



**REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER**

**TO: WEST CRAVEN COMMITTEE**

**DATE: 10<sup>th</sup> JANUARY, 2017**

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications.

## REPORT TO WEST CRAVEN COMMITTEE ON 10 JANUARY 2017

**Application Ref:** 16/0735/VAR

**Proposal:** Full: Major: Variation of Condition: Vary Condition 1 of Planning Permission 16/0136/REM to substitute approved plans and make minor material amendments to the scheme.

**At:** LAND OFF LONG ING LANE BARNOLDSWICK BB18 6BJ

**On behalf of:** Stirling Investment Properties LLP

**Date Registered:** 15/11/2016

**Expiry Date:** 14/02/2017

**Case Officer:** Alex Cameron

### **Site Description and Proposal**

The application site is a field to the south of Long Ing Lane. To the east are semi-detached dwellings on Moss Side, which the site wraps around and garages to the rear of terraced houses on Victoria Road, to the west are dwellings on Riding Close and to the south is open land. The majority of the site falls within the settlement boundary of Barnoldswick, however the line of the boundary follows the rear boundary of the gardens of Moss Side across the site and so the area of land to the south of that falls outside of the settlement. The site has no other designation or planning constraints.

This application is to vary condition 1 (approved plans) of the reserved matters permission (appearance, landscaping, layout and scale) for a residential development of 31 houses granted on appeal in September 2016.

This application proposes to substitute amended plans altering the design and layout of plots 17 to 27. In the approved plan these plots 17-22 and 25-27 are in attached rows of three, in the proposed plans plots 17-22 and would be semi-detached houses and 25-27 would be one detached house and one pair of semi-detached houses. The orientation of the parking spaces for Plot 25 would also be turned 90 degrees. There are no other changes proposed to the plans.

### **Relevant Planning History**

13/14/0100P - Outline: Major: Residential development (0.98ha) (Access only). Appeal Allowed.

16/0136/REM - Reserved Matters: Major: Erection of 31 dwelling houses (Appearance, Landscaping, Layout and Scale). Appeal Allowed.

### **Consultee Response**

**LCC Highways** - The Highway Development Control Section recommends the following changes to the proposed highway design shown on drawings 605/01F " Proposed Site Layout" and 605/11D "Footpaths Network", in the interest of highway safety and highway amenity for road users: -

1. The minimum internal single garage size to be 6x3m and this includes integral garages.

The Joint Lancashire Structure Plan "Car Parking Standards" page 5 recommends the minimum internal dimension for all single garages to be a minimum of 6x3m and page 17 clause F.4.3 states "Individual garages, of minimum dimensions of 6 x 3m, count as one parking space. The Joint Lancashire Structure Plan "SPG access and parking" page 29 also states for residential parking "A garage is counted as one parking space. Where constructed garages should have minimum dimensions of 6 x 3 metres". The Highway Development Control Section is therefore of the opinion that where garages are smaller than the recommended minimum internal dimension of 6 x 3m they should not be counted as a parking space and the applicant should provide an additional parking space for each garage affected.

Clause 8.3.41 on page 109 from Manual for Streets also recognises the many authorities now recommend a minimum garage size of 6 x 3m.

2. The Joint Lancashire Structure Plan and the Pendle Local Plan 2001-2016 Appendix 2: Car and Cycle Parking Standards recommends the following individual parking provision: -
  - One-bedroom properties to have 100% parking.
  - Two to three bedroom properties to have 200% parking.
  - Four to five bedroom properties to have 300% parking.
3. The carriageway fronting plots 22, 24 and 28 to 31 is not adoptable due to insufficient service verge width, insufficient carriageway width and the restricted turning head etc.
4. The visitor car parking bays would not be considered for adoption and a management company is advised to maintain the parking bays.

I have forwarded details of this application to our Public Rights of Way Team and asked them the reply directly to you regarding the proposed changes and any conditions they may require.

