policies in order to identify additional sites to meet development needs where necessary. This policy is however a restraint on housing supply. As we cannot currently demonstrate a five year supply of housing then this policy is out of date and should not be afforded any material weight in making a decision on housing developments.

This site is Greenfield land and whilst it is outside of the settlement boundary, it is immediately adjacent to it.

Policy LIV1 also states that until the Council adopts the Pendle Local Plan Part 2: Site Allocations and Development policies then sustainable sites outside but close to a Settlement Boundary, which make a positive contribution to the five year supply of housing land, will encourage significant and early delivery of the housing requirement.

This site would be as sustainable as the surrounding residential housing and is located within a Rural Service Centre. Kelbrook is accessible by means of both public and private transport and also has established links with the larger West Craven Towns.

Resident's concerns regarding the loss of Greenfield land and the lack of a formal development designation are noted, however the site is not isolated and has a direct and tangible relationship with the existing settlement. The site is not designated as Green Belt as has been suggested in objections.

In this instance and in light of the aforementioned housing numbers, the proposed site would be a sustainable location for new development. The principle of housing is therefore acceptable and accords with policy LIV1.

Taking this position into account, any other material issues must be considered and weighed in the planning balance as required by paragraph 14 of the Framework. Footnote 9 of this paragraph advises that other relevant policies in the Framework include those relating to impacts on designated heritage assets and locations at risk of flooding.

Officer Comments

Design and Visual Impact

The site is effectively split into separate parcels, the smaller of the two is anticipated to accommodate up to 6 dwellings with access from Old Stone Trough Lane. The larger area would contain up to 11 dwellings with access from Cob Lane.

Whilst the layout, appearance and scale of the dwellings are all reserved at this stage, the application includes indicative layout plans supported by a Landscape and Visual Impact Assessment (LVIA), along with an assessment under the Building for Life criteria.

The character of Kelbrook is defined by its original centre of high density properties. As the village has expanded, particularly in the direction of the proposed application site. More modern (relatively speaking) developments are found at Quernmore Drive and along Cob Lane.

The LVIA finds that the development, located on the lower slopes between the developed villages and sparse uplands, would have an impact on the landscape however this would be predominantly localised. It is acknowledged that a number of immediate receptors will be significantly impacted on by the development, which is typical of localised impacts. Wider views of the proposal are mitigated by a combination of topography and position adjacent to the existing village.

The application limits to the site boundary so that it terminates in roughly the same position as the curtilage of the property at 20 Cob Lane. The remainder of the fields are left open in their current form.

Any development in a location such as this must respect its position as a transitional point between built form and rural landscape. The most obvious constraints facing any future development is the topography of the site and proximity to adjacent dwellings.

The scheme would be confined to the lower sections of the fields. Working with, rather than against the grain and slope of the land would ensure that development patterns are suitable for this location. The retention of natural aspects of the site such as trees, which can be incorporated in to the development would also assist its integration in to the area and the provision of a 'soft edge' to the site.

Taking in to account the layout of the area and the position of adjacent buildings, a scheme could be designed which is both suitable and sympathetic to its surroundings without having an adverse impact on the amenity of existing residents.

The most obvious local architectural vernacular centres around stone built dwellings, under traditional slate roofs within the village centre. A development which incorporates some of these local features and materials is likely to be suitable in this setting on the edge of the settlement limits.

A scheme of up to 17 units would also give scope to provide a range of housing types as required by Policy LIV5.

Highway Safety

A significant number of the objections received to the development relate the concerns that additional traffic and development in this location will exacerbate existing highway safety issues.

Desk top based advice was provided to the Agent by Lancashire County Council at pre-application stage. However a formal response is yet to be received from Highway Engineers as part of the application process. Any subsequent comments will be detailed by way of an update.

Two accesses are proposed to serve each parcel of land, from Old Stone Trough Lane and Cob Lane respectively. A Transport Statement has also been provided by the applicant. This advises that each junction would measure 5.5m in width with 6m radii kerbs. Public footways would be provided around these radii. The report finds using the TRICS database that traffic flows associated with the development would not have an adverse impact on the adjacent network, accounting for the generally low frequency in the area.

