



REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

TO: WEST CRAVEN COMMITTEE

DATE: 4th December 2018

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning application.

REPORT TO WEST CRAVEN COMMITTEE ON 4TH DECEMBER 2018

Application Ref: 18/0624/OUT

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

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

On behalf of: M & D Dinsdale

Date Registered: 06.09.2018

Expiry Date: 06.12.2018

Case Officer: Charlotte Pinch

Site Description and Proposal

This application is to be decided at committee as it is a major development.

The application seeks outline permission for the erection of approximately twelve dwellinghouses with access only. Details of the appearance, landscaping, layout and scale would 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. Access to the site would be directly off Earby Road.

An identical application was submitted in 2017 and subsequently withdrawn prior to determination at committee.

Relevant Planning History

17/0560/OUT

Outline: Major: Residential development (0.5ha) (Access only).

Withdrawn. 2017.

Consultee Response

LCC Highways

This application seeks permission for 12 dwellings on previously undeveloped land. The application is almost identical to the previous application D13.17.0560 which was withdrawn.

The 'Indicative site layout' drawing SK01 – Rev B proposes a revision to plot 10 (4 bed /double garage to 3 bed with single garage).

There is no objection to the proposal subject to the same conditions as drafted in the committee report for the previous application.

LCC Education

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

Yorkshire Water

The Drainage Strategy Report prepared by JOC Consultants Ltd (Report 17/035.01 dated 27/06/2018) is acceptable.

In summary, the report states that foul water will discharge to public combined sewer and surface water will discharge to watercourse.

Please note further restrictions on surface water disposal from the site may be imposed by other parties. You are strongly advised to seek advice/comments from the Environment Agency/Land Drainage Authority/Internal Drainage Board, with regard to surface water disposal from the site.

The landowners consent will be required for the construction of a new outfall structure.

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.

LCC Lead Local Flood Authority

The Lead Local Flood Authority has no objection to the proposed development subject to the inclusion of recommended conditions.

It is evident that the proposed development will result in a change in Flood Risk Vulnerability Classification from Less Vulnerable to More Vulnerable under Paragraph: 66 of the Planning Practice Guidance.

Although the LLFA is satisfied at this stage that the proposed development could be allowed in principle, the applicant will need to provide further information to ensure that the proposed development can go ahead without posing an unacceptable flood risk on or off site. The applicant would be expected to provide a detailed surface water drainage strategy as part of any reserved matters application and prior to the commencement of any development. This must comply with the requirements of the National Planning Policy Framework and Standards 2, 4, 7, 8 and 9 of the non-statutory technical standards for sustainable drainage systems; March 2015. The drainage strategy must also include an appropriate management and maintenance plan that demonstrates how the sustainable drainage system will be managed and maintained over the lifetime of the development.

The proposals indicate that the applicant intends to carry out works on or near to an existing ordinary watercourse. Under the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010), the applicant would need consent from the LLFA for works of this nature as it has the potential to alter or impede the flow of water. Consent is required regardless of whether the watercourse is open or culverted. Failure to obtain consent before starting works may result in enforcement action being taken.

The applicant is advised to contact the Flood Risk Management Team at Lancashire County Council to discuss their proposals prior to applying for Land Drainage Consent. The applicant can contact the Flood Risk Management Team by the following email: highways@lancashire.gov.uk.

Should the applicant intend to install any sustainable drainage systems under or within close proximity to a public road network (existing or proposed), then they would need to separately discuss the use and suitability of those systems with the local highway authority. For the avoidance of doubt, the LLFA does not comment on the suitability for future highway adoption under Section 38 of the Highways Act 1980. This is for the Local Highway Authority to comment on.

If there are any material changes to the submitted information which impact on surface water, the local planning authority is advised to consider re-consulting the LLFA. The LLFA also wishes to be formally consulted on all subsequent drainage strategies for this proposed development.

Airdale NHS Trust

A contribution has been requested to provide additional services to meet patient demand. No final contribution figure has been provided, as the number of dwellings has not yet been confirmed. A formula has been provided to demonstrate how the contributions are calculated.

Salterforth Parish Council

Salterforth Parish Council object to the proposal on the following grounds;

- That the proposed development is on a greenfield site.
- The land is subject to regular flooding.
- It is well outside of the settlement boundary.
- Access and egress is problematic given known line of sight issues.
- The lack of infrastructure is something that has already caused major problems.
- Schools are at or already over capacity.
- Where will the run-off water and sewage go as the present infrastructure cannot cope and fails constantly.
- SUDs ponds are unproven.
- This is ribbon development that brings Salterforth and Earby nearer to becoming a single entity, thus losing the individual character of both and the single identities.

