

REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

TO: WEST CRAVEN COMMITTEE

DATE: 5th December, 2017

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning application.

REPORT TO WEST CRAVEN COMMITTEE ON 5TH DECEMBER 2017

Application Ref: 17/0560/OUT

Proposal: Outline: Major: Residential development (0.5ha) (Access Only)

At: Land to the West of White Leys Close, Earby

On behalf of: M & D Dinsdale

Date Registered: 05.10.2017

Expiry Date: 04.01.2018

Case Officer: Charlotte Pinch

Site Description and Proposal

The application seeks outline permission for the erection of twelve dwellinghouses with access only. Details of the appearance, landscaping, layout and scale will be dealt with at a later stage under the Reserved Matters submission.

The application site is agricultural land located in the parish of Salterforth on the south west corner of Earby and lies outside the settlement boundary in Open Countryside.

The site is a rectangular piece of land which measures 0.5ha and is bounded by housing on White Leys Close to the east, Earby Road to the south and Open Countryside to the north and west.

The scheme would consist of six semi-detached two storey dwellings in three blocks and six detached two storey dwellings, each would have their own on plot driveways and parking.

Access to the site would be directly off Earby Road.

A similar outline application was submitted in 2016 for the erection of 34 dwellinghouses on land to the south of Earby Road, opposite this application site. This was approved, based on access and layout only.

Relevant Planning History

16/0329/OUT

Outline: Major: Erection of 34 dwelling houses (1.26ha) (Access and Layout only).
Refused. 2016.

16/0630/OUT

Outline: Major: Erection of 34 dwelling houses and creation of new access (Re-Submission).
Approved with Conditions. 2016.

Consultee Response

LCC Highways

The development site is located on the north side of Earby Road on a greenfield site immediately to the west of White Leys Close, Earby. A new site access is proposed on the north side of Earby Road C684 approximately 100 metres west of Warwick Drive U40033.

There is a committed development of 34 dwellings that is yet to be commenced on the south side of Earby Road reference D13.16.0630. There is a new site access to serve the development site approved approximately 30 metres to the east of the proposed site access to serve the development site that is currently being considered.

The approved site access to the south side of Earby Road is shown on the indicative site layout JEC-FEASI-SK01 Rev A within the red edge together with a new section of footway, which runs through the site, to connect to the existing footway on the south side of Salterforth Road.

It will be necessary to make this application acceptable, for this section of footway which is approved under D13.16.0630 (on third party land) to be implemented prior to the first occupation of any dwelling constructed under this application. The reason is to ensure that there is a footway provision for pedestrians to travel from the development site to Salterforth Road safely. A condition will be required. If this cannot be agreed with the developer then the Highway Authority would raise an objection to this application on highway safety grounds.

Earby Road is a classified road and is categorised as a secondary access road with a speed limit of 40 mph fronting the site access.

As part of the planning application the applicant has provided a Transport Statement by DTPC consultants J855/TS dated September 2017.

The 85th percentile speed survey information showing 33.5mph speeds in both directions requires sightlines of X-2.4 x Y-52m. There is a sketch plan contained within the TS showing the requirement, however the visibility splay requirement and the impact upon the boundary vegetation and trees is not clearly shown on the indicative site layout. The visibility splay requirement is achievable over the applicants land however it will result in additional vegetation loss along the Earby Road boundary of the site access to the east. For the avoidance of doubt the applicant should show the visibility splay requirement on a separate drawing which can be referred to in the condition.

The current speed limit is set at 40mph past the site and an extension of the 30mph speed limit is necessary as a condition of any approval given at this site. The 30mph speed limit should be extended to include the site access into the 30mph speed limit and will be completed as off-site highway works under a S278 agreement with Lancashire County Council, the Highway Authority.

Detailed design and approval will be required for the site access and off-site highway works to include tactile paving at all junctions, street lighting and surface water drainage.

The provision of an extended length of footway alongside the carriageway of Earby Road, to the west of the proposed site access to the site boundary is recommended to enable future pedestrian linkages to be made.

Sustainability

The site has a low/medium accessibility score and for recent applications a contribution to the provision of bus shelter improvements was requested under a S106 agreement. I believe that

Earby Parish Council manage the bus shelters in this area and therefore further advice should be obtained on the requirement and future maintenance liability.

An alternative measure to increase the sustainability credentials of the site would require the developer providing a cycle voucher to the sum of £150 per dwelling to allow the purchase of a bicycle to support sustainable travel. This voucher would be supplied directly to the new residents as part of the welcome pack.

As part of any future reserved matters application the applicant is advised to consider the following provisional comments regarding the internal highway layout:-

Layout

1. The proposed layout does not allow any future extension of the site on the adjoining land. Future proofing to enable growth should be considered for this site. A re-design with adoptable estate roads to the red edge boundary is recommended to limit the need for additional site access points off Earby Road.
2. The minimum internal single garage size to be 6x3m and this includes integral garages.
3. The access road fronting plots 8 – 12 is not designed to adoptable standards and therefore will remain private. The necessary measures to enable fire tender access and refuse collection should be agreed as part of the design.

Parking

4. The Joint Lancashire Structure Plan and the Pendle Local Plan 2001-2016 Appendix 2: Car and Cycle Parking Standards – 2 spaces for 2/3 dwellings and 3 spaces for 4+ dwellings, with a secure, covered cycle space per bedroom. This can be included in the garage.
5. Each dwelling shall have an electric vehicle charging point.
6. Plot 7 requires 2 parking spaces and none are shown.

LCC Education

An education contribution is not required at this stage in regards to this development.

Yorkshire Water

Water Supply - A water supply can be provided under the terms of the Water Industry Act, 1991. There is a 1 inch private main within the site which will need diverting at the developer's cost before any work commences. Approximately 130 metres of off-site main laying will also be required at the developer's cost.

Waste Water - The Planning Statement (prepared by WBW Surveyors Ltd- Report dated September 2017) is acceptable. In summary, the report states that foul water will discharge to the public foul sewer and sub-soil conditions may support the use of soakaways.

Development of the site should take place with separate systems for foul and surface water drainage.

Foul water domestic waste should discharge to the 225 mm diameter public combined water sewer recorded in Earby Road.

It is noted from the submitted Planning Statement that surface water is proposed to be drained to soakaway.

The disposal of surface water through the use of soakaways/infiltration systems within any SPZ will only be acceptable for uncontaminated surface water arising from building roofs and continuous down pipes without any other inlet including gullies.

As surface water from the site is not proposed to discharge to the public sewer network, no assessment of the capacity of the public sewers to receive surface water has been undertaken. Should the surface water disposal proposals change, further consultation with Yorkshire Water will be required.

PBC Drainage

There have previously been on-going issues with flooding into White Leys Close from the application site. Two flood resilience grants were used to pick up water that would pour off field and through White Leys close. A French-drain was installed in the field and connected to 4 inch pipework running through the adjacent estate. There was a stone culvert downstream of approximately 4 inches square, which was severed when the White Leys development was constructed. The new pipework installed was intended to replace this original system.

This development proposes to use soakaways for surface water drainage. This land is not capable of supporting soakaways and an alternative point of discharge would need to be proposed. It may be possible to use the existing 4 inch pipework to absorb the surface water drainage; however proof that this is possible would need to be provided. If this is not shown to be possible, an alternative solution would need to be fully demonstrated.

Salterforth Parish Council

No comments received at the time of writing.

Public Response

The nearest neighbours were notified by letter, in addition to a site and press notice being posted. Five letters of objection were received from neighbouring occupiers, their comments can be summarised as follows:

- The application site is within Salterforth and not Earby.
- Poor drainage and flooding issues on the existing site, affecting existing properties in White Leys Close.
- Due to the siting of properties proposed as part of this development, overlooking concerns into the rear gardens and rear windows of properties in White Leys Close.
- The site was not designated as part of the SHLAA as carried out in 2014.
- The additional houses will put pressure on local services, including school and GP surgeries.

- There is an existing access into the site, why does another one need to be created at the detriment of existing trees.
- There is poor pedestrian access to the site, along a busy and fast road.
- The site is home to a number of bats, squirrels and deer which should be protected.
- Significant disruption to the highway and the neighbouring property during the development and construction phase.

Officer Comments

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

Policy

National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in paragraphs 18 to 219 of the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Paragraph 47 of the Framework requires local planning authorities to identify a supply of deliverable housing sites to provide five years' worth of their housing requirements. The SHLAA was updated in support of the publication of the Core Strategy.

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. Where there has been persistent under delivery a 20% buffer needs to be added to the 5 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.

Local Plan Part 1: Core Strategy

ENV1 (Protecting and Enhancing Our Natural and Historic Environments) requires development to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

ENV2 (Achieving Quality in Design and Conservation) states that all new development should seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving heritage assets. The proposals compliance with this policy is addressed in the design and amenity sections.