The following comments are regarding the future highway adoption under a section 38 agreement with Lancashire County Council and the applicant is advised to consider these comments as part of this planning application, where they wish to offer the road for adoption. Where the recommendations below are not implemented the highways may not be suitable for adoption. Further guidelines regarding acceptable prescribed highway adoptable layouts can be found on the Lancashire County Council Residential Road Design Guide and the Lancashire County Council Specification for Estate Roads 2011 edition. Some minor variations to these documents may be considered on a case by case basis but the emphasis will be on highway safety and maintenance:-

1. Carriageway to have a desirable maximum gradients of 6%, although a gradient of 5% is desirable where a significant number of pedestrians are expected. (Manual for Streets 2 8.4.01 and 8.4.2) The maximum gradient of 5% to be applied for a minimum of the first 10m of carriageway.
2. Where pedestrians are expected the gradient should ideally be more than 5% with a maximum of 8% for wheel chair users (Manual for Streets 2 5.2.5)

The applicant is advised to consult our section 38 officers as soon as practically possible over the gradient issues.

**LCC Public Rights of Way** – The land is affected by a Definitive Map Modification Order application. It would be advisable to accommodate the routes in to the proposal or to provide a suggested alternative, as the applicant appears to have done. A diversion of the footpath would be required for this alternative route.

**Lead Local Flood Authority** - No objection.

**Environment Agency** – No comments.

**Lancashire Constabulary Architectural Liaison**

**Natural England**

**United Utilities**

**Yorkshire Water**

**Barnoldswick Town Council**

### **Public Response**

Press and site notices have been posted and nearest neighbours notified – Responses have been received from two addresses objecting to the proposed development on the following grounds:

No application has been made to divert the public footpaths crossing the site.

The developers have not followed the legal requirement for changes to the footpaths.

The footpaths are very well used.

The approval of this application should be delayed until all the necessary legal steps have been taken.

The whole planning permission should be further debated by local people before the developers begin work.

### **Officer Comments**

This is a variation of condition application, to amend the layout of plots 17-27 the only matters that can be considered are the specific impacts of the amendments to the approved plans.

### **Policy**

#### **Pendle Local Plan Part 1: Core Strategy**

Policy ENV1 of the Local Plan seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 of the Pendle Local Plan Part 1 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.

Policy LIV5 states that layout and design should reflect the site surroundings, and provide a quality environment for its residents, whilst protecting the amenity of neighbouring properties. Provision for open space and/or green infrastructure should be made in all new housing developments.

### Replacement Pendle Local Plan

Policy 31 of the Replacement Pendle Local Plan sets out the maximum parking standards for development.

### **Visual Amenity**

The proposed amendments to the layout and design of plots 17-27 are minor and design of the proposed semi-detached houses (plots 17-26) and detached house (plot 27) are acceptable. The proposed variation is therefore acceptable in terms of visual amenity in accordance with policies ENV2 and LIV5.

### **Residential Amenity**

The proposed amendments do not raise any adverse residential amenity issues. The variation is therefore acceptable in terms of residential amenity in accordance with policy ENV2.

### **Highways**

LCC Highways response raises a number of issues in relation to the highway layout of the development and its adoptability. However, these matters do not relate to any of the amendments proposed in this application. The only proposed change in relation to the highway layout is the parking bays to the rear of plot 25 are proposed to be rotated 90 degrees. This would not raise any adverse highway safety impact and plots 17-27 would maintain an acceptable level of car parking provision of two spaces per 3 bedroom dwelling. The proposed variation is therefore acceptable in terms of highway safety.

### **Public Rights of Way**

Concerns have been raised by both neighbours and LCC Public Rights of Way regarding the diversion of proposed public rights of way across the site. However, amendments proposed in this application do not alter the layout in relation to pedestrian routes through the site.

The legal requirements of potential public right of way diversions are a separate matter and do not impact upon the determination of this application.

### **Summary**

The proposed amendments to design and layout are acceptable in terms of design, amenity and highway safety and therefore this application is recommended for approval.