Earby Town Council

Earby Town Council object to the proposal on the following grounds;

- The housing figures for the area have been revised downward meaning that the development is not required.
- This is a green field site outside of the settlement boundary.
- The proposed development is in an area with a high risk of flooding.
- That sustainable transport (Sustrans) be a statutory consultee as this development compromises the Route 91 cycle path.
- The existing drainage system will not be adequate to take on the added requirements.
- Local infrastructure, schools and health care providers are already at capacity.
- This is a ribbon development that will bring the boundaries of Earby and Salterforth closer.
- The development would bring extra traffic to an area that is already very busy.
- The access of said development is also on a busy main road.

Cadent Gas

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to

Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Lancashire Constabulary

As the application is Outline at this stage and for access only, bespoke security advice can be provided as the scheme progresses through the planning process. The following security advice should be considered by the applicant at the earliest opportunity in the design stages –

Designing out future crime in real terms, means that for some people you are preventing their home being broken into, preventing their car being damaged or preventing an elderly resident being victim of a bogus official burglary. Making minor changes to the design and layout of a development by turning a house round slightly so that the front overlooks the neighbours drive or omitting a footpath from a cul-de-sac can mean that the area is less attractive to potential intruders, and can reduce the fear of crime for residents and visitors.

In general, burglary patterns indicate that rear ground floor doors and windows are most vulnerable to attack. Also, garages and sheds can be often targeted for burglary where bicycles, household and garden tools are stolen. It is beneficial to address crime and security issues as early as possible in the design process allowing crime prevention strategies to be more effectively integrated into the overall development. I would therefore recommend that this development is built to Secured By Design 'Homes 2016'. Further guidance on this is available via www.securedbydesign.com

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:

- Existing flooding problems within the site from rain run-off.
- Sufficient residential development has already been approved in the area.
- Not appropriate to build on Green Belt land.
- The loss of land and trees will harm the habitats for a number of wildlife.
- Increased pressure on schools and services in the area.
- Earby Road is already busy and well used, the road capacity will not be sufficient.

- Hazardous road for residents who walk.
- Loss of privacy to properties in White Leys Close.
- Disruption to local residents during the construction phase.
- Site is within Salterforth and not Earby.

Officer Comments

Policy

Section 38A of the Planning and Compulsory Purchase Act 2004 requires that when determining planning applications regard has to be had to the development plan the application must be determined in accordance with the Plan unless material considerations indicate otherwise.

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.

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 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 59 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 12 of the Framework deals with design and makes it clear that design is a key aspect of sustainable development. Paragraph 130 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. 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. 127). It is also proper to seek to promote or reinforce local distinctiveness.

Para 130 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 11 is to allow sustainable development to come forward.

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. The development is not an extension of Salterforth but is an extension of the settlement of Earby.

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 it lies immediately adjacent to the settlement boundary of Earby. The site is not prominent in the landscape and is limited in terms of its landscape value.

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.

The submitted Drainage Strategy Report is acceptable and no objections are raised by LCC Lead Local Flood Authority or Yorkshire Water. The proposed drainage strategy for the site incorporates Sustainable Urban Drainage Systems (SUDs) which are effective systems and will significantly help with drainage on the site. Once implemented, the overall scheme will improve drainage for the site and the wider area, therefore it is not an adequate reason to refuse the application.

At reserved matters stage a detailed surface water drainage strategy must be submitted, which will be controlled by a condition.

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. A condition will be applied to ensure that the footway is implemented, prior to occupation of any of the dwellings.

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.

As a result, the development would be associated with Earby, as a West Craven Town, therefore as only 12 dwellings have been indicatively proposed on the site, a 0% affordable housing contribution would be required, in accordance with Policy LIV4.

NHS Contribution

The Airedale NHS Foundation Trust has requested a contribution from the applicant, to provide additional services to meet patient demand. Given this is an outline application and the exact number of dwellings has not yet been finalised, a formula has been presented by the NHS, for which they will use to calculate the final contribution required. The contribution request has been agreed by the applicant and a condition will be applied requiring a planning obligation pursuant to Section 106 to be agreed.

Education Provision

Thorough assessment of the proposal by Lancashire County Council Education Authority deemed there is sufficient capacity in the area to accommodate additional school pupils, without the requirement for an education contribution. Therefore, no objections are raised.

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

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

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

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

3. The development hereby permitted shall be carried out in accordance with the following approved plans: SK01 Rev B, Site Location Plan Scale 1:1250.