The required splays accounting for the classified speeds of the roads would be 2.4m by 4.3m. The application reduces those splays to 2.4m by 2.2m accounting for an indicated 85th percentile speed of 18mph.

Unlike the Old Stone Trough Lane access, the highway at Cob Lane accommodates on street parking along the length of the development site. It would need to be ensured that traffic associated with the use and refuse/emergency vehicles can suitably enter and leave the site.

Once a formal assessment of the technical highway issues has been undertaken by LCC Engineers, this report will be updated and may affect the recommendation.

Drainage and Flood Risk

A Flood Risk Assessment and Outline Drainage strategy have been prepared to support the application.

The site is within Flood Zone 1 and as such is deemed low risk from fluvial flooding. 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.

The report advises that attenuation via a SuDS scheme is achievable to meet these requirements. This can be controlled by a Grampian condition requiring details of a drainage scheme to be approved before any development commences on site.

Comments have been received that localised flooding has occurred around the site. That can be addressed in a formalised drainage plan for the site and dealt with under a condition, resulting in an improvement for the surrounding area.

Final comments are awaited from the LLFA at the time of writing and any response will be reported by way of an update.

Residential Amenity

The proposed development would be separated from dwellings on Cob Lane and Old Stone Trough Lane by the existing highway network. Any future layout could be designed in such a way that acceptable separation distances are achieved between buildings.

The relationship is slightly different with those dwellings at Yellow Hall and Spring House which share a boundary with the site. Again with suitable design, scale and window positioning, the amenities of existing and proposed residents can be protected.

Heritage Assets

There are Listed Buildings in the vicinity, with those at Stoopes Farm and Yellow Hall located adjacent to the site. Primary views of both sites are from the Old Stone Trough Lane elevations.

Policy ENV1 and paragraph 132 of the Framework advise that Heritage assets 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.

In this case, accounting for the indicative layouts (which are subject to future consideration and approval) any harm to the setting of the Listed Buildings would be less than substantial. Views of Stoopes Farm, on the opposite side of Old Stone Trough Lane would not be adversely impacted by the proposal as shown.

Similarly, the primary views of Yellow Hall, seen when approaching from both Old Stone Trough Lane and Waterloo Road are not interrupted by the scheme, which would sit behind the site. The

principal and gable elevations at the corner of Cob Lane would remain clearly in view and any finalised scheme can make provision for a suitable buffer to be achieved between the old and the new.

Natural Heritage and Ecology

An extended Phase 1 Habitat Survey has been undertaken as part of the proposal. The assessment found some areas of ecological value (trees, hedges and the watercourse) within the site and recommends that they are retained and protected in any future development. Recommendations are made in line with best practice and can be conditioned as part of any approval.

The development thereby accords with Policy ENV1 and saved Policy 4C.

Trees

A Tree Survey has been undertaken in order to assess the nature and constraints of those currently on site. The report finds that development could take place whilst retaining a number of trees. The indicative layout subsequently shows the required root protection areas free from development.

Whilst landscaping is reserved at this stage, those existing trees could be supplemented with additional planting to help soften the impacts of the new built form.

Open Space

Policy LIV5 requires all proposals for residential units to provide open space/green infrastructure in the following order of priority;

1. On-site provision;
2. Contribution to off-site provision;
3. Enhancements of existing facilities in the area.

The amount and type of open space is dependent on the size of development, existing provision and density. This would therefore be addressed at reserved matters stage and incorporated in to any layout final designs.

Affordable Housing

Policy LIV4 advises that proposals in rural Pendle such as this should incorporate 20% of affordable housing units in to the scheme.

The applicant advises that due to the small scale of the development the provision required would be prohibitive. Whilst on-site is the preferred method of supply, LIV4 also states that a financial contribution to the acquisition and refurbishment of redundant and empty homes may also be made. This is the applicant's preferred approach and would need to be controlled by planning obligation.

Education Provision

LCC Education have requested that the developer contributes towards the provision of 2 secondary school places. This has been relayed to the applicant and a response awaited at the time of writing.

Summary

Pending the receipt of positive comments from statutory consultees, the principle of development at this site is acceptable.