### **Reason for Decision**

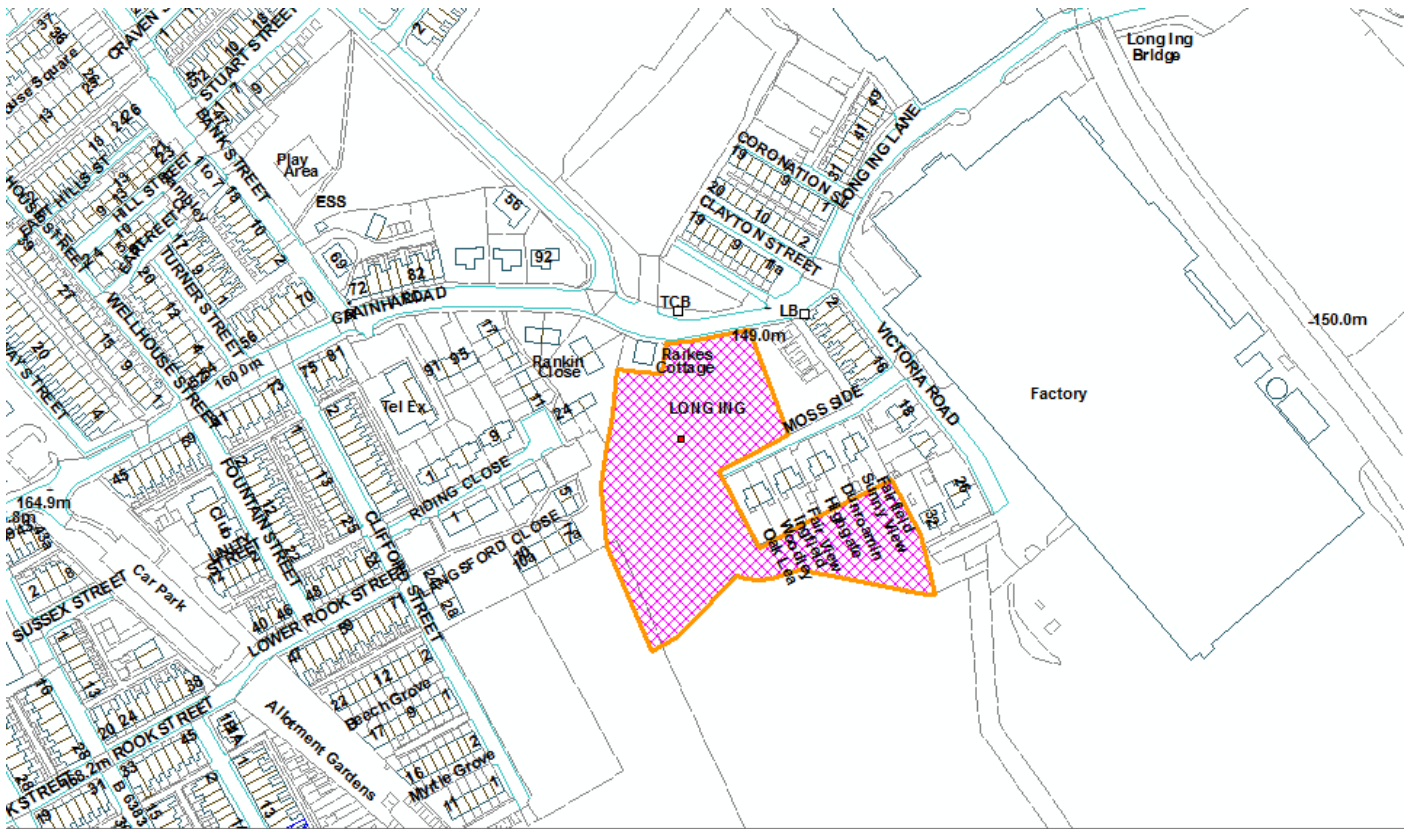
Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed amendments to design and layout are acceptable in terms of design,