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. The first works on site must be the construction of 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/OUT) 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) (England) Order 2015 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 Drainage Strategy Report prepared by JOC Consultants Ltd (Report 17/035.01 dated 27/06/2018), unless otherwise agreed in writing with the Local Planning Authority .

Reason: In the interest of satisfactory and sustainable drainage.

19. Prior to the commencement of development, a detailed surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall include:

a) Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change – see EA advice <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in AOD;

- b) The drainage scheme should demonstrate that surface water run-off must not exceed the existing pre-development runoff rate for the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- c) Flood water exceedance routes, both on and off site;
- d) A timetable for implementation, including construction phasing where applicable;
- e) Details of an appropriate management and maintenance plan for the lifetime of the sustainable drainage system.

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

Reason: To ensure the Local Planning Authority are satisfied the proposed development can be adequately drained and there is no flood risk on or off the site resulting from the proposed development.

20. No part of the development shall take place until a Planning Obligation pursuant to section 106 of the Town & Country Planning Act, 1990 (or any subsequent provision equivalent to that section) has been made with the Local Planning Authority. The said obligation shall provide for NHS provision at Airedale Hospital.

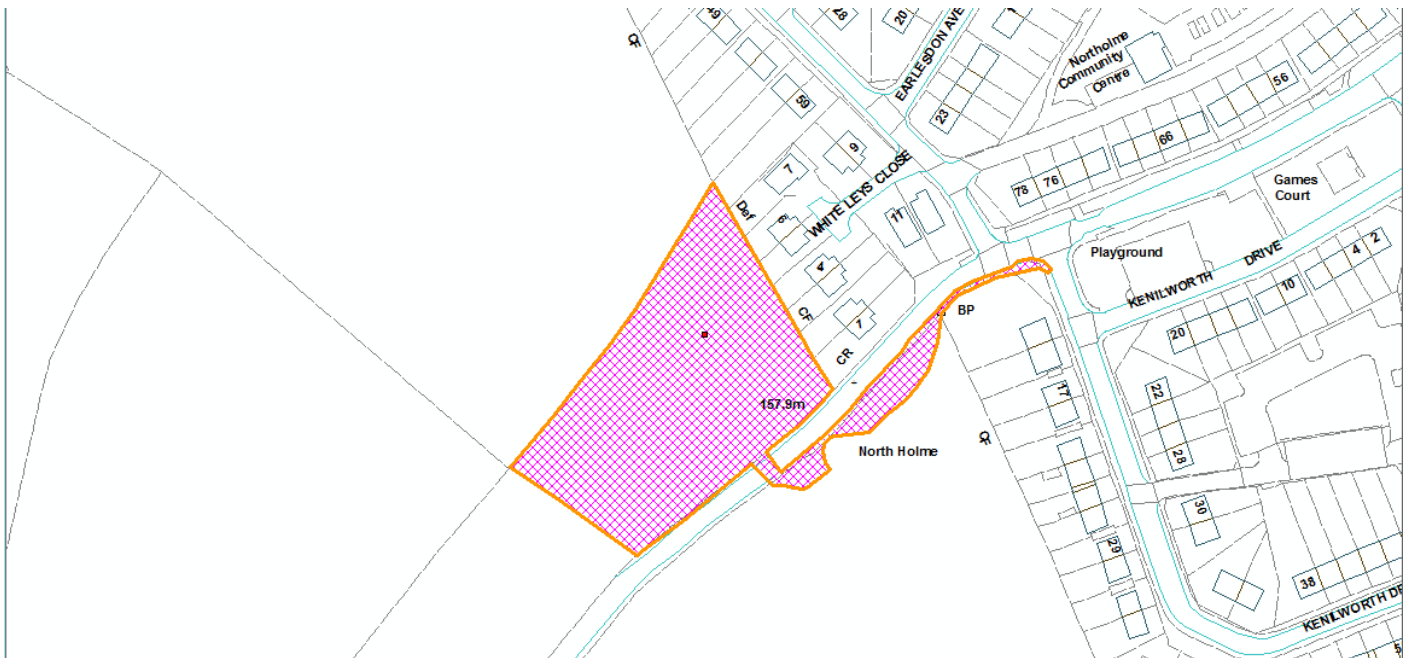
Reason: In order to ensure there is an acceptable level of provision at Airedale NHS Foundation Trust.

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.

2. This response does not grant the applicant permission to connect to the ordinary watercourse(s) and, once planning permission has been obtained, it does not mean that land drainage consent will be given.