Any highway related conditions will be added by way of an update, following the receipt of a formal response as to the acceptability of the scheme.

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 complies with the Local Plan Part 1. There is a positive presumption in favour of approving the application and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

1. An application for approval of the reserved matters (namely the appearance, layout, scale and landscaping of the site) shall be submitted in writing to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Details of the appearance, landscaping, layout and scale (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: In order to comply with the requirements of Section 92 of the Town & Country Planning Act 1990.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: 15.142 01 B

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

4. No part of the development shall take place until a Planning Obligation pursuant to section 106 of the Town & Country Planning Act, 1990 (or any subsequent provision equivalent to that section) has been made with the Local Planning Authority. The said obligation shall provide for education facilities and a contribution to the provision of affordable dwellings.

Reason: In order to ensure that there are sufficient education places and affordable housing units available in the area..

5. The first submission of reserved matters shall include details of the proposed ground levels and a number of sections across the site, which shall indicate existing and proposed ground levels, together with the floor levels of any proposed dwelling/buildings through which the

sections run and shall extend beyond the site boundaries to include any surrounding, adjacent properties. The development shall thereafter be implemented in accordance with the approved details.

Reason: To enable the Local Planning Authority to assess how the development will accommodate the varied land levels and control the final form.

6. The first submission of reserved matters shall include details of the provision of on-site open space.

Reason: In order to provide appropriate on-site open space provision for this development in accordance with policy LIV5.

7. The first submission of reserved matters shall include details of:
1. Surface water drainage scheme which as a minimum shall include:
 - a) Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in AOD;
 - b) The drainage scheme should demonstrate that the surface water run-off must not exceed greenfield run-off rate (5 litres per second per hectare). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
 - c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
 - d) Flood water exceedance routes, both on and off site;
 - e) A timetable for implementation, including phasing where applicable;
 - f) Site investigation and test results to confirm infiltrations rates;
 - g) details of water quality controls, where applicable.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason:

1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
2. To reduce the risk of flooding to the proposed development, elsewhere and to future users.
3. To ensure that water quality is not detrimentally impacted by the development proposal.

8. No development hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason:

1. To ensure that the drainage for the proposed development can be adequately maintained.
2. To ensure that there is no flood risk on- or off-the site resulting from the proposed development or resulting from inadequate the maintenance of the sustainable drainage system.

9. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:
- a) the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
 - b) arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - i. on-going inspections relating to performance and asset condition assessments
 - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
 - c) means of access for maintenance and easements where applicable.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

Reason:

- 1. To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development
- 2. To reduce the flood risk to the development as a result of inadequate maintenance
- 3. To identify the responsible organisation/body/company/undertaker for the sustainable drainage system.

10. A scheme for the disposal of foul water shall be submitted to and approved in writing by the Local Planning Authority within two weeks of the commencement of development. The scheme shall provide for separate systems for foul and surface waters and be constructed and completed in accordance with the approved plans before the first dwelling is occupied.

Reason: To control foul and surface water flow disposal and prevent flooding.

11. 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.
- b) The areas and methods of loading and unloading of plant and materials.
- c) The areas for the storage of plant and materials.
- e) Details of wheel-washing facilities including location
- 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).