ENV7 (Water Management) 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 proposals compliance with this policy is addressed in the flooding and drainage section.

Policy LIV1 (Housing Provision and Delivery) sets out the housing requirements for 2011 to 2030 and how this will be delivered. It allows for sustainable development outside of settlements to come forward until the part 2 plan has been approved.

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

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

Policy LIV5 (Designing Better Places to Live) requires that layout and types of development reflect the site and the surroundings, to meet borough-wide requirements for housing stock.

Replacement Pendle Local Plan

Policy 16 'Landscaping in New Development' requires that developments provide a scheme of planting which is sympathetic to the area.

Policy 31 'Parking' which is a saved Policy within the Replacement Pendle Local Plan requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP.

Principle of the Development

Although the site lies with the parish of Salterforth, it is immediately adjacent to the settlement boundary for Earby and has a much closer relationship to the facilities in Earby rather than the rural village of Salterforth. It is likely that if permission for housing was approved here that the site would be brought into the urban area as part of the settlement review.

Policy LIV1 of the Pendle Local Plan: Part 1 Core Strategy 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 would be accessible in terms of public transport, local shops, primary school and pubs and has two play areas located close by.

In this instance the proposed site would be sustainable and the principle of housing acceptable, which accords with Policy LIV1.

Impact on Open Countryside

Although the site is in Open Countryside as mentioned above it lies immediately adjacent to the settlement boundary of Earby which lies to the East. The site is not over prominent and views are limited in terms of its landscape value.

In accordance with the Open Countryside SPG the site is designated within the Rural Valleys/Eastern Industrial Foothills area. In this area it is important the southern part of the rural valley is protected from development, to maintain a clear break with the urbanised valley to the south.

In relation to this development it is advised that development should be contained within valleys, avoiding prominent locations and buildings at the edge of settlements should be massed to form clusters of inter-connected small scale elements. In addition, walling of any units visible from the surrounding countryside should be in natural colours and textures, with natural screening being an important landscape feature.

The proposed application site is located on a valley side, which drops down into Earby. This is not a prominent hill top location which would detrimentally affect the local landscape value. In addition, this proposal is for a small cluster of dwellings adjacent to existing residential development, including footpaths to allow access into Earby. A number of existing trees will remain and further details of the proposed landscaping of the scheme can be controlled as part of the Reserved Matters.

Therefore the proposed development is acceptable in terms of impact on the Open Countryside and would not have a detrimental impact on the landscape, according with policies ENV1, ENV2 and LIV1.

Flooding and Drainage

The site does not fall within an area of Flood Risk as identified by the Environment Agency. In addition, the site is less than 1 ha. therefore a site-specific flood risk assessment is not required.

Yorkshire Water raised no objections to the proposal, recommending one condition to ensure the development is undertaken in accordance with the details shown on the submitted planning statement.

However, PBC Senior Drainage Engineer has raised concerns regarding the proposed use of soakaways for the surface water drainage. The land would not be capable of supporting soakaways, therefore details of an alternative attenuation and disposal system would be needed.

The agent has agreed to amend the scheme to provide details of an alternative method of surface water attenuation and discharge. Further information and details have not been received at the time of writing this report and an update on this will be given to the Committee.

Highways and Access

No objections are raised with regards to the capacity of the existing road to accommodate additional traffic as a result of this development.

The proposed access point is acceptable and the visibility splay requirement is achievable over the applicants land, although it would result in some vegetation loss along the Earby Road boundary of the site access to the east.

It has been requested that the footway approved under application 16/0630/OUT on the south side of Earby Road must be implemented prior to the first occupation of any dwelling constructed under this application. This is vital to ensure pedestrians can travel from the development site to Salterforth Road safely.

Discussions regarding ownership agreements and implementation of this footpath are still on going. An update on this will be given to the Committee.

Furthermore, a condition could be applied to this permission to ensure the 30mph speed limit is extended to include the site access into the 30mph zone, which will be completed as off-site highway works under a S278 agreement.

The scheme would provide off-street car parking for vehicles in a combination of garages and driveways.

Affordable Housing

Policy LIV4 sets out the targets and thresholds required to contribute towards the provision of affordable housing. The application site is located within Open Countryside outside the settlement boundary of Earby.

Discussion is on-going between the applicant and PBC regarding the provision of affordable housing on the site. An update on this will be given to the Committee.

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 accords with the Local Plan and National Planning Policy Framework. 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. An application for approval of the reserved matters (namely the access, 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 access, 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: Site Survey June 2017, SK01 Rev A.

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

4. Prior to the commencement of development samples of the materials to be used in the construction of the development hereby permitted (notwithstanding any details shown on previously submitted plan(s) and specification) shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development in the interest of visual amenity of the area.

5. No part of the development hereby permitted shall be commenced until details of the proposed ground levels have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include 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. 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
- g) Measures related to construction waste management
- i) Soil resource management including stock-pile management
- n) Location and details of site compounds
- o) Hoarding details during construction
- s) A Construction Waste minimisation Strategy.
- t) A Construction-Risks Education plan/programme
- u) Parking area(s) for construction traffic and personnel
- v) Routeing 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).

7. The car parking and garage areas shall be surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking and garage spaces and manoeuvring areas marked out in accordance with the approved plan, before the use of the premises hereby permitted becomes operative.

Reason: To allow for the effective use of the parking areas.

8. No part of the development shall be commenced until all the highway works to facilitate construction traffic access have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority.

Reason: To enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

9. No development shall commence until a scheme for the construction of the site access and the off-site highway works has been submitted to and approved in writing with the LPA:-

The off-site highway works include:-

- Extension of 30mph speed limit on Earby Road and creation of a footway on the south side of Earby Road/Salterforth Road (agreed under application 16/0630).

No part of the development shall be occupied until the works have been carried out in accordance with the approved details.

Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highways scheme/works.

10. Prior to the first occupation of any house the new estate road for the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any development takes place within the site and shall be further extend before any development commences fronting the new access road.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

11. No part of the development shall be commenced until the visibility splays measuring 2.4 metres by 52 metres in both directions to be provided, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of Earby Road, to the satisfaction of the Local Planning Authority. The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.

Reason: To ensure adequate visibility at the street junction or site access in the interest of highway safety for residents and construction vehicles in accordance with Quality of Development Policy and Transport Policy in the Local Plan.

12. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

Reason: In the interest of highway safety.

13. No development shall be commenced until full engineering, drainage, street lighting and constructional details to adoptable standards (LCC specification) of the internal estate roads have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of highway safety.

14. Prior to first occupation of any dwelling, the footway on the north side of Earby Road and the corresponding footway on the south side of Earby Road, linking to the footway on the south side of Salterforth Road (agreed under application 16/0630) shall be constructed to adoptable standards.

Reason: To ensure that satisfactory pedestrian access is provided to the site before the development hereby permitted becomes operative.

15. Notwithstanding the provisions of the Town and Country Planning (General Development Procedure) Order 1995 and the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008, or any subsequent Orders or statutory provision re-enacting the provisions of these Orders, all garages shown on the approved plan shall be maintained as such and shall not be converted to or used for living accommodation without the prior written approval of the Local Planning Authority in consultation with the Highway Authority.

Reason: In order to ensure that sufficient off-street parking can be accommodated within the site.

16. Prior to first occupation each dwelling shall have a secure cycle store in accordance with the parking standards.

Reason: In order to ensure that the development has the provision of sustainable infrastructure.