The applicant should obtain Land Drainage Consent from Lancashire County Council before starting any works on site. Information on the application process and relevant forms can be found at www.lancashire.gov.uk/flooding



Application Ref: 18/0624/OUT

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

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

On behalf of: M & D Dinsdale

REPORT TO WEST CRAVEN COMMITTEE ON 4th DECEMBER 2018

Application Ref: 18/0634/FUL

Proposal: Full: Demolition of garage, siting of office cabin, change of use from car park to a Taxi Booking Office (Suis Generis) with parking, erection of 2m security fence and gate to south and east boundaries.

At: Land to the West of 28 Skipton Road, Earby

On behalf of: Mr Imran Ali

Date Registered: 01.10.2018

Expiry Date: 26.11.2018

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 an open piece of land, previously used for car parking, directly adjacent to A56 Skipton Road, in Earby. The site is within the Earby Conservation Area and directly adjacent to Open Countryside and a Natural Heritage site.

The application is for the change of use from a car park to a taxi booking office (suis generis). The existing garage on the site will be removed and replaced with a porta cabin style building in the northern corner of the site. A 2 metre high metal mesh fence is proposed on the south and eastern boundaries of the site, in addition to a sliding security gate inside the site.

Relevant Planning History

None relevant.

Consultee Response

LCC Highways

As a result of the amended site layout plan submitted on the planning website on 1st November 2018, the Highway Development Support does not raise an objection in principle to the proposed development at the above location, subject to the following comments being noted, and conditions and note being applied to any formal planning approval granted.

We note that the applicant proposes to retain street lighting column 24 in its existing location. However as this would be wholly within the site, and may not therefore be accessible for maintenance purposes, we recommend that it is relocated to allow unrestricted access. This would be at the applicant's expense and they should contact the street lighting section for further advice.

We also recommend that the existing low stone boundary wall along Skipton Road is retained, and the proposed security fence erected behind, it in the interest of residential amenity.

Furthermore, we recommend that a condition is applied to any permission granted that any fares are pre-booked and that the premises shall not be open to visiting members of the public, which would be in the interest of highway safety and residential amenity.

We also recommend that the number of vehicles operating from the site is restricted to no more than eight to enable all vehicles to enter and leave the site in forward gear.

Earby Town Council

Object to the proposal, due to issues with road safety on the highway, the sight line is obstructed from the left and a 2 metre fence will cause further issues. There will be noise pollution from radios and car doors, the fence will be visually disruptive to residents and the additional traffic will cause further air pollution to neighbouring gardens.

Public Response

Four letters of objection were received from neighbouring occupiers, their comments can be summarised as follows:

- Proposed porta cabin is not in keeping with the conservation area.
- The use is proposed for 24 hour opening times, which will significantly increase the intensity of use of the site.
- Highway safety concerns regarding the junction access.
- Increased noise and disturbance as a result of increased use.
- Visual impact and detrimental impact on the surrounding trees.
- The materials proposed are not sympathetic to the environment.
- Could result in increased parking pressures in the surrounding area.
- The development will have a detrimental impact on wildlife on the site.
- Existing flooding issues on the site.
- No details have been provided regarding services for the building and how waste will be disposed of.
- Insufficient parking on site for all vehicles and staff.
- An additional taxi business is not required in the area.

Officer Comments

Policy

Pendle 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.

WRK4 (Retailing and Town Centres) Town and Local Shopping Centres should be the primary focus for retail development in Pendle. Proposed sites should follow a sequential approach and should be located in order of priority.

SDP5 (Retail Distribution) New retail development should be in scale with the position a settlement holds in the retail hierarchy.

Replacement Pendle Local Plan

Policy 25 (Location of Service and Retail Development) New retail and service development should be located in order of priority.

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

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 the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Design Principles Supplementary Planning Document 2009

Conservation Area Design and Development Guidance SPD 2008

Earby Conservation Area Character Appraisal 2004

Principle of Development

Paragraph 85 and 86 of the NPPF seeks to ensure the vitality of town centres, in particular the suitable siting of main town centre uses, which should be located within the main town centre, rather than edge of centre locations; and only if suitable sites are not available, should out of centre sites be considered.

The NPPF defines main town centre uses to include retail development, leisure and recreation uses, offices, arts, culture and tourism development. Nowhere is taxi booking offices included in this definition.

Similarly, Policy WRK4 of the Pendle Local Plan Part 1 states that all applications for retail and main town centre uses, should identify sites or premises that are suitable, available and viable by following the sequential approach. This too only refers to retail and main town centre uses, for which taxi booking offices are not included.

Therefore, this proposed use is not required to be located within the main town centre. The application site is situated 150 metres from the edge of the town centre, on a main access route in and out of the town. It is noted that the site has been owned by Lancashire County Council until recently, for which it has remained vacant since January 2016. The site is able to accommodate both a small building and sufficient parking on plot for the taxis, something which is unlikely to be offered as part of a vacant unit within the main town centre. Therefore, a proposed taxi office use in this location would be acceptable in principle.