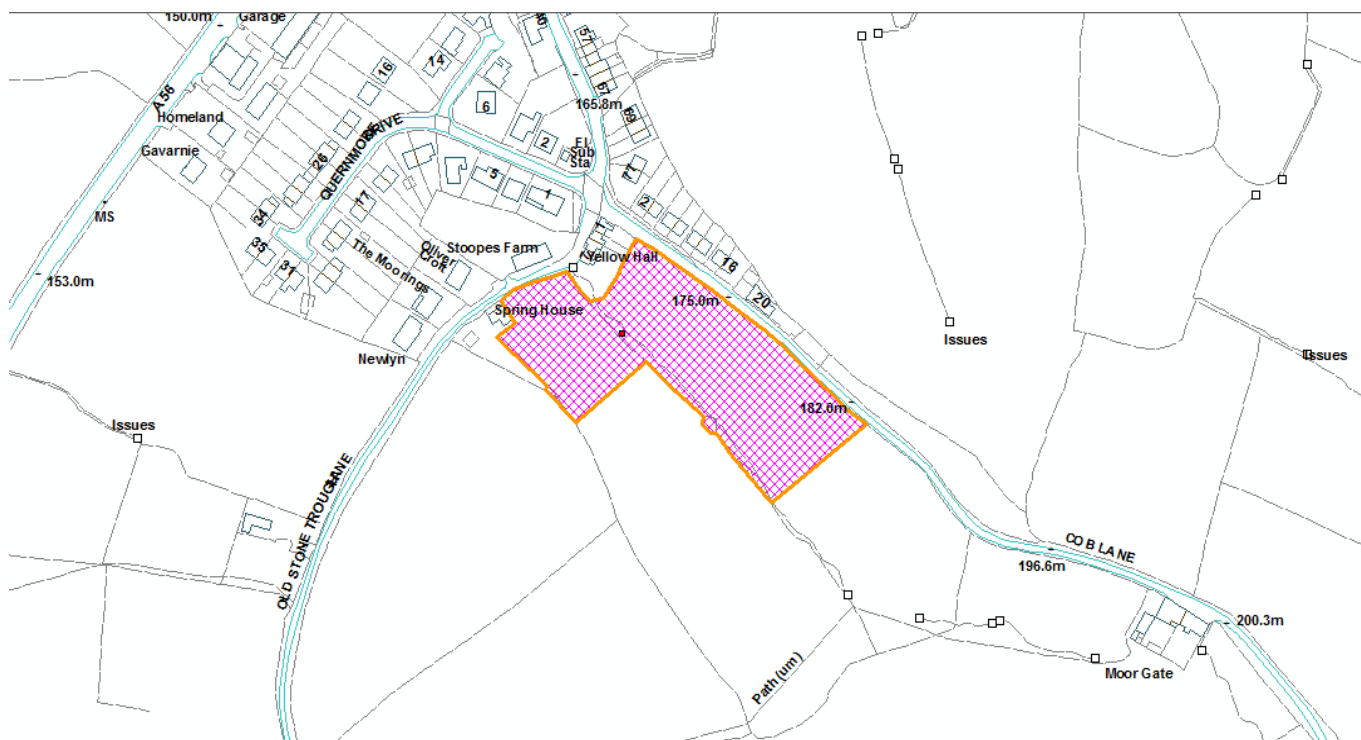
13. The development shall be carried out in accordance with the recommendations set out in the Habitat Survey Report dated March 2016.

Reason: To ensure protection of the habitat of bats and barn owls which are protected under the Wildlife & Countryside Act, 1981.

14. Unless and until 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 as detailed in the Tree Report dated 6th April 2016 and as shown on drawing 15.142 03 D (notwithstanding the position of any dwellings as indicated). 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 protect trees and shrubs as essential elements in the development.



Application Ref: 16/0488/OUT

Proposal: Outline: Major: Application for up to 17 dwellings (Access only).

At: Land off Cob Lane and Old Stone Tough Lane, Kelbrook

On behalf of: Mr A Parker and Miss E Parker

REPORT TO WEST CRAVEN COMMITTEE 04 OCTOBER 2016

Application Ref: 16/0568/VAR

Proposal: Full: Variation of Condition: Removal of Condition 2 (Holiday occupancy) of Planning Permission 13/07/0548P.

At: Hollin Bank Cottage, High Lane, Salterforth, Barnoldswick

On behalf of: Mr And Mrs N Campbell

Date Registered: 24/08/2016

Expiry Date: 19/10/2016

Case Officer: Alex Cameron

Site Description and Proposal

This application has been brought before Committee at the request of a Councillor.

The application site is a cottage attached to a converted barn located within the open countryside. The cottage was formed from an extension that was built as part of the barn conversion granted planning permission in 2003. In 2007 planning permission was granted for the formation of the cottage from the extension and its use as a holiday let.

This application is for the removal of condition 2 of the planning permission.

Condition 2 - The holiday cottage hereby permitted shall only be occupied by persons whose main residence is elsewhere; no person shall occupy the unit for a period in excess of 3 weeks at any one time, nor return to the unit until a period of at least 3 months has elapsed.