17. Prior to first occupation each dwelling shall have an electric vehicle charging point.

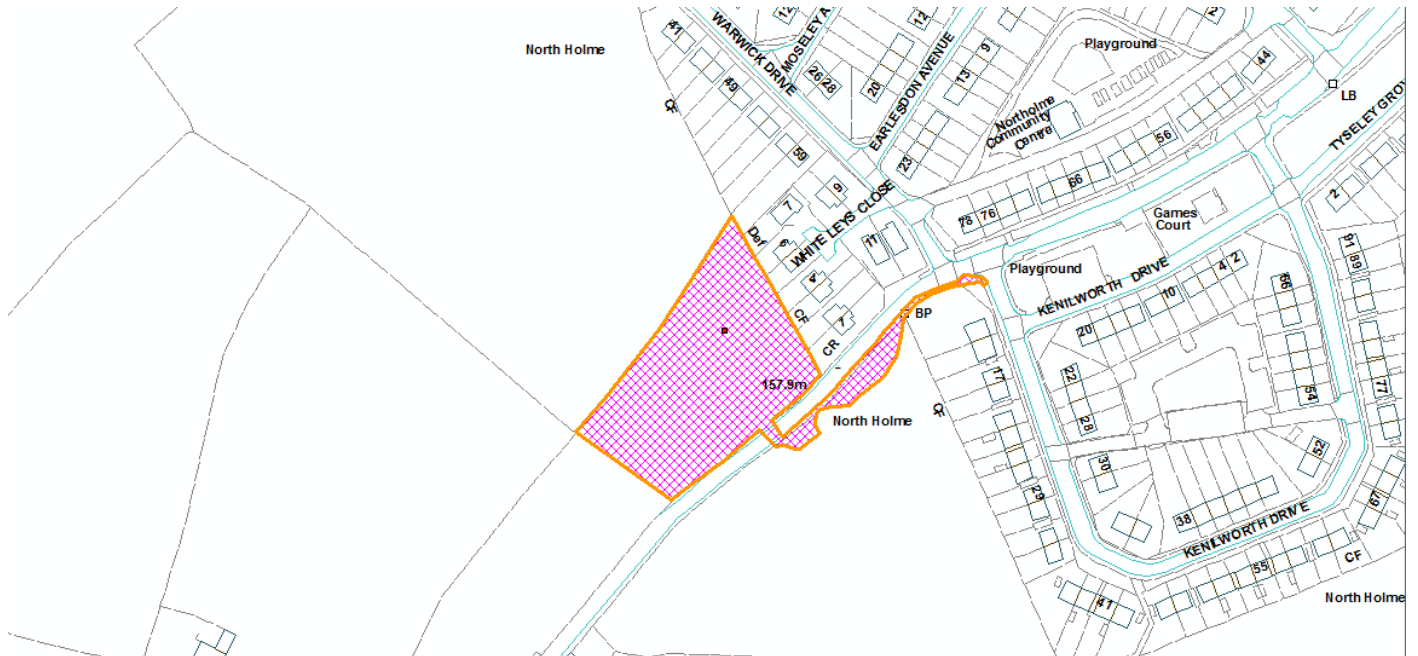
Reason: To encourage sustainable travel.

18. The development shall be carried out in accordance with the details shown on the submitted Planning Statement prepared by WBW Surveyors Ltd (Report dated September 2017), unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage.

INFORMATIVE

1. The grant of planning permission will require the applicant to enter into a Section 38/278 Agreement, with Lancashire County Council as Highway Authority. The applicant should be advised to contact Lancashire County Council, Highway Development Control email – developeras@lancashire.gov.uk in the first instance to ascertain the details of such an agreement and the information to be provided.



Application Ref: 17/0560/OUT

Proposal: Outline: Major: Residential development (0.5ha) (Access Only)

At: Land to the West of White Leys Close, Earby

On behalf of: M & D Dinsdale

REPORT TO WEST CRAVEN COMMITTEE ON 5TH DECEMBER 2017

Application Ref: 17/0617/FUL

Proposal: Full: Residential development for 6 detached dwellings with garages and a new private access driveway.

At: Land To Rear of 8 Birch Hall Lane, Earby

On behalf of: YLBD Ltd.

Date Registered: 18.10.2017

Expiry Date: 19.12.2017

Case Officer: Charlotte Pinch

Site Description and Proposal

The application is brought to Committee as it was called in by a Councillor.

Outline consent was granted on appeal at this site in May 2015 (13/14/0231P) including details of access, layout and scale for the erection of 5no. detached houses with garages.

Subsequently a reserved matters approval was obtained in January 2017 (16/0756/REM) addressing appearance and landscaping.

However, this application seeks to obtain full planning consent for the erection of 6no. detached dwellings with garages, on land to the rear of No.8 Birch Hall Lane, Earby. The development would also include the demolition of an existing garage, to enable creation of a new access.

At present the site consists of a well maintained, grassed area measuring 0.39ha, containing a stable block and other small ancillary buildings. Substantial screen planting exists on the eastern boundary and also along other sections of the site.

The land is immediately adjacent to, but outside of the settlement boundary of Earby and also within a designated Conservation Area. There are groups of dwellings immediately adjacent on Heather Brow and Birch Hall Lane.

Relevant 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. Refused. Appeal allowed with Conditions. 2015.

16/0756/REM Reserved Matters: Residential development for 5 detached houses with garages (appearance and landscaping). Approved with Conditions. 2016.

17/0621/HHO Full: Demolition of the existing two storey extensions and erection of replacement two storey extension and detached single garage to the rear. Pending Consideration. 2017.

17/0623/FUL Full: Erection of one semi-detached dwelling and single detached garage to the rear. Pending Consideration. 2017.

Consultee Response

LCC Highways

Further to our discussions on 14 November, and having considered the information submitted for the above application, the Highways Development Control Section has concerns regarding the internal layout of the site and under-provision of off-road parking. Should these concerns not be addressed satisfactorily then we would raise an objection on highway safety grounds and would recommend refusal. In the meantime we have the following comments to make.

There is existing planning approval on the above site for the erection of five detached houses with garages, plus a garage and off-road parking provision for No 8 Birch Hall Lane, all served by a new access created off Birch Hall Lane. (Planning permission 14/0231/OUT, allowed at appeal with conditions on 23 July 2015 refers.)

The new application is for the provision of six detached dwellings with garages, and the creation of a new private access driveway off Birch Hall Lane. It is proposed that Plot 1 would use the access to the existing garage as its vehicular access, with the remaining five plots using the new private access driveway.

Formation of new access

The formation of a new private common access driveway, providing access for five of the six new dwellings, would potentially provide access to the proposed detached garage and hard standing to the rear of No 8 (planning application 17/0621/HHO), plus a proposed new dwelling attached to No 8 (planning application 17/0623/FUL).

Whilst this new common driveway is likely to be constructed to provide access for all the developments covered by application Nos 17/0617/FUL, 17/0621/HHO and 17/0623/FUL, its construction should not be wholly dependent on application 17/0617/FUL being approved, nor all developments being constructed simultaneously. Therefore the construction of the access should be conditioned as part of any approval granted to all three applications, so that satisfactory access and off-road parking provision is constructed independently.

The formation of the new vehicle access from Birch Hall Lane to the development site would need to be carried out under a legal agreement (Section 278) with Lancashire County Council as the Highway Authority. Works should include, but not be exclusive to, the construction of the access to an appropriate standard and 6m radius kerbs. The newly formed verges within the visibility splays should not be surfaced with stone cobbles as these present an uneven surface for pedestrians. These should be surfaced in a bound porous material, agreed with the Highways Authority.

Internal layout

A turning head is required on the new access road to allow refuse, emergency and any large delivery vehicles to turn within the site. The current layout would require such vehicles to reverse into/out of the site. This is contrary to 'Manual for Streets' (Sections 6.7 and 6.8.8 to 6.8.11) and would pose a hazard to other highway users. The proposed turning head should be built to Lancashire County Council's Residential Road Design Standard.

In addition the developer should prove by swept path analysis that a twin axle refuse vehicle can safely negotiate the entrance to the site.

The developer should provide service strips 1m wide on both sides of the access driveway.

All boundaries adjacent to the carriageway should be no higher than 1m to improve visibility for both pedestrians and vehicles using the shared access driveway, in the interest of highway safety.

If the developer wishes to have the estate road adopted full engineering, drainage, street lighting and constructional details of the road should be submitted and approved prior to determination of the application.

If the developer wishes the estate road to remain private they should provide details of the proposed arrangements for the future management and maintenance of the road. These should include whether a private management and maintenance company would be established. Details should be submitted and approved prior to determination of the application.

Parking provision

Car parking recommendations in the 'Replacement Pendle Local Plan 2001-2016 Appendix 2: Car and Cycle Parking Standards' are for two parking spaces for dwellings with two to three bedrooms, and three parking spaces for dwellings with four and above. Whilst these are maximum recommendations the Highway Development Control Section is of the opinion that the maximum should be applied as this site is not on, or near, a bus route, nor within reasonable walking distance of local facilities. There is, therefore, a presumption of the reliance on the use of private vehicles. An under-provision of parking provision within the site could lead to on-road parking on Birch Hall Street to the detriment of highway safety and residential amenity.

Proposed parking provision

Plot 1 – The proposed drive is too small to provide a second off-road parking space. Its layout at an angle is also such that this would lead to poor manoeuvring movements of vehicles entering/leaving the drive. The previously approved site layout showed vehicle access to Plot 1 off the common private access driveway. In the interest of highway safety we would recommend that Plot 1's vehicular access is moved to be accessed from the common driveway.

Plot 2 – The internal dimensions of the single garage have not been shown. To count as one parking space it should have minimum internal dimensions of 6 x 3m. The proposed drive/hardstanding is also too small to provide the further two parking spaces.