Impact on Conservation Area

Policy ENV2 seeks to deliver the highest possible standards of design, meet future demands, whilst enhancing and conserving our heritage assets. It advises that developments should be practical and legible, make a positive contribution to the historic environment, local identity and character and should be safe and secure.

The Conservation Area Design Guide advises that new car parking areas should not dominate the built form and should respect the character and appearance of the conservation area in both

design and location. In addition, it refers to land use mix and activities in an area, highlighting that Earby has a diverse mix of land uses and the way that these interact also create character.

The site as existing comprises of a small garage unit at the southern end of the site, which is in poor condition, and an open area, sometimes used for parking vehicles. Mature trees line the north and west boundaries, with a low stone wall adjacent to the A56. This proposal is to remove the existing garage and replace it with a similar scale porta cabin in the northern corner of the site. The rest of the site would be used for the parking of taxis, with a 2 metre high mesh fence erected along the eastern and southern boundaries.

The proposed change of use would contribute to the mixed land uses within Earby, which contribute to its character. The appearance of the site would not be at odds with the adjacent industrial and commercial buildings to the south of the site. The proposed porta cabin would not result in a greater harm to the character of the conservation area than the existing garage building, with two elevations of the building obscured by existing trees. Although the proposed fencing would be noticeable in the street scene, its green colour and 2m height would not create a dominant feature which is significantly detrimental to the area.

The trees around the site are shown to be retained and a condition will be applied to ensure that the boundary wall at the front of the site is also retained, to help soften the appearance of the proposed fencing.

Impact on Residential Amenity

Paragraph 127 of the NPPF states that planning policies and decision should ensure that developments are safe and accessible, with a high standard of amenity for existing and future users.

The site is located 12 metres to the west of residential properties, on the opposite side of the A56 Skipton Road. In addition, 10 metres to the south is a mixture of small mill and industrial units which are used for engineering and industrial works. Given the sites location outside of the main town centre, there is a clear mix of uses which include industrial, commercial and residential.

Concerns have been raised about the intensity of use of the site and disturbance to residential properties at different times of the day. Up until January 2016 the site was leased from Lancashire County Council and used by an engineering firm. Although the site has been mainly vacant since then, the engineering firm would have maintained regular daily use of the site, including some machinery noise and vehicle movements. In addition, consideration must also be given to the existing adjacent industrial uses which function daily. Therefore, the movements of taxis on the site and employees accessing the office would not be deemed a significant intensification of the use of the site or cause significant noise disturbance, over and above existing and previous situations.

Furthermore, conditions will be applied to ensure that the site is restricted to no more than 8 vehicles at one time, nor will there be access to the public, which will help reduce any detrimental impacts on nearby residents. Furthermore, to reduce the likelihood of any disturbance at night, the opening times of the business will be restricted to 8am to 8pm seven days per week, which will be controlled by condition.

Highways

The scheme has been amended to ensure that the site layout allows for all vehicles to exit and enter the highway in a forward gear, 8 vehicles can be safely accommodated on site and the proposed security gate is set back to ensure vehicles can pull safely off the highway.

However, it is imperative that no more than 8 vehicles are allowed on the site at any one time, to ensure there remains sufficient space for all vehicles to enter and leave the site. This can be secured by a condition.

Furthermore, given the sites location adjacent to the A56, with no immediate pedestrian footway leading to the site, it would be in the interest of public safety to ensure that the premises are not open to visiting members of the public. A condition will be applied to ensure that the site deals with only pre-booked fares.

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 and compliant with the Local Plan Part 1. 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: 8250-07, 8250/100 and 8250-05A

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

3. The Taxi Booking Office (Suis Generis) hereby permitted shall only be conducted between the hours of 08:00 and 20:00 on weekdays, Saturdays, Sundays and Bank Holidays.

Reason: In order to safeguard the amenity of the area.

4. Prior to any above ground development occurring samples of all the external materials to be used in the construction of the roofs and walls of the porta cabin, boundary/retaining walls and car park surfacing together with details of the fencing and gate 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.

5. The car parking spaces shall be laid out, in accordance with the approved plans, and surfaced in a bound material, before first occupation of the premises hereby permitted. Thereafter, they shall be permanently retained for parking of vehicles.

Reason: To allow for the effective use of the car parking areas and ensure materials are not transferred onto the highway, causing a hazard for vehicles.

6. The layout of the development shall include vehicular turning space and 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 8250-05A. The vehicular turning space shall be laid out and 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.