The removal of this condition would make the building an independent, unrestricted dwelling.

Relevant Planning History

16/0289/CEU - Certificate of Lawfulness for a Existing Use: Use of Hollin Bank Cottage as an unrestricted dwelling. Refused, 02/06/2016.

13/11/0190P - Full: Erect detached double garage with stables attached, change use of part of adjacent field to residential curtilage. Approved, 07/06/2011.

13/10/0253P - Erect detached double garage with stables attached, change part of field to residential curtilage and use adjacent land for mixed horsiculture and agriculture use. Approved, 08/07/2010.

13/10/0142P - Erect detached double garage with stables attached and change of use of part of field to create residential curtilage. Withdrawn.

13/07/0548P - Full: Use part of dwelling as holiday cottage and retain front porch canopy, additional rooflights and repositioning of window on gable. Approved 10/09/2007.

13/04/0144P - Erection of a double garage with two stables attached and change of use of part of adjacent field to create additional curtilage (13.86 sq. m). Approved.

13/03/0844P - Erection of a 3 car garage and integral 2 unit stable block and extension of domestic curtilage (167 sq. m). Refused.

13/03/0090P - Barn conversion to 5-bed dwelling. Approved.

13/03/0000P - Insertion of additional windows. Refused

13/00/0320P - Barn conversion to dwelling with integral garage and stables. Approved.

Consultee Response

LCC Highways

Yorkshire Water

Salterforth Parish Council

Public Response

A site notice has been posted and 8 neighbours notified - No response.

Officer Comments

Policy

National Planning Policy Framework

Paragraph 55 of the Framework states that Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling.

Principle of the Development

The site is approximately 1km from the settlement of Salterforth (as the crow flies), 1.8km from Barnoldswick, and there are no bus services within walking distance of the site. It is therefore an isolated location for the purposes of paragraph 55 of the Framework.

Paragraph 55 states that Local Planning Authorities should avoid new dwellings in isolated locations unless they meet one of the special circumstances set out in that paragraph.

The proposed use as a dwelling would not meet an essential need for an agricultural worker to live at or near their place of work.

Hollin Bank Cottage has been formed wholly within an extension which was added to Hollin Bank Barn when it was converted to a dwelling in 2003. The plans from the application for conversion of the barn show that the extension replaced a concrete outbuilding, which was itself an addition to the original traditional stone barn. Therefore, Hollin Bank Cottage is an entirely modern structure and therefore of no heritage value.

The building is not redundant and its use as an unrestricted dwelling, as opposed to a holiday let, would not lead to an enhancement to the immediate setting. The increased intensity of use and probable increase in domestic paraphernalia associated with an unrestricted dwelling would be likely to result in an adverse impact on the immediate setting.

The design of the building is not exceptional or innovative.

Therefore, the proposed conversion of this modern building, without heritage value, to a dwelling does not meet any of the special circumstances for allowing a new isolated dwelling in the countryside set out in paragraph 55 of the Framework.

The intention of this policy is to concentrate new dwellings within or close to existing settlements where services and facilities such as schools, medical services, work places, shops etc. can be accessed without reliance on cars. Due to their reliance on private cars, dwellings in isolated locations are not sustainable.

However, people staying in tourist accommodation do not generally need to make daily trips to schools, work places etc. and therefore tourist accommodation does not have the same impact as an unrestricted dwelling in terms of sustainability. As such Policy 40 of the Replacement Pendle Local Plan allows tourist accommodation in isolated locations in some circumstances, such as replacement and conversion of existing buildings (including those with no heritage value). This was the policy basis for allowing the use of this building as a holiday cottage.

For the reasons given above, the removal of the condition, allowing the unrestricted use of the building as a dwelling, would be an unsustainable use contrary to paragraph 55 of the Framework and is therefore unacceptable.