Plot 3 - The garage proposed is too small to count as two parking spaces. It should have minimum internal dimensions of 6m x 6m to count as two spaces. The proposed drive/hardstanding is also too small to provide the further two parking spaces.

Plots 4 – 6 – The garages proposed are too small to count as two parking spaces. These should have minimum internal dimensions of 6m x 6m to count as two spaces. The proposed drives/hardstanding areas are also too small to provide the further two parking spaces.

The developer should note that car parking spaces must not be over any service strip area.

Due to the above, the Highway Development Control Section is of the opinion that the applicant has not indicated an acceptable level of car parking for all the properties based on the car parking recommendations in the 'Replacement Pendle Local Plan 2001-2016 Appendix 2: Car and Cycle Parking Standards'.

The developer should provide a revised internal layout taking into account the above comments regarding layout and parking provision. As stated previously, if these issues are not resolved satisfactorily then the Highway Development Control Section would raise an objection to this application on highway safety grounds and recommend refusal.

As there is no available capacity for on-road parking within the site the use of any garages should be controlled by condition so that they are not converted to habitable rooms, in order to protect the future provision of off-road parking.

Visibility splays

Birch Hall Lane is subject to a 20mph maximum speed limit. Visibility splays, measured 2.4m along the centre line of the proposed access road from the continuation of the nearer edge of the carriageway of Birch Hall Lane, to points measured 25m in each direction along the nearer edge of the carriageway of Birch Hall Lane, should be provided. The Highway Development Control Section is of the opinion that the applicant has indicated acceptable sight lines, in accordance with 'Manual for Streets', from the new site access onto Birch Hall Lane.

Timing of deliveries /Construction Traffic Management

Given the site's location, and with only one vehicular route to and from the site, we would ask that a condition is applied restricting the times of deliveries to ensure there is no conflict with traffic using the delivery route from the centre of Earby, both vehicular and pedestrian, at peak times, should this application be approved.

Likewise the developer should submit a Construction Method Statement detailing, amongst other things, parking provision for site operatives/visitors; loading and unloading of plant and materials; the storage of plant/materials; parking provision for construction and delivery vehicles; wheel washing facilities.

Public Right of Way

Public Footpath FP26 Earby runs along the eastern boundary of the development site. Details of this application have been passed to the county council's Public Rights of Way team for their comments.

However, the Public Right of Way must not be obstructed during the proposed development, including by any building materials etc. Nor should it be encroached upon by any new boundary structures. It is the landowner's/developer's responsibility to ensure that the necessary procedures are followed for the legal diversion of the Public Right of Way if this should be necessary. The granting of planning permission does not constitute the diversion of a Definitive Right of Way.

Countryside Access Officer

The proposed development is immediately adjacent to public footpath 26 Earby. There is a drainage pipe which collects water from the field side of the footpath and runs through the site of the proposed development to an open drainage chamber at the rear of No.9 Heather Brow. If this pipe were to be damaged it is likely to result in flooding to the section of footpath adjoining the site. A condition should be included to ensure this drainage system is preserved or should be incorporated into the proposed surface water drainage.

Plot 1 will adjoin the footpath and there is a risk that building work may have an impact on the rights of footpath users. Therefore, if planning permission is granted then a note should be included in the decision notice to advise that the grant of planning permission does not include the right to either permanently or temporarily obstruct the right of way.

Advice from a suitably qualified rights of way practitioner should be sought before any works which may affect the right of way starts. If any part of the public right of way needs to be permanently closed or diverted to allow the development to be carried out, then a formal order made by the Council will first need to come into operation in accordance with the appropriate legislation.

Yorkshire Water

If planning permission is to be granted two conditions regarding foul and surface water drainage systems should be applied in order to protect the local aquatic environment and Yorkshire Water infrastructure.

Earby Town Council

Object to the proposal, given that there are other sites that could be used for development, the drainage and infrastructure in the area is already at capacity and the original application for 5 houses was refused, now this one comprises of 6.

Public Response

One letter of objection was received from a neighbouring occupier, their comments can be summarised as follows:

- Site currently acts as a natural soak away.
- Increase flooding issues further down the road.
- Earby Beck is currently at maximum capacity.

Officer Comments

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

Policy

National Planning Policy Framework

Paragraph 32 of the Framework states that decisions should take account of whether safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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 NPPF 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, it should be refused.

Local Plan Part 1: Core Strategy

Policy ENV1 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 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 LIV4 sets targets and thresholds for affordable housing provision. For less than 15 dwellings in the West Craven Towns this is 0%.

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.

The Design Principles Supplementary Planning Document (SPD) applies to extensions and sets out the aspects required for good design.

Replacement Pendle Local Plan

Policy 31 'Parking' which is a saved Policy within the Replacement Pendle Local Plan requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP.

Principle of the Development

The principle of developing this site has been established after an appeal decision granted consent for 5 dwellings. That consent can also still be implemented. The site is in principle suitable for development and there have been no policy changes that would now alter that position.

Appearance and Impact on Conservation Area

Policy ENV1 of the Local Plan Part 1 seeks to preserve and enhance the character and appearance of the area and its setting. Policy ENV1 is broadly in accordance with the NPPF.

In relation to Conservation Areas paragraph 131 of the NPPF 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.” However, paragraph 134 states “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”

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.

The late 20th Century ribbon housing along the road is referred to, with the lesser scale of development in this location in contrast to the rest of Earby. The provision of new housing clusters along Birch Hall Lane is identified as having detracted from the character of the area.

The site has been assessed from several public vantage points along the network of footpaths which cover the surrounding area. Due to the topography of the landscape, the screen planting to the boundaries of the site and its proximity immediately adjacent to existing built form, prominent or clear views of the site are limited.

In light of this, a balance view must be taken in relation to the proposed development. Local and National policies seek to protect designated heritage assets. In this instance, the Earby Conservation Area Character Appraisal identifies that open land in this area is important and is afforded protection through its designation as open countryside. Taking this in to account, the level of harm caused by the proposed development must be quantified in relation to Policy ENV1 and paragraphs 131-134 of the NPPF.

The overall scale and massing of the proposed development would be limited. Plot 1 would be in close proximity to the existing dwellings and the site of the existing detached garage. Therefore its impact and the level of change would be minimal.

Plots 2-6 would be located centrally within the land, with the existing screen planting supplemented by further screen planting along the southern boundary. This would further obscure current views of the site. When seen from higher land, the site sits within a backdrop of built form and would still be below development further along Birch Hall Lane.

Therefore it is concluded that the magnitude of change brought about by the development would not be of a scale to unacceptably harm the Conservation Area.

This section of the Conservation Area would still retain an open and semi-rural feel, therefore preserving the overall intrinsic character.

Design

The development takes the form of a small cul-de-sac of six 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 coursed stone with blue concrete roof tiles. An attached single garage and driveway would be provided to the side of the property.

The remaining 5 plots are larger dwellings, finished in coursed natural stone and blue concrete roof tiles, with garages and driveways to the side of the properties. The dwellings would contain a mixture of traditional and more modern elements, this is acceptable in this location where the architectural vernacular is varied with properties of differing styles and finishes apparent within the street scene.

The architectural vernacular of the immediate area is mixed, populated by groups of 1960's and 1970's properties and some older terraced dwellings. As such there is no clear or defined style to replicate. From a physical perspective, the application site would relate most closely to Heather Brow to the west, which is a cul-de-sac of 12 dwellings. The proposed development site would not project further south than the existing built form of Heather Brow, maintaining the defined boundary.

In terms of scale, whilst there are a number of dormer bungalows in the vicinity, the two storey dwellings proposed in this scheme would not appear incongruous or at odds with its surroundings. The immediate area is predominantly characterised by newer developments and due to its set back from the highway, wider public vantage points would be limited.

The design and layout of the dwellings is acceptable and complies with Local and National Policy.

Amenity

In terms of residential amenity, the principle assessment to be undertaken are the potential impacts on dwellings in Heather Brow. The layout shows the dwellings to be at oblique angles to the rear of these properties. The side elevations of plot 5 and 6 would be facing the rear of Heather Brow. However, elevation plans for the properties show that no side facing windows are proposed, therefore no overlooking would be caused as result of this development.

Whilst the rear aspect of the residents in Heather Brow will change as a result of the proposed development, the separation, scale and massing of the dwellings would not lead to an unacceptable relationship. Additional natural landscaping will also assist in screening the development.

Furthermore, looking at the relationship between properties within the site, the Council's Design Principles SPD advises that a minimum distance of 12 metres should be provided between principle windows and side elevations and 21 metres between principle windows which face each other.

Given the siting of the properties within the development, no principle elevations directly face each other, each being either offset or at an oblique angle to each other. Plot 5 and Plot 6 have the closest relationship between front elevations, however these are sited over 23 metres from each other, therefore complying with the guidance in the SPD.