amenity and highway safety. 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 development hereby permitted shall be carried out in accordance with the following approved plans: 605/01F (site layout); 605/02A (location plan); 605/03A,04B,05C,06A (house types); 605/7C (sections); 605/11D (footpath network); 605/12E (landscaping); 605/13A (vehicle tracking); 1979/100A, 101A, 102A (highway drainage); 1979/104A (typical highway details); 1979/105A,106A (retaining walls); 1979/110A, 111A (drainage schedules); 1979/112A (finished levels).
- 2) Before development commences samples of the external materials to be used in the construction of the roofs and walls and samples of the colour and finish of windows and doors of the development hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall be carried in the approved colours and materials.
- 3) All approved hard and soft landscaping works shall be carried out prior to occupation of any part of the development or in accordance with a timetable to be agreed in writing by the local planning authority. Any trees or plants that within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.
- 4) Before development commences an Estate Street Phasing and Completion Plan shall be submitted to and approved in writing by the local planning authority. This Plan shall include construction details of the access ways to plots 5-8 and 28-31 and communal parking areas, together with the phasing and timescales of all estate road/access way works and dates for entering into an agreement under section 38 of the Highways Act 1980 and/or the establishment of a private management and maintenance company. The Plan shall be implemented in accordance with the approved details and timescales.
- 5) Before development commences a parking and manoeuvring scheme shall be submitted to and approved in writing by the local planning authority. The approved car parking and manoeuvring areas for each dwelling shall be marked out and surfaced in accordance with the scheme prior to the occupation of that dwelling and shall thereafter remain free from obstruction and available for car parking and manoeuvring purposes.
- 6) All window openings shall be set back from the external face of the wall. The depth of reveal shall be at least 100mm.
- 7) Before development commences details of refuse and recycling storage for each property shall be submitted to and approved in writing by the local planning authority. The approved provision shall be made prior to occupation of any dwelling



**Application Ref:** 16/0735/VAR

**Proposal:** Full: Major: Variation of Condition: Vary Condition 1 of Planning Permission 16/0136/REM to substitute approved plans and make minor material amendments to the scheme.

**At:** LAND OFF LONG ING LANE BARNOLDSWICK BB18 6BJ

**On behalf of:** Stirling Investment Properties LLP



## REPORT TO WEST CRAVEN COMMITTEE ON 10 JANUARY 2017

**Application Ref:** 16/0756/REM

**Proposal:** Reserved Matters: Residential development for 5 detached houses with garages (appearance and landscaping)

**At:** Land to rear of 8 Birch Hall Lane, Earby

**On behalf of:** M Proctor and YLBD Limited

**Date Registered:** 9 November 2016

**Expiry Date:** 4 January 2017

**Case Officer:** Lee Greenwood

### **Site Description and Proposal**

This application is brought to Committee due to the number of objections received.

Outline consent was granted on appeal at this site in May 2015 (13/14/0231P) including details of access, layout and scale. This reserved matters application now seeks to address the remaining issues of appearance and landscaping. The following report will concentrate on those issues and will not revisit the principle of development.

The site is within the Earby Conservation Area.

### **Planning History**

**13/14/0231P** – Outline: Residential development for 5 detached houses with garages (Access, Layout and Scale), erection of garage for No. 8 and demolition of existing garage – **Allowed at Appeal**

### **Consultee Response**

**LCC Highways;** acceptable access and site lines provided. Other comments are made however access and layout have been approved by the Inspector and are subject to conditions on the outline consent.

**Yorkshire Water;** drawing should show here existing surface water discharges off site. A condition may be added if permission is granted for details to be agreed. Public sewer network does not have any capacity to accept surface water drainage from the site. Therefore sustainable drainage systems may be appropriate in this instance. It is understood that a private surface water drain may be located to the west of the site which discharges in to Earby Beck. Recommend comments are sought from other relevant drainage bodies.

If new sewers are to be adopted the developer should contact YW to discuss their requirements.

**Lancashire Constabulary;** no comments at time of writing.

**PBC Environment/Trees;** no comments at time of writing.

**Earby Town Council;** no objections



## **Public Response**

**Twenty two neighbours notified, site and press notices also displayed;** Five objections received at the time of writing, commenting on;

- Conditions attached to outline have not been fully addressed
- Circumstances have changed and site is now in a surface water flood risk zone following localised flooding
- Scheme should include further planting as existing hedgerows are inadequate
- Construction method statement is inadequate to protect neighbours from flooding
- No measures to control emissions of dust and dirt
- Independent flood risk assessment should be undertaken
- Submission made without any regard to outline details
- Entrance narrow and tight as are approach roads
- Houses aren't affordable
- Wildlife would be disturbed
- Will set a precedent for more development
- Drainage proposals unsuitable

## **Policy**

### **Local Plan Part 1: Core Strategy**

The following Local Plan policies are relevant to this application:

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..

### **National Planning Policy Framework**

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.

## **Officer Comments**

### **Appearance & the Heritage Asset**

As per the approved layout, the development takes the form of a small cul-de-sac of 5 dwellings, located around a central access road. Two house types are proposed, Plot 1 at the entrance to the site is two storey and finished in a mixture of render and stone under a blue slate roof. A detached garage would be provided to the side at the end of the driveway.