7. Prior to any above ground development occurring until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:

- a. the exact location and species of all existing trees and other planting to be retained;
- b. the exact location and species of replacement trees;
- c. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
- d. all proposed boundary treatments with supporting elevations and construction details;
- e. all proposed hard landscape elements and pavings, including layout, materials and colours.

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

Reason: To ensure the appropriate landscape design and in the interests of the visual amenities of the area.

8. The use of the premises shall be restricted to a private hire base for eight vehicles only. All fares must be pre-booked.

Reason: In the interests of highway safety and protect residential amenity.

9. The existing boundary wall on the eastern boundary of the site, adjacent to the A56, must be retained permanently.

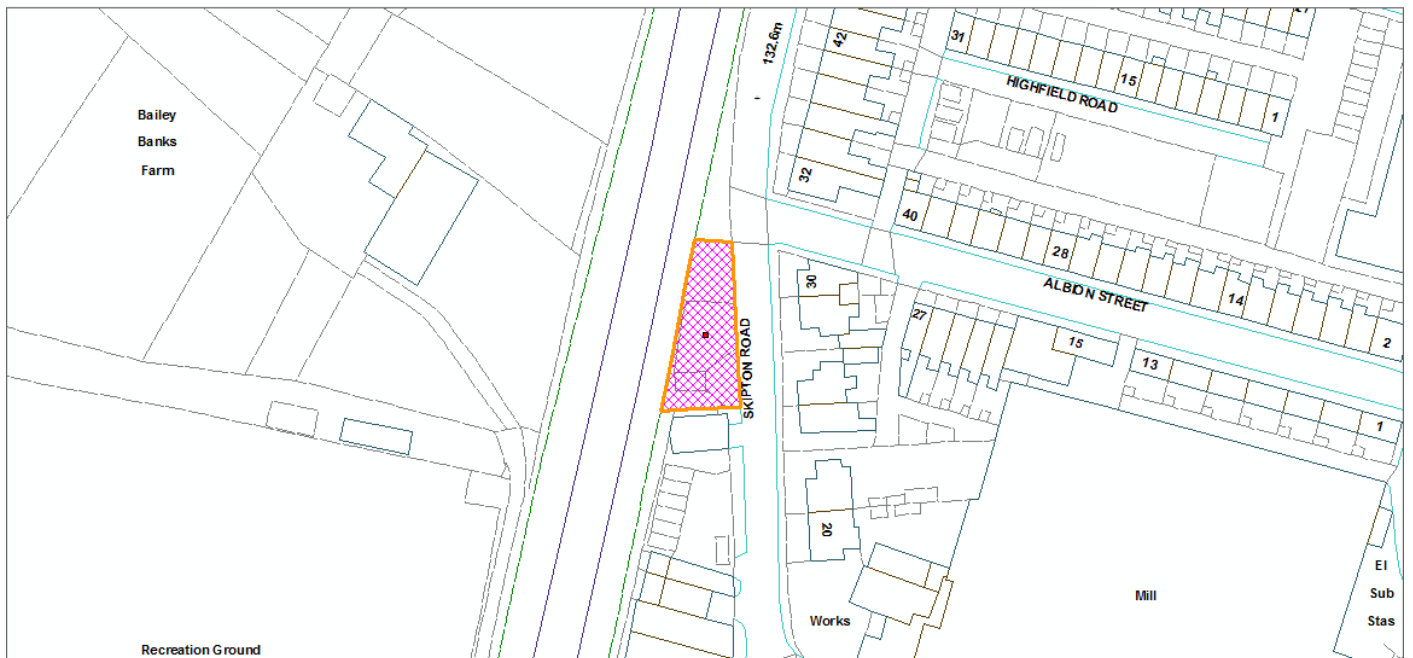
Reason: In the interests of visual amenity and the character of the conservation area.

10. There shall be no external lighting of the development hereby permitted other than in accordance with a scheme which has previously been submitted to and approved in writing by the Local Planning Authority. The details of the scheme shall include the type, size, wattage, location, intensity and direction of the lighting. Any lighting provided shall at all time be so provided in strict accordance with the approved details.

Reason: In order to prevent light pollution to protect residential amenity.

INFORMATIVE

The erection of the security fence along the site boundary fronting Skipton Road may require the re-location of street lighting column 124, which would be at the developer's expense. They should contact the street lighting section for advice – email steve.sanderson@lancashire.gov.uk



Application Ref: 18/0634/FUL

Proposal: Full: Demolition of garage, siting of office cabin, change of use from car park to a Taxi Booking Office (Suis Generis) with parking, erection of 2m security fence and gate to south and east boundaries.