In addition, many of the properties, including plot 2 and 3 and plot 4 and 5 have side elevations which directly face each other. However, the elevation plans show no side facing windows in either property and each would have over a 12 metre separation distance, therefore no objections would be raised with regards to a loss of residential amenity.

Policy LIV 5 requires that new developments also provide an acceptable level of amenity for future residents. In this case, although an additional property has been added over the previous application, each property would have a more than substantial curtilage and the layout provides a good mixture of private and public areas without being overly cramped. The dwelling would be enclosed by 1.2 metres stone walls and some fencing, which help to reflect the semi-rural character of the area.

Landscaping

The plans provided show that internal boundary treatments are to comprise of 1.2m high stone walls and 2m boarded fence. The hard landscaping, primarily the access and driveways, would be constructed of block paviours. 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 (29 in total) with a combination of flowering cherry and hawthorn. 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 there proposals are acceptable and implementation will be controlled by condition.

Drainage and Flooding

The application site is not within a flood risk zone. As such, the Environment Agency's standing advice applies which states that matters of this nature will normally be managed through the control of surface water run-off.

As with the previous appeal for five houses on the site the drainage arrangements can be approved through a suitable condition.

Highways and Access

Concerns have been raised regarding the internal layout of the site and whether there is under-provision of off-road parking.

The current layout does not provide for adequate parking and turning facilities. The applicant has agreed to amend the scheme to provide these. Plans have not been received at the time of writing this report and an update on this will be given to the Committee.

Ecology

As this is an open greenfield site, a phase 1 habitat survey has been undertaken. The land has no statutory designation in terms of ecology and would not affect any such designations.

The survey also assessed the potential presence of badger, bats, birds and crested newts. No evidence or further surveys are necessary, with the exception of checks for breeding birds during any works.

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 design, amenity, drainage and highway safety and would preserve the character and appearance of the Conservation Area. The proposal therefore complies with the policies of the Replacement Pendle Local Plan and National Planning Policy Framework. 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: Drawing No: 2677.3 and 2677.4

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

3. Prior to the commencement of development samples of all the external materials to be used in the construction of the roofs, walls, boundary/retaining walls and paving together with 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 thereafter at all times be carried out in strict accordance with the approved materials and details.

Reason: To ensure a satisfactory form of development in the interest of visual amenity of the area.

4. The dwelling hereby approved shall not be used unless and until the proposed parking spaces within the curtilage of the dwelling, including the proposed garage and driveway to the rear, have been constructed, surfaced and laid out in accordance with the proposed 1:200 site plan (Drawing No. 2677.5). These spaces shall remain available for parking thereafter.

Reason: In the interests of highway safety and to provide suitable off-street parking provision.

5. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the Second Schedule of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A, B, C, D, E of Part 1 of Schedule 2 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Part 1

A) no extensions shall be erected

B+C) no alterations to the roof of the building shall be carried out

D) no porches shall be erected

Reason: To enable the Local Planning Authority to control any future development on the site in order to safeguard the character and amenity of the area and impacts on neighbouring properties and in order to ensure the protected trees on the site are not adversely affected.

6. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed estate road within the development have been submitted to and approved by the local planning authority. (The road shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980, or a private management and maintenance company has been established.)

Reason: In the interest of highway safety.

7. No development shall take place, including any works of demolition, 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) Wheel washing facilities
- v) Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
- vi) Routing of delivery vehicles to/from site.

Reason: In the interest of highway safety.

8. No part of the development hereby approved shall commence until a scheme for the construction of the site access including visibility splays has been submitted to, approved by the Local Planning Authority and subsequently constructed.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site and to enable all construction traffic to enter and leave the site in a safe manner without causing a hazard to other road users

9. Before the use of the site hereby permitted is brought into operation facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.

Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.

10. No deliveries shall be made before 9.00 am and after 3.00pm to avoid conflict with traffic (vehicular or pedestrian) entering or leaving the estate.

Reason: In the interest of highway safety.

11. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and the vehicular turning space shall be laid out and be available for use before the development is brought into use and maintained thereafter.

Reason: Vehicles reversing to and from the highway are a hazard to other road users.

12. All internal boundary structures adjacent to the carriageway shall be no higher than 1m above road level.

Reason: In the interest of highway safety.

13. Notwithstanding the provisions of the Town and Country Planning (General Development Procedure) Order 1995 and the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008, or any subsequent Orders or statutory provision re-enacting the provisions of these Orders, all garages shown on the approved plan shall be maintained as such and shall not be converted to ancillary accommodation/offices or used for storage without the prior written approval of the Local Planning Authority

Reason: In order to ensure that sufficient off-street parking can be accommodated within the site.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device over 1m above road level. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed access road from the continuation of the nearer edge of the carriageway of Birch Hall Lane to points measured 25m in each direction along the nearer edge of the carriageway of Birch Hall Lane.

Reason: To ensure adequate visibility at the site access.

15. Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in bound porous material.

Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.

16. Before a dwelling unit is occupied waste containers shall be provided in the designated storage areas on each plot.

Reason: To ensure adequate provision for the storage and disposal of waste.

17. A scheme for the disposal of foul and surface 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: In order to control foul and surface water disposal and to prevent pollution and flooding.

18. The recommendations detailed in Part 3 of Extended Phase 2 Habitat Survey undertaken by Pennine Ecological dated May 2014 shall be carried prior to any building work at the site. Any further, necessary mitigation measures identified should be submitted to and approved in writing by the local planning authority prior to the commencement of any further development. The development shall subsequently be implemented entirely in accordance with the approved details. 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: To protect species and their habitats.

19. 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.

INFORMATIVE

1. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement (Section 278), with Lancashire County Council as Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to, the construction of the access to an appropriate standard and 6m radius kerbs. The newly formed verges within the visibility splays to be surfaced in an approved bound porous material. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the county council for further information by telephoning the Development Support Section (Area East) on 0300 123 6780 or email lhscustomerservice@lancashire.gov.uk , quoting the relevant planning application reference number.

2. The grant of planning permission does not include the right to either permanently or temporarily obstruct or interfere with the right of way. If part or all of the public right of way needs to be permanently closed or diverted to allow the development to be carried out, then a formal order made by the Council will first need to come into operation in accordance with the appropriate legislation. Details of how to apply for a diversion are available from Pendle Borough Council. If it is proposed temporarily to close the right of way, then an application should be made to the public rights of way section at Lancashire County Council.



Application Ref: 17/0617/FUL

Proposal: Full: Residential development for 6 detached dwellings with garages and a new private access driveway.

At: Land To Rear of 8 Birch Hall Lane, Earby

On behalf of: YLBD Ltd.

REPORT TO WEST CRAVEN COMMITTEE ON 5TH DECEMBER 2017

Application Ref: 17/0621/HHO

Proposal: Full: Demolition of the existing two storey extensions and erection of replacement two storey extension and detached single garage to the rear.

At: 8 Birch Hall Lane, Earby, Barnoldswick

On behalf of: YLBD Ltd.

Date Registered: 18.10.2017

Expiry Date: 13.12.2017

Case Officer: Charlotte Pinch

Site Description and Proposal

The application is brought to Committee as it was called in by a Councillor.

The application site is a two storey end of terrace dwelling house with existing extensions, located at No.8 Birch Hall Lane. The site is within the settlement of Earby, but surrounded by Open Countryside. It is also located within the Earby Conservation Area.

The proposed development is for the erection of a two storey side extension, with a single detached garage to the rear. The proposed extension would have a maximum width of 5.3 metres, depth of 10 metres and height of 7.5 metres.

The proposed garage would be attached to the additional garage proposed as part of application 17/0623/FUL. The two garages combined would have a depth of 6 metres and width of 6.3 metres. It would have a pitched roof of maximum height 4.5 metres.

The extension would comprise of a kitchen and dining room at ground floor level with an additional bedroom and bathroom at first floor level. The extension would be constructed of white render, with stone surrounds and blue slate roof tiles.

Some consideration must be given to the on-going applications 17/0623/FUL for a semi-detached dwelling and garage on this site and 17/0617/FUL for the erection of 6 detached dwellings on land to the rear of the site.

Relevant Planning History

16/0796/HHO Full: Erection of two storey extension to side and rear. Approved with Conditions. 2017.

17/0617/FUL Full: Residential development for 6 detached dwellings with garages and a new private access driveway. Pending Consideration. 2017.

17/0623/FUL Full: Erection of one semi-detached dwelling and single detached garage to the rear. Pending Consideration. 2017.

Consultee Response

LCC Highways

The Highway Development Support Section does not have any objections in principle regarding the proposed development 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 and note being applied to any formal planning approval granted.