The remaining 4 plots are larger dwellings, finished in coursed natural stone and slate. Again garages and driveways are provided adjacent to each dwelling. The properties would contain a mixture of traditional and more modern elements, this is acceptable in a location where architectural vernacular is varied with properties of differing styles and finishes apparent within the street scene.

This part of Earby is characterized by newer developments (relatively speaking when compared to the older centre of the town), with the proposed development viewed in this context. The impact of a development of this scale/layout was assessed by the Inspector as part of the appeal process and found to be acceptable. It is within Conservation Area and this status must be taken in to account in terms of design.

Paragraph 131 of the Framework states that in determining planning applications, local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 132 requires that “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation.”

To assess the impact of the proposed development on the Conservation Area, its primary characteristics must first be contextualised. The Council's Character Appraisal details that the settlement around Birch Hall Lane is surrounded by farmland and forms part of the 'upland fringe' section of the area.

From wider public vantage points the dwellings would be seen in a cluster set against a backdrop of existing built form. The design proposed takes elements of the adjacent properties (use of white render; stone walls and surrounds to windows/doors) in such a way that the development would not be harmful to the aforementioned characteristics of this section of the Conservation Area.

PVC windows are proposed of a colour to be agreed. Accounting for the prevalence of artificial window frames in the immediate area, this is acceptable and would not adversely affect the character of the heritage asset.

### **Amenity**

The design of the dwellings is such that internal window to window separation distances are acceptable between habitable rooms. Plots 2 and 4 are located adjacent to the dwellings on Heather Brow to the west. The approved layout means that the gable elevations of these dwellings face towards this boundary. The upper floors are to be blank with no side facing openings proposed. The proposed sun rooms at ground floor would have predominantly glazed elevations; however existing and proposed boundary treatments here would negate any loss of amenity for those dwellings adjacent.

## **Landscaping**

The plans provided show that internal boundary treatments are to comprise 1.2m high stone walls and boarded fencing. The hard landscaping, primarily the access (which is not sought for adoption) and driveways, would be constructed of block pavements. Each curtilage would be finished with topsoil and grass seeded, with patio areas around the perimeter of the dwellings.

Additional boundary planting is to comprise a number of new trees (26 in total) with a combination of flowering cherry, hawthorn and rowan. Some existing trees are to be removed to facilitate development. Existing hedgerows to the site boundary (adjacent to the open countryside) are to be retained.

At an edge of settlement site these proposals are acceptable and implementation will be controlled by condition.

## **Drainage/Other Matters**

Several objections have been raised in relation to the development which are not relevant to the reserved matters sought. As such they are not material considerations in the determination of this current application.

The principle of development has been established and conditions added to the outline consent by the Inspector. Whilst the scheme does include some details (indicative drainage details and a construction method statement) conditions would need to be formally discharged where appropriate prior to the commencement of development.

Several objections state that the site has now been reclassified and falls within a Flood Zone. The Environment Agency has confirmed that this is not the case and the site remains in Flood Zone 1. They have however clarified reference to flood incidents in the area within the last 12-18 months. The cause was twofold – the collapse of a non-main river culvert on Heather Brow and overland flow from a collapsed bank. Flows from this would have crossed the application site.

Therefore the Inspector's initial views and position on this matter remain.

A number of objections raise concerns that all conditions on the outline consent have not been suitably addressed in this submission. It should be noted that the applicant is not necessarily required to do so at the reserved matters process and those earlier conditions remain to be satisfied at the relevant times.

However, as the Agent has provided some initial drainage details on the plans provided, Yorkshire Water have responded and requested further information as the details as shown would not be acceptable. They have however advised that this matter could be controlled by condition and a pre-commencement condition (no.4) remains on the outline consent which requires details to be agreed before work starts. Therefore the matter can be suitably controlled in either regard.

A construction method statement has also been provided which details the developers proposed approach to the process, including working hours, position of site cabins, wheel washing, provision of skips, contractor parking and protective fencing. To avoid the spread of dust the use of power tools will be kept to a minimum as will stone cutting, with materials (such as sawn stone surrounds) prepared before delivery to site.