At: Land to the West of 28 Skipton Road, Earby

On behalf of: Mr Imran Ali

Report to West Craven Area Committee on 4th December 2018

Application Ref: 18/0700/HHO

Proposal: Full: Erection of two-storey side extension.

At: 4 Earlham Street, Earby

On Behalf of: Mr Robert Cranham

Date Registered: 09 October, 2018

Expiry Date: 04 December, 2018

Case Officer: Christian Barton

This application has been referred to committee as it has received more than three objections.

Site Description and Proposal

The application seeks to erect a two-storey extension to the side of 4 Earlham Street in Earby.

The site is a two-storey, end-terrace property of traditional design. It is natural stone built under slate roof, has a white uPVC fenestration and gardens to the front and rear. It is surrounded by houses to three sides with amenity land to the south.

The site is within the settlement boundary of Earby and the Earby Conservation Area.

Relevant Planning History

No relevant planning history.

Consultee Response

LCC Highways - The application seeks to increase the number of bedrooms at the property from 2 to 4. There are no off-street parking places at the property currently and no additional spaces proposed.

The parking standards would require 3 spaces for a 4+ bedroom property and as the location is within walking distance of the mainline bus stops and to a number of facilities in Earby Town Centre then this could be reduced.

There is an objection to the proposal due to the insufficient parking provision.

(Update provided) The street itself cannot be allocated for an individual resident to park and therefore this should not be formally agreed or included within the red edge as the parking for this dwelling. The space shown parallel to the street itself is on Pendle Borough Councils land. This parking space has been laid with concrete flags at some point and subject to this arrangement being acceptable to PBC then I would suggest that it is necessary to include this single space within the red edge as a parking space for the dwelling.

I am mindful that the resident is currently parking on the street itself and that it is very unlikely that the Highway Authority would prevent the resident from continuing to do so. Therefore the current arrangement appears acceptable.

My concern is that the resident has no guarantee that this parking arrangement will continue.

PBC Conservation Section - This part of the Earby CA is characterised by short terraces and small groups of cottages which have grown up in an irregular and dispersed pattern along Red Lion St. The pair comprising Nos 2 and 4 Earlham St lies adjacent to Chapel Square, which originally comprised a Baptist Chapel and burial ground, now a grassed area.

The cottage pair has the typical black and white rendered finish traditionally used in the CA, which today adds variety and contrast to the stone finish of the majority of cottages. The proposed extension would respect the form, design, proportions and materials of the existing cottage, and would appear as a natural extension of the pair of cottages, appropriate to the surrounding CA context.

The character and appearance of the CA would be preserved.

Earby Town Council - No objections made.

Public Response

The nearest neighbours have been notified by letter and a site notice was posted. Objections have been received on the following grounds;

- Losses of light
- Impacts on privacy
- Size of extension excessive in relation to the house
- Impacts on views
- Impacts on house prices
- Omission of the chimney
- Overbearing impacts from the extension
- Impacts on the adjacent burial grounds
- Obstructions from building materials storage and skips
- Effects on parking from contractor vehicles.

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 Pendle Local Plan policies so far as they are relevant. The main considerations for this application are the design, impacts on residential amenity, heritage assets and the local highway network.

1. National Planning Policy Framework (NPPF)

- Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

2. The relevant Pendle Borough Council Local Plan Part 1: Core Strategy (2011 – 2030) policies are:

- CS Policy ENV1 seeks to protect and enhance the natural and historic environment and sets out the requirements for development proposals.

- CS Policy ENV2 sets out general design principles covering the historic environment and climate change.

Other policies and guidance's are also relevant:

- Saved Policy 31 of the Replacement Local Plan defines the parking standards for new developments.
- The Design Principles Supplementary Planning Document (SPD) applies to all domestic developments and it sets out the criteria required for good design.
- The Conservation Area Design and Development Guidance Supplementary Planning Document (SPD) gives guidance on suitable developments within Conservation Areas.

The policy background of the scheme is principally contained within Policy ENV2 of the Pendle Local Plan requiring good design. The adopted Design Principles SPD provides further clarity on what is an acceptable design in relation to neighbouring properties and the street scene. Policy ENV1 and the Conservation Area SPD are also relevant due to the historical significance of the site along with Saved Policy 31 given the proposed addition of bedrooms.

3. Design and Amenity

The Design SPD states that domestic extensions should be designed to avoid causing overshadowing, loss of outlook or loss of privacy for neighbours, or appear unduly dominant to neighbours. Two-storey side extensions to end-row properties should respect the balance and symmetry of such properties and have a pitched roof. They should be built from appropriate materials and be set off the side boundary by at least 1m.