Issues raised in the applicant's justification

It is stated in the applicant's supporting statement that the housing moratorium was the only reason why the holiday use condition was imposed in 2007. Although the Council was in a position of housing moratorium at the time of the 2007, and that was discussed in the report as a reason for not allowing an unrestricted dwelling, the use as an unrestricted dwelling would also have been contrary to Policy 1 of the RPLP (now superseded by the Framework). Policy 1 only allowed the conversion of 'traditional buildings' outside of settlement boundaries. It defined a traditional building as:

A building of permanent; solid and substantial construction; is constructed of natural rather than man-made or artificial materials; is of local or national architectural or historic interest and forms an integral part of the landscape.

This is the equivalent of the special circumstance set out in the second bullet point of paragraph 55 of the Framework. Hollin Bank Cottage is of no 'local or national architectural or historic interest' and therefore is not a traditional building. Therefore, the housing moratorium was not the only reason for not allowing an unrestricted dwelling in the 2007 application.

A number of other planning permissions have been referenced by the applicant as similar cases where planning permission has been granted.

The Lodge, High Lane, Salterforth – 13/12/0376P

This was an application for the removal of a holiday occupancy condition imposed by 13/12/0023P which was an application for the conversion of a traditional stone field barn to a holiday cottage.

In this case, the holiday condition was imposed only because that was what was applied for. The original building was a traditional stone field barn, the use of this isolated building as an unrestricted dwelling was acceptable because it is a traditional building for the purposes of Policy 1 of the RPLP and of heritage value in terms of the second bullet point of paragraph 55 of the Framework.

Hollin Bank Cottage is wholly a modern addition and as such the use as an unrestricted dwelling does not accord with Policy 1 or paragraph 55.

The Old Stable Brookfoot, Grove Lane, Higham – 16/137/FUL

This application was for the subdivision of an existing dwelling into two separate dwellings. The original building was a traditional barn which had been converted in the 1980s and later extended.

Paragraph 55 of the Framework, and past policy, allow the conversion of traditional barns to one or more dwellings where it would preserve the heritage value of the traditional barn. Thus, it also allows the principle of subsequent subdivision of that original traditional building.

The subdivision in this example divided the original barn, as opposed to this application which is to form an unrestricted dwelling in what is wholly a modern addition to the original barn. In principle the proposed removal of condition is equivalent to having built a new dwelling in an isolated countryside location.

Whitemoor Pumping Station, High Lane, Barnoldswick - 13/15/0585P

This was for the conversion of existing buildings of heritage value to dwellings in accordance with paragraph 55 of the Framework.

Fanny Grey Hotel and Barn, High Lane, Salterforth – 13/12/0080P, 13/12/0183P & 13/13/0092P

This was for the conversion / subdivision of traditional buildings of heritage value to dwellings in accordance with Policy 1 of the RPLP and paragraph 55 of the Framework.

Therefore, none of the examples given by the applicant are equivalent to the use of this modern extension to an unrestricted dwelling.

Visual amenity

The proposed use as an unrestricted dwelling is likely to result in an increase in the intensity of the use of external areas and amount of domestic paraphernalia. However this would not in itself result in an unacceptable impact on the visual amenity and open rural character of the area in this case.

Residential amenity

The proposed use of the building as an unrestricted dwelling would not result in any adverse residential amenity impact.

Highway safety

The existing access road is single track and has limited opportunities for vehicles to pass. Conditions are attached to the existing permission for improvements to be made to the access track and junction. These conditions are adequate to ensure that the highway safety impact of the use would be acceptable, however, the conditions have not been complied with. If enforcement

action is necessary in relation to these conditions an enforcement report will be made to a later Committee.