## **Summary**

Subject to the imposition of relevant conditions, the landscaping and appearance of the development as proposed is acceptable.

## **RECOMMENDATION: Approve**

Subject to the following conditions:

1. This notice constitutes an approval of matters reserved under Condition 1 of Planning Permission No.13/14/0231P and does not by itself constitute a planning permission.

**Reason:** The application relates to matters reserved by Planning Permission No.13/14/0231P.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 2677.2, 2677.1

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

3. The development hereby permitted shall not be commenced unless and until details and samples of the types and colour of all facing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter at all times be carried out in strict accordance with the approved details.

**Reason:** In order that the Local Planning Authority can assess the materials in the interest of the visual amenity of the area.

4. The approved landscaping scheme as shown on drawing number 2677.1 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 the site is suitably landscaped

5. The development hereby approved shall be carried out in accordance with the 'construction plan' dated October 2016 at all times and shall not be varied without the prior written agreement of the Local Planning Authority.

**Reason:** In the interests of residential amenity.



**Application Ref:** 16/0756/REM

**Proposal:** Reserved Matters: Residential development for 5 detached houses with garages (appearance and landscaping)

**At:** Land to rear of 8 Birch Hall Lane, Earby

**On behalf of:** M Proctor and YLBD Limited

## REPORT TO WEST CRAVEN COMMITTEE 10 DECEMBER 2016

**Application Ref:** 16/0781/FUL

**Proposal:** Full: Installation of a telecommunications mast comprising a 17.5m monopole supporting 3 antennas and 1 transmission dish, 3 equipment cabinets, 1.8m palisade fence and ancillary development.

**At:** Earby Cricket Club, William Street, Earby

**On behalf of:** CTIL And Vodafone Ltd

**Date Registered:** 07/12/2016

**Expiry Date:** 01/02/2017

**Case Officer:** Alex Cameron

### **Site Description and Proposal**

The application site is an area of open land within the settlement boundary of Earby associated with Earby Cricket Club. The land is of no designation, it does not fall within the land of the cricket ground designated as Open Space. To the north are terraced houses, to the west is the cricket club building and terraced housing, to the south is a line of trees with the cricket ground beyond, and New Cut runs to the east with the former Brook Shed beyond, which falls within Earby Conservation Area.

The proposed development is the installation of a 17.5m tall telecommunications mast to provide improved mobile phone coverage to the area. The development also includes ancillary equipment cabinets and 1.8m palisade fenced compound.

### **Relevant Planning History**

None.

### **Consultee Response**

Natural England – No objection.

Arqiva – No observations.

NATS – No objection.

LCC Highways - The Highway Development Control Section does not have any objections in principle regarding the proposed installation of a telecommunications mast at the above location. We are of the opinion that the proposed development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site, subject to the following comments being noted and conditions being applied to any formal planning approval.

We note that the applicant intends to use Applegarth Street as the access route to the site. They should ensure that this would be adequate for the type and number of construction/delivery vehicles which will be going to and from the site.

The proposed access route will be partly along an unadopted stretch of road from the junction of Cowgill Street to the cricket club access gate. We would ask that a condition survey of the road surface for this section is undertaken prior to the commencement of any works and immediately upon completion. The developer should then make good any damage to the road surface.

## **Public Response**

Site notices posted and nearest neighbours notified. Six responses received objecting on the following grounds:

- In the document Supplementary Information 431230.PDF (page 4) It states that the construction will be more than 40 metres from the nearest residence. This statement is not true, it has been measured and is only 29 metres from the centre of the construction to the nearest residence, 26 Riverside Terrace and less than 40 metres from 27 Cowgill Street.
- Health and safety concerns.
- The mast should be sited on the other side of the field, away from houses.
- Concerns about interference with appliances and television reception.
- Noise and inconvenience during installation.
- The mast would be an eyesore to the rolling surrounding countryside.
- Views from adjacent houses would be dominated by the mast.
- Loss of value of adjacent properties.
- The mast would add to existing disturbance from the Cricket Club.
- The proposed development is on the cricket club's car parking area and so would increase on-street parking problems in the area.
- An evaluation of the access to the site should be made at different times of the day and vehicles are parked on the street. Early morning access will be an issue.
- Applegarth Street is unacceptable for use as the access as the gate is at a right angle, large vehicle over 4.5 tons cannot turn in without mounting the footpath, which is private property.
- There are several site alternatives which would be more acceptable.
- Insufficient neighbour notification.