Based on the car parking recommendations in the 'Replacement Pendle Local Plan 2001-2016 Appendix 2: Car and Cycle Parking Standards' we are of the opinion that the applicant has provided adequate off-road parking provision for this type and size of development.

New vehicle access

The formation of a new private common access driveway, providing access to the proposed detached garage and hardstanding to the rear of No 8, would potentially provide access to a proposed new dwelling attached to No 8 (planning application 17/0623/FUL), plus five new dwellings, which are part of application 17/0617/FUL.

Whilst this new common driveway is likely to be constructed to provide access for all the developments covered by application Nos 17/0617/FUL, 17/0621/HHO and 17/0623/FUL, its construction should not be wholly dependent on application 17/0617/FUL being approved, nor all developments being constructed simultaneously. Therefore the construction of the access should be conditioned as part of any approval granted to all three applications, so that satisfactory access and off-road parking provision is constructed independently.

The formation of the new vehicle access from Birch Hall Lane to the development site would need to be carried out under a legal agreement (Section 278) with Lancashire County Council as the Highway Authority. Works should include, but not be exclusive to, the construction of the access to an appropriate standard and 6m radius kerbs. The newly formed verges within the visibility splays should not be surfaced with stone cobbles as these present an uneven surface for pedestrians. These should be surfaced in a bound porous material, agreed with the Highways Authority.

Visibility splays

Birch Hall Lane is subject to a 20mph maximum speed limit. Visibility splays, measured 2.4m along the centre line of the proposed access road from the continuation of the nearer edge of the carriageway of Birch Hall Lane, to points measured 25m in each direction along the nearer edge of the carriageway of Birch Hall Lane, should be provided. The Highway Development Control Section is of the opinion that the applicant has indicated acceptable sight lines, in accordance with 'Manual for Streets', from the new site access onto Birch Hall Lane.

Timing of deliveries /Construction Traffic Management

Given the site's location, and with only one vehicular route to and from the site, we would ask that a condition is applied restricting the times of deliveries to ensure there is no conflict with traffic using the delivery route from the centre of Earby, both vehicular and pedestrian, at peak times, should this application be approved.

Likewise the developer should submit a Construction Method Statement detailing, amongst other things, parking provision for site operatives/visitors; loading and unloading of plant and materials; the storage of plant/materials; parking provision for construction and delivery vehicles; wheel washing facilities.

Earby Town Council

No objections.

Public Response

One letter of objection was received from a neighbouring occupier, their comments can be summarised as follows:

- The development is not in keeping with the area.
- Risk of flooding in this area is a concern.
- Increase traffic will put strain on two recently repaired bridges.
- Disturbance to wildlife.
- Significant noise and pollution.

Officer Comments

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

Policy

National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in paragraphs 18 to 219 of the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Local Plan Part 1: Core Strategy

Policy ENV1(Protecting and Enhancing Our Natural and Historic Environments) states that the historic environment and heritage assets of the borough (including Listed Buildings, Conservation Areas, Scheduled Monuments, non-designated assets and archaeological remains), including and their settings, will be conserved and where appropriate should be enhanced.

Policy ENV2 (Achieving Quality in Design and Conservation) 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.

The Design Principles Supplementary Planning Document (SPD) applies to extensions and sets out the aspects required for good design.

Replacement Pendle Local Plan

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

Conservation Area

The site is located within the Earby Conservation Area. The proposed development is not of a scale or design which would adversely harm this section of the Conservation Area. The Appraisal document describes this part of the town as being 'upland fringe' which is characterised by the farming history of the area, but also contains more modern development, particularly along Birch Hall Lane.

Whilst the extension would introduce greater massing to the site, it would be seen in the context of the existing built form of the area. The proposal would not be of a scale or design as to appear incongruous from wider public vantage points or within a street scene which contains significant variety.

The proposal therefore accords with Policy ENV1.

Design

The Design Principles SPD advises that two storey extensions should respect the balance and scale of existing properties. Although the guidelines state that two storey side extensions should be set in from the side boundary, set back from the front wall of the house and set down from the main ridge line of the dwellinghouse. These can be relaxed where the existing character of the area is terraced and if the dwellings are in an existing staggered or irregular arrangement.

The proposed extension would be attached to an existing terraced property, which is located on a rising hill. The extension would be set back from the front elevation of the existing dwelling, although due to the rise in land levels would have a slightly higher ridge height. However, it has been designed in a sympathetic manner that reflects the style and scale of the existing house, using in keeping materials and fenestration features.

The garages to the rear would be of a modest scale in relation to the associated dwellings. They would be located to the rear of the properties and therefore not readily visible from the highway or existing public vantage points.

Amenity

The Design Principles SPD states that two storey extensions should be designed to avoid having an overbearing effect or causing loss of light or privacy for neighbours.

As existing, there are no properties immediately to the west or north of the application site. It is acknowledged that application 17/0623/FUL proposes an additional adjoining dwelling, therefore no side facing windows are proposed in this extension. Furthermore, additional windows are shown on the front and rear elevation of the extension, however these would have comparable visibility to the existing windows on No.8 and given the 19 metre separation distance to the land at the rear, these would not have a detrimental impact on residential amenity in the future.

Highways and Access

No objections are raised regarding the proposed development and should have a negligible impact on highway safety and capacity.

The formation of a new private common access driveway to the rear of the property and the garage, is likely to also provide access for the new dwelling (17/0623/FUL) and six new dwellings (17/617/FUL) Therefore, the construction of the access should be conditioned as part of any approval granted to all three applications, so that satisfactory access and off-road parking provision is constructed independently.

This proposal includes the addition of a new driveway and single garage, which would provide sufficient on plot parking provision. A condition will be applied to ensure the driveway and garage is retained in the future for parking.

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 Policies ENV1 and ENV2 of the Local Plan Part 1, being appropriate in terms of scale, design and amenity. 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: Drawing No: 2677.5.

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

3. All materials to be used in the elevations and roof of the proposed extension and garage shall be as stated on the application form and 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 extension hereby approved shall not be used unless and until the proposed parking spaces within the curtilage of the dwelling, including the proposed garage and driveway to the rear, have been constructed, surfaced and laid out in accordance with the proposed 1:200 site plan (Drawing No. 2677.5). These spaces shall remain available for parking thereafter.

Reason: In the interests of highway safety and to provide suitable off-street parking provision.

5. Notwithstanding the provisions of the Town and Country Planning (General Development Procedure) Order 1995 and the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008, or any subsequent Orders or statutory provision re-enacting the provisions of these Orders, all garages shown on the approved plan shall be

maintained as such and shall not be converted to ancillary accommodation/offices or used for storage without the prior written approval of the Local Planning Authority

Reason: In order to ensure that sufficient off-street parking can be accommodated within the site.

6. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site.

7. No part of the development shall be commenced until all the highway works have been constructed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority.

Reason: To enable all construction traffic to enter and leave the site in a safe manner without causing a hazard to other road users.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device over 1m above road level. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed access road from the continuation of the nearer edge of the carriageway of Birch Hall Lane to points measured 25m in each direction along the nearer edge of the carriageway of Birch Hall Lane.

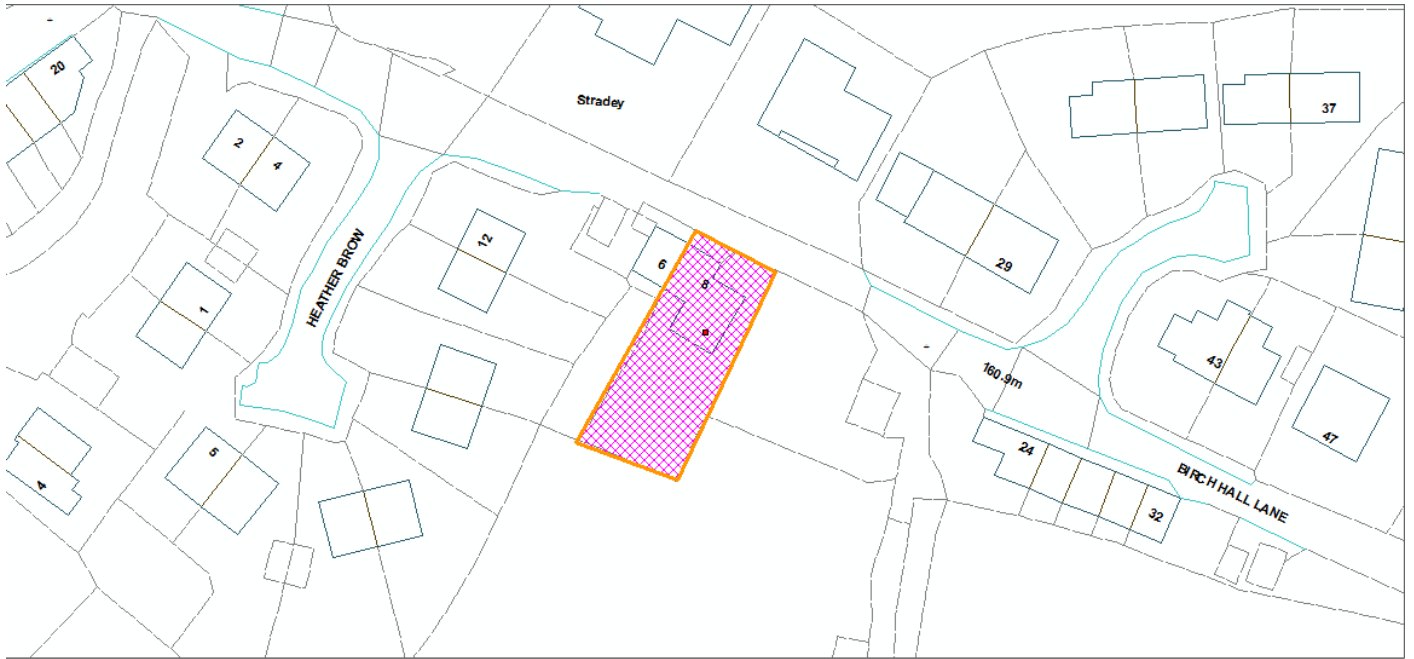
Reason: To ensure adequate visibility at the site access.

9. Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in bound porous material.

Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.

INFORMATIVE

The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement (Section 278), with Lancashire County Council as Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to, the construction of the access to an appropriate standard and 6m radius kerbs. The newly formed verges within the visibility splays to be surfaced in an approved bound porous material. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the county council for further information by telephoning the Development Support Section (Area East) on 0300 123 6780 or email lhscustomerservice@lancashire.gov.uk , quoting the relevant planning application reference number.



Application Ref: 17/0621/HHO

Proposal: Full: Demolition of the existing two storey extensions and erection of replacement two storey extension and detached single garage to the rear.

At: 8 Birch Hall Lane, Earby, Barnoldswick

On behalf of: YLBD Ltd.

REPORT TO WEST CRAVEN COMMITTEE ON 5TH DECEMBER 2017

Application Ref: 17/0623/FUL

Proposal: Full: Erection of one semi-detached dwelling and single detached garage to the rear.

At: 8 Birch Hall Lane, Earby, Barnoldswick

On behalf of: YLBD Ltd.

Date Registered: 18.10.2017

Expiry Date: 13.12.2017

Case Officer: Charlotte Pinch

Site Description and Proposal

The application is brought to Committee as it was called in by a Councillor.

The application site is a two storey end of terrace dwelling house with existing extensions, located at No.8 Birch Hall Lane. The site is within the settlement of Earby, but surrounded by Open Countryside. It is also located within the Earby Conservation Area.

The proposed development is for the erection of an end-terrace two storey dwellinghouse, with a single detached garage and parking to the rear. The proposed dwelling would have a maximum width of 5.5 metres, depth of 9 metres and height of 7 metres.

The proposed garage would be attached to the additional garage proposed as part of application 17/0621/HHO. The two garages combined would have a depth of 6 metres and width of 6.3 metres. It would have a pitched roof of maximum height 4.5 metres.

The dwelling would comprise of a living room, kitchen/diner and W/C at ground floor level, with three bedrooms and one bathroom at first floor level. The dwelling would be constructed of coursed stone, with stone surrounds and blue slate roof tiles.

Some consideration must be given to the on-going applications 17/0621/HHO for a two storey side extension to No.8 and garage on this site and 17/0617/FUL for the erection of 6 detached dwellings on land to the rear of the site.

Relevant Planning History

17/0621/HHO Full: Demolition of the existing two storey extensions and erection of replacement two storey extension and detached single garage to the rear. Pending Consideration. 2017.

17/0617/FUL Full: Residential development for 6 detached dwellings with garages and a new private access driveway. Pending Consideration.

Consultee Response

LCC Highways

The Highway Development Support Section does not have any objections in principle regarding the proposed development 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 and notes being applied to any formal planning approval granted.

Based on the car parking recommendations in the 'Replacement Pendle Local Plan 2001-2016 Appendix 2: Car and Cycle Parking Standards' we are of the opinion that the applicant has provided adequate off-road parking provision for this type and size of development.

However, the Highway Development Control Section has concerns regarding the side wall of the proposed new dwelling, which is shown as part of the boundary line along the new access driveway; this is currently too close to the carriageway edge. It should be set back 1m to allow a service strip to be provided, give the building some protection from vehicles and improve visibility near the site entrance. The developer should provide an amended plan showing the building line set back from the boundary wall.

New vehicle access

The formation of a new private common access driveway, providing access to the proposed semi-detached dwelling and detached garage, would potentially provide access to a detached garage and hard standing proposed to the rear of No 8, (planning application 17/0621/HHO), plus five new dwellings, which are part of application 17/0617/FUL.

Whilst this new common driveway is likely to be constructed to provide access for all the developments covered by application Nos. 17/0617/FUL, 17/0621/HHO and 17/0623/FUL, its construction should not be wholly dependent on application 17/0617/FUL being approved, nor all developments being constructed simultaneously. Therefore the construction of the access should be conditioned as part of any approval granted to all three applications, so that satisfactory access and off-road parking provision is constructed independently.

The formation of the new vehicle access from Birch Hall Lane to the development site would need to be carried out under a legal agreement (Section 278) with Lancashire County Council as the Highway Authority. Works should include, but not be exclusive to, the construction of the access to an appropriate standard and 6m radius kerbs. The newly formed verges within the visibility splays should not be surfaced with stone cobbles as these present an uneven surface for pedestrians. These should be surfaced in a bound porous material, agreed with the Highways Authority.

Surface water drainage

The developer has indicated in both their Design & Access Statement and on Drawing No 2677.5 that surface water drainage from the front of the new property would be via a new connection into an existing 'surface water culvert' on Birch Hall Lane. The developer is advised that any approval granted does not give consent to connect into the adjacent highway drainage system on Birch Hall Lane. They should, therefore, provide satisfactory details of the surface water scheme for this development, which should be protected under condition.

Visibility splays

Birch Hall Lane is subject to a 20mph maximum speed limit. Visibility splays, measured 2.4m along the centre line of the proposed access road from the continuation of the nearer edge of the carriageway of Birch Hall Lane, to points measured 25m in each direction along the nearer edge of the carriageway of Birch Hall Lane, should be provided. The Highway Development Control Section is of the opinion that the applicant has indicated acceptable sight lines, in accordance with 'Manual for Streets', from the new site access onto Birch Hall Lane.

Timing of deliveries/Construction Traffic Management

Given the site's location, and with only one vehicular route to and from the site, we would ask that a condition is applied restricting the times of deliveries to ensure there is no conflict with traffic using the delivery route from the centre of Earby, both vehicular and pedestrian, at peak times, should this application be approved.

Likewise the developer should submit a Construction Method Statement detailing, amongst other things, parking provision for site operatives/visitors; loading and unloading of plant and materials; the storage of plant/materials; parking provision for construction and delivery vehicles; wheel washing facilities.

Yorkshire Water

Based on the information submitted (surface water to watercourse), no observation comments are required from Yorkshire Water.

Earby Town Council

No objection, provided the development is within the boundary of the existing garden.

Public Response

One letter of objection was received from a neighbouring occupier, their comments can be summarised as follows:

- Site currently acts as a natural soak away.
- Increase flooding issues further down the road.
- Earby Beck is currently at maximum capacity.

Officer Comments

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

Policy

National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in paragraphs 18 to 219 of the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Paragraph 47 of the Framework requires local planning authorities to identify a supply of deliverable housing sites to provide five years' worth of their housing requirements. Paragraph 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's latest Annual Monitoring Report demonstrates a 5.1 year supply of housing in accordance with the requirements of paragraph 47.

Local Plan Part 1: Core Strategy

Policy ENV1 seeks to ensure a 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 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 LIV1 sets out the Council requirement to deliver new housing at a rate of 298 dwellings per annum.

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.

The Design Principles Supplementary Planning Document (SPD) applies to extensions and sets out the aspects required for good design.

Replacement Pendle Local Plan

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

Principle of the Development

The application site falls within the settlement boundary of Earby, and is a sustainable location for the proposed housing development as has been established at a previous appeal

Conservation Area

The site is located within the Earby Conservation Area. The proposed development is not of a scale or design which would adversely harm this section of the Conservation Area. The Appraisal document describes this part of the town as being 'upland fringe' which is characterised by the farming history of the area, but also contains more modern development, particularly along Birch Hall Lane.