The two-storey side extension would have a width of 5.2m, a depth of 5.8m and a pitched roof 6.8m in height. It would be to the side of the house and would be predominantly screened from public view. It would have rendered elevations and slate roofing tiles to match the original house. A white uPVC and grey aluminium fenestration is also proposed.

Concerns have been raised regarding the size of the extension. It would be of an appropriate scale in relation to the size of the house and set down 1m from the main ridge height. It would be set back from the front elevation and would appear subservient to the original house on that basis. Concerns have been raised about the omission of a chimney however a chimney stack is shown on the submitted plans. The scheme is acceptable in relation to the design along with the wider effects on visual amenity.

Concerns have been raised about loss of views. Losses of private views are not material planning considerations. There would be no loss of public views of value that would lead to the conclusion that the application should be refused.

Concerns have been raised about the living environments of neighbours. Owing to ample separation the development would have no effects on the living environments of the neighbours at Red Lion Street. 2 Duxbury Street is the single-storey property to the east. It sits at an angle to the site and would be separated by 6m from the proposed extension. The shared boundary with this neighbour is defined by a stone wall and solid fence circa 2m in height. Trees and shrubs are also planted along it that further restrict light.

The Design SPD states that new two-storey elevations should be separated by at least 12m from any existing primary openings. However when the effects of boundary treatments are combined with the physical orientation of the two adjacent properties, the massing of the proposed development would have no material effects on the living environments of those neighbours.

Concerns have been raised regarding impacts on domestic privacy. Primary windows are proposed for both the front and rear. There are no houses directly to the rear and the rear windows would have no detrimental effects on domestic privacy. The windows proposed to the front would be within the 21m minimum distance stated in the Design SPD. They would be circa 15m from the houses at Red Lion Street that have primary openings facing the site.

2 and 4 Earlham Street already have windows within 21m of the adjacent houses on Red Lion Street. The privacy impacts created from the proposed front windows would be no different to the existing situation. In these circumstances it would be unreasonable to refuse an application based on an impact that mirrors the current situation.

The development would therefore have no detrimental effects on the living environments or privacy of the immediate neighbours in alignment with Policy ENV2 and the Design SPD.

4. Heritage Assets

Local Authorities have a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve and enhance the appearance and character of conservation areas. The Conservation Area SPD provides further clarity on acceptable developments within historic locations. The site is within the 'old village centre' of the Earby Conservation Area. This is characterised by informal groupings of buildings interspersed with green areas.

Policy ENV1 states that all new developments should ensure the historical significance of conservation areas is preserved or enhanced. The Conservation Area SPD reiterates this stating domestic extensions should sympathetic to the form and design of the original building. Side extensions should appear subservient and the form of the roof should reflect that of the original house.

Appropriate materials are proposed for the walls and roof. The development would appear subservient and sympathetic to the original house in terms of massing and roof form. The proposed fenestration arrangement would complement those of the surrounding terraced houses. The development would not harm the historical significance of the conservation area and therefore aligns with Policy ENV1 and the Conservation Area SPD.

5. Highways

Concerns have been raised about a lack of parking available for contractor vehicles. Objections have also been raised from LCC Highways about a lack of overall parking provision.

The development would increase the number of bedrooms within the house from two to four. Saved Policy 31 requires all new developments to have adequate off-street parking. As defined in the Parking Standards of Saved Policy 31, four bedroom houses should have three off-street parking spaces.

Details have been provided showing three parking spaces on Earlham Street and within independently owned land. Those spaces are not within the curtilage and the Applicant ultimately has no control over usage of them. The site therefore has no dedicated off-street parking.

Reference is made by LCC Highways to parking on land owned by Pendle. There is no agreement in place for that to happen and the Council has made a decision not to allow car parking to be

created on the land. The Applicant cannot therefore secure off-street parking to service the development.

The development would result in an unacceptable increase in on-street parking contrary to Saved Policy 31. The residual cumulative impacts created by the development would be severe enough to comprise the overall safety of the local road network. The development therefore also does not comply with Paragraph 109 of the NPPF.

6. Wider Issues

Concerns have been raised regarding impacts on house prices however this is not a material planning consideration. Potential impacts on the adjacent burial grounds have also been raised as a concern. The development would not affect the adjacent burial grounds in any way owing ample separation. The temporary storage of waste and materials on the highway is unlikely to cause any unforeseen disruption.

7. Summary

The application seeks to erect a two-storey extension to the side of the house. It would have no detrimental impacts on the privacy or living environments of the immediate neighbours. The scheme is also suitable in relation to the design and impacts on heritage assets.