## **Officer Comments**

### **Policy**

#### **Pendle Local Plan Part 1: Core Strategy**

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) states that proposals in the designated open countryside should have regard to the Development in the Open Countryside SPG, or its replacement. In determining proposals which affect the Forest of Bowland



Area of Outstanding Natural Beauty (AONB) great weight will be given to conserving its landscape and scenic beauty.

Policy ENV2 (Achieving Quality in Design and Conservation) states that all new development should viably seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving our heritage assets. Proposals should protect or enhance the natural environment and not detract from the natural beauty of the AONB by way of their siting, size, design and appearance.

### Replacement Pendle Local Plan

Policy 38 (Telecommunications) of the Replacement Pendle Local Plan states that proposals for new telecommunications development should, in the first instance, seek to share an existing mast or site. All proposals should minimise the impact on the natural and built environment, designated areas, listed buildings, educational establishments and residential amenity. Design should be sympathetic in respect of height, materials and colours.

Applicants are also required to submit a statement which certifies that ICNIRP guidelines will be met.

Policy 38 is supported by the Adopted SPD: Guidelines for the Control of Telecommunications Equipment. In relation to development in urban area this states:

"Telecommunications apparatus may be refused consent where they adversely affect the character and appearance of a listed building or its setting, or would be detrimental to amenity within conservation areas and other special areas. There should be no needless duplication. Development should be adequately distanced from residential properties. In any urban area, masts and antennae should be integrated into the townscape by utilising existing structures and buildings."

Guidance on telecommunications development is also contained within the National Planning Policy Framework paragraphs 42-46.

Paragraph 46 states that "local planning authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission (ICNIRP) guidelines for public exposure."

### **Principle of the Development**

The application has been accompanied by a statement which demonstrates that alternative sites have been considered and discounted. This acceptably demonstrates that no suitable alternative sites are available.

Concerns have been raised regarding the proximity of the proposed mast to dwellings, the nearest of which is approximately 35m from the proposed mast. National guidance is clear that, provided that a declaration has been provided that the proposal meets International Commission guidelines for public exposure, Local Planning authorities should not resist telecommunications applications on health grounds. An ICNIRP certificate declaring compliance with guidelines for public exposure has been submitted with the application and therefore the application is acceptable in terms of public health.

Therefore, the proposed development is acceptable in principle in accordance with policy 38 and paragraphs 42-46 of the Framework.

## **Visual Amenity and Heritage Impact**

The proposed mast would be adjacent to existing development and tall vertical structures and features such as telegraph poles and set against a line of trees. Taking this into account, the mast and associated equipment compound would not result in an unacceptable impact upon the character or visual amenity of the area and would not harm the significance of the adjacent Conservation Area. The development is therefore in accordance with policies ENV1, ENV2 and 38.

## **Residential Amenity**

The proposed mast would be a sufficient distance from nearby dwellings to ensure that it would not have an overbearing impact upon them or otherwise harm the amenity of residents. It is therefore acceptable in terms of residential amenity in accordance with policies ENV2 and 38.

## **Highway safety**

The site is accessible from Applegarth Street and the proposed development is acceptable in terms of highway safety subject to a condition requiring construction method details to be submitted and agreed.

LCC highways have requested a condition for a survey of the condition of the highway from Cowgill Street to be carried out prior to and following the development and that stretch of highway made good. This condition would not be reasonable as it could not be known that any damage to the road is as a result of the development rather than other unconnected traffic.

Concerns have been raised regarding reduction in land available for parking for the cricket club. The area of land taken up would be relatively small and would not significantly reduce the area of land available for informal parking for the cricket club. The proposed development would not therefore result in an unacceptable increase in the level of on-street parking in the area.

## **Other issues**

Concerns have been raised regarding the potential impact on television signals and appliances. Arqiva, who are responsibility for UK broadcasting transmission facilities, have been consulted and have made no adverse comments.

Concerns have also been raised regarding loss of value of adjacent houses, impact on private views from dwellings and disturbance and anti-social behaviour resulting from the use of the Cricket Club. These are not matters that are material considerations or relevant to the determination of this planning application.