Summary

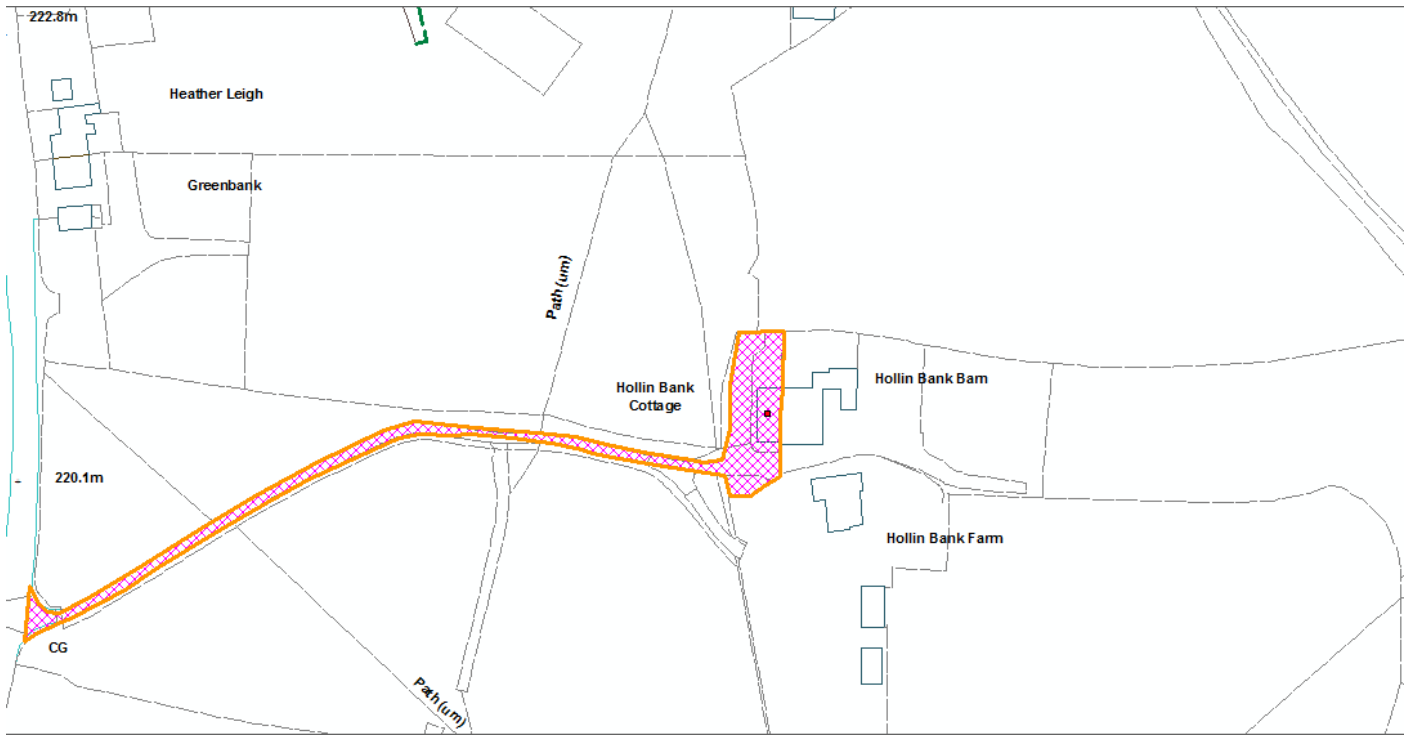
The proposed removal of condition would result in a new unrestricted dwelling in an isolated and unsustainable location which would be reliant on private vehicles to access schools, work places, places of worship, medical facilities, shops and other essential facilities and services. Taking into account that Hollin Bank Cottage is wholly modern addition, built in 2003, there are no special circumstances for allowing its use as an unrestricted dwelling in an isolated and unsustainable location. The application is therefore recommended for refusal.

Reason for Decision

On the balance of probability the current use of Hollin Bank Cottage as an unrestricted dwelling is in breach of conditions 2, 3, 4 and 5 of planning permission 13/07/0548P, which remains extant. This breach of conditions has been ongoing for less than ten years and therefore is not immune from enforcement action.

RECOMMENDATION: Refusal

The proposed removal of condition would result in a new unrestricted dwelling in an isolated and unsustainable location which would be reliant on private vehicles to access essential facilities and services. The building does not meet any of the special circumstances for allowing a new unrestricted dwelling in an isolated location set out in paragraph 55 of the National Planning Policy Framework and is therefore an unsustainable use contrary to paragraph 55 of the National Planning Policy Framework.



Application Ref: 16/0568/VAR

Proposal: Full: Variation of Condition: Removal of Condition 2 (Holiday occupancy) of Planning Permission 13/07/0548P.

At: Hollin Bank Cottage, High Lane, Salterforth, Barnoldswick

On behalf of: Mr And Mrs N Campbell

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 26 September 2016