Whilst the proposed dwelling would introduce greater built form and massing to the site, it would be seen in the context of the existing built form of the area. The proposal would not be of a scale or design as to appear incongruous from wider public vantage points or within a street scene which contains significant variety.

The proposal therefore accords with Policy ENV1.

Design

The Design Principles SPD advises that materials such as stone and roof tiles should match that of surrounding properties. In addition, window styles should match those of neighbouring dwellings and any regular spacing between dwellings should be respected, with adequate garden area.

The proposed dwelling would be constructed of coursed stone and blue slate roof tiles, although this contrasts with the white render of the existing cottages, stone facades are common elsewhere

along Birch Hall Lane on a range of property styles. The fenestration features on the proposed property are of a similar size, design and materials to that of No.8 Birch Hall Lane. The neighbouring terraced dwellings are set within small plots, with relatively small garden areas to the front and rear, which is characteristic of this terrace.

The proposed dwelling would be attached to an existing terraced property, which is located on a rising hill. The dwelling would be set back from the front elevation of the neighbouring dwelling, following a characteristic staggered formation. Due to the rise in land levels, the new dwelling would have a slightly higher ridge height than the neighbouring attached property. However, given the range of building sizes, styles and designs in the street scene, the proposed dwelling would not be out of keeping and remain sympathetic to the area.

The garages to the rear would be of a modest scale in relation to the associated dwellings. They would be located to the rear of the properties and therefore not readily visible from the highway or existing public vantage points.

Amenity

The Design Principles SPD states that residential developments should be designed to avoid having an overbearing effect or causing loss of light or privacy for neighbours.

As existing, there are no properties immediately to the west or north of the application site. It is acknowledged that application 17/0621/HHO proposes a two storey side extension, therefore no first floor side facing windows are proposed to avoid overlooking to the rear of No.8.

First floor rear facing windows are proposed on the new dwellinghouse which would have views to the north. Although there are no existing dwellings on the adjacent land to the rear, consideration must be given to application 17/0617/FUL for 6 dwellings. However, the proposed dwelling would be sited over 26 metres from the rear elevation of the closest proposed dwelling to the north. This is a sufficient separation distance, in accordance with the SPD, to ensure no overlooking to neighbouring occupiers.

Highways and Access

No objections are raised regarding the proposed development and should have a negligible impact on highway safety and capacity.

The formation of a new private common access driveway to the rear of the new property and the garage, is likely to also provide access for the existing dwelling (17/0621/HHO) and six new dwellings (17/617/FUL) Therefore, the construction of the access should be conditioned as part of any approval granted to all three applications, so that satisfactory access and off-road parking provision is constructed independently.

This proposal includes the addition of a new driveway and single garage, which would provide sufficient on plot parking provision. A condition will be applied to ensure the driveway and garage is retained in the future for parking.

In order to provide a service strip, protection from vehicles and improve visibility at the site entrance it was advised that the western side wall of the dwelling should be set in from the boundary of the site by 1 metre. This has been agreed in principle with the agent, who is in the process of creating amended plans.

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 housing development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework. 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: Drawing No: 2677.5.

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

3. Prior to the commencement of development samples of all the external materials to be used in the construction of the roofs, walls, boundary/retaining walls and paving together with 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 thereafter at all times be carried out in strict accordance with the approved materials and details.

Reason: To ensure a satisfactory form of development in the interest of visual amenity of the area.

4. The dwelling hereby approved shall not be used unless and until the proposed parking spaces within the curtilage of the dwelling, including the proposed garage and driveway to the rear, have been constructed, surfaced and laid out in accordance with the proposed 1:200 site plan (Drawing No. 2677.5). These spaces shall remain available for parking thereafter.

Reason: In the interests of highway safety and to provide suitable off-street parking provision.

5. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the Second Schedule of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A, B, C, D, E of Part 1 of Schedule 2 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Part 1

A) no extensions shall be erected

B+C) no alterations to the roof of the building shall be carried out

D) no porches shall be erected

Reason: To enable the Local Planning Authority to control any future development on the site in order to safeguard the character and amenity of the area and impacts on neighbouring properties and in order to ensure the protected trees on the site are not adversely affected.

6. Notwithstanding the provisions of the Town and Country Planning (General Development Procedure) Order 1995 and the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008, or any subsequent Orders or statutory provision re-enacting the provisions of these Orders, all garages shown on the approved plan shall be maintained as such and shall not be converted to ancillary accommodation/offices or used for storage without the prior written approval of the Local Planning Authority

Reason: In order to ensure that sufficient off-street parking can be accommodated within the site.

7. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site.

8. No part of the development shall be commenced until all the highway works have been constructed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority.

Reason: To enable all construction traffic to enter and leave the site in a safe manner without causing a hazard to other road users.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device over 1m above road level. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed access road from the continuation of the nearer edge of the carriageway of Birch Hall Lane to points measured 25m in each direction along the nearer edge of the carriageway of Birch Hall Lane.

Reason: To ensure adequate visibility at the site access.

10. Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in bound porous material.

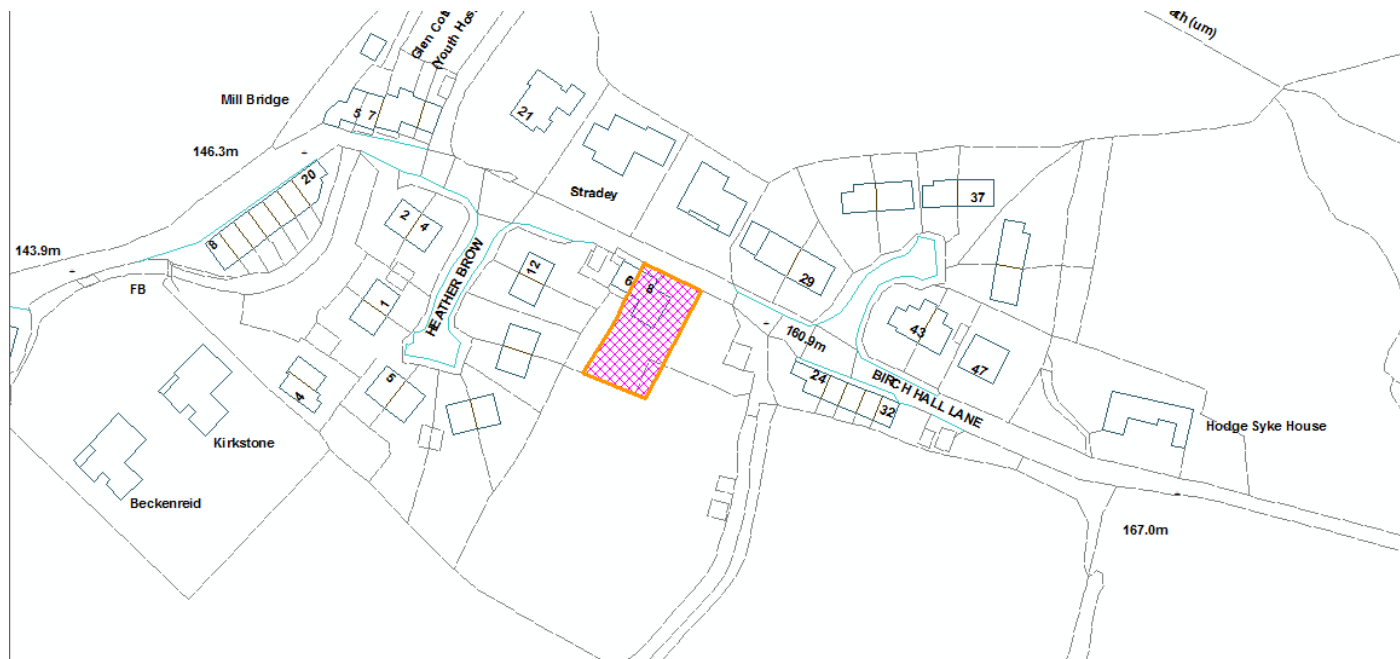
Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.

INFORMATIVE

1. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement (Section 278), with Lancashire County Council as Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to, the construction of the access to an appropriate standard and 6m radius kerbs. The newly formed verges within the visibility splays to be surfaced in an approved bound porous material. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the

county council for further information by telephoning the Development Support Section (Area East) on 0300 123 6780 or email lhscustomerservice@lancashire.gov.uk , quoting the relevant planning application reference number.

2. This consent does not give approval to a connection being made to Lancashire County Council's highway drainage system on Birch Hall Lane.



Application Ref: 17/0623/FUL

Proposal: Full: Erection of one semi-detached dwelling and single detached garage to the rear.

At: 8 Birch Hall Lane, Earby, Barnoldswick

On behalf of: YLBD Ltd.

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 21st November 2017