## **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 terms of policy, design, amenity and highway safety. 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.

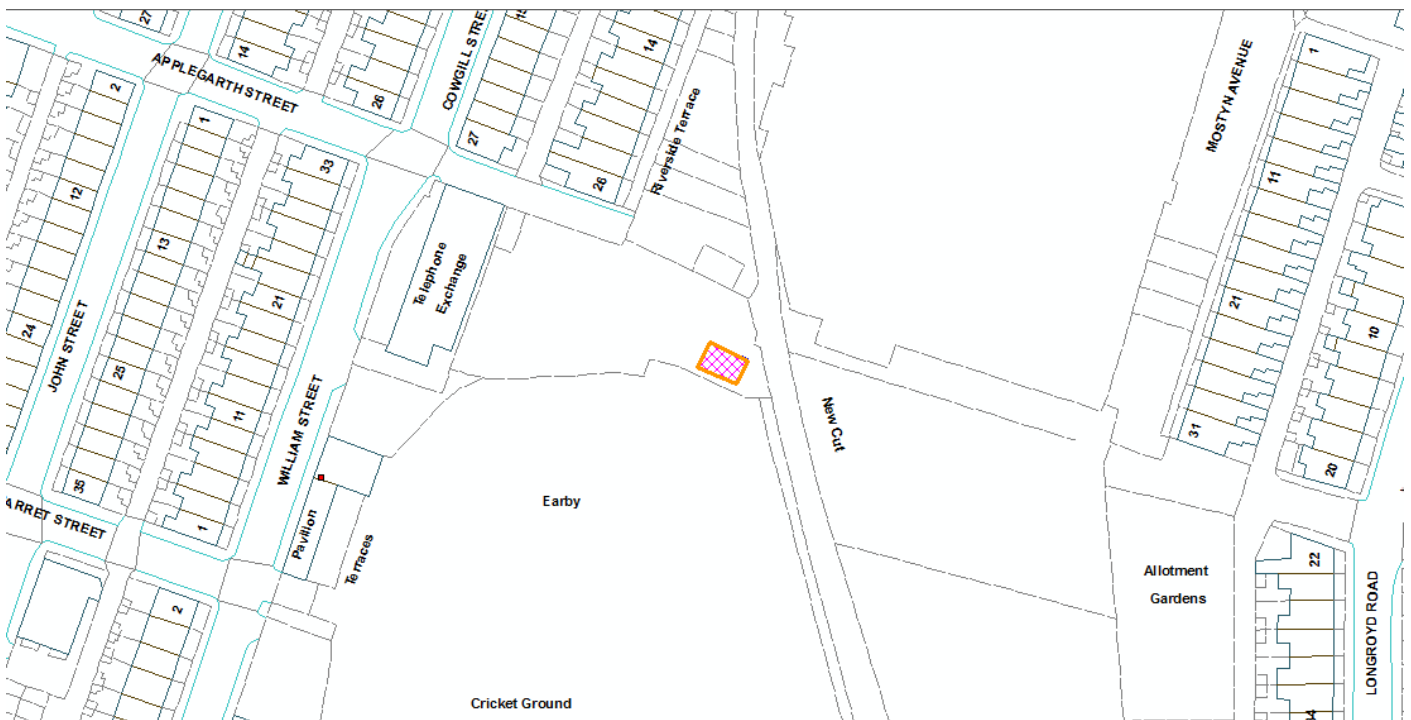
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

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

3. No development shall take place unless and until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of any security hoarding
- v) Measures to control the emission of dust and dirt during construction
- vi) A scheme for recycling/disposing of waste resulting from demolition and construction works
- vii) Details of working hours
- viii) Routing of delivery vehicles to/from site.

**Reason:** In the interest of highway safety



**Application Ref:** 16/0781/FUL

**Proposal:** Full: Installation of a telecommunications mast comprising a 17.5m monopole supporting 3 antennas and 1 transmission dish, 3 equipment cabinets, 1.8m palisade fence and ancillary development.

**At:** Earby Cricket Club, William Street, Earby

**On behalf of:** CTIL And Vodafone Ltd

## **LIST OF BACKGROUND PAPERS**

Planning Applications

**NW/MP**

**Date: 21<sup>st</sup> December 2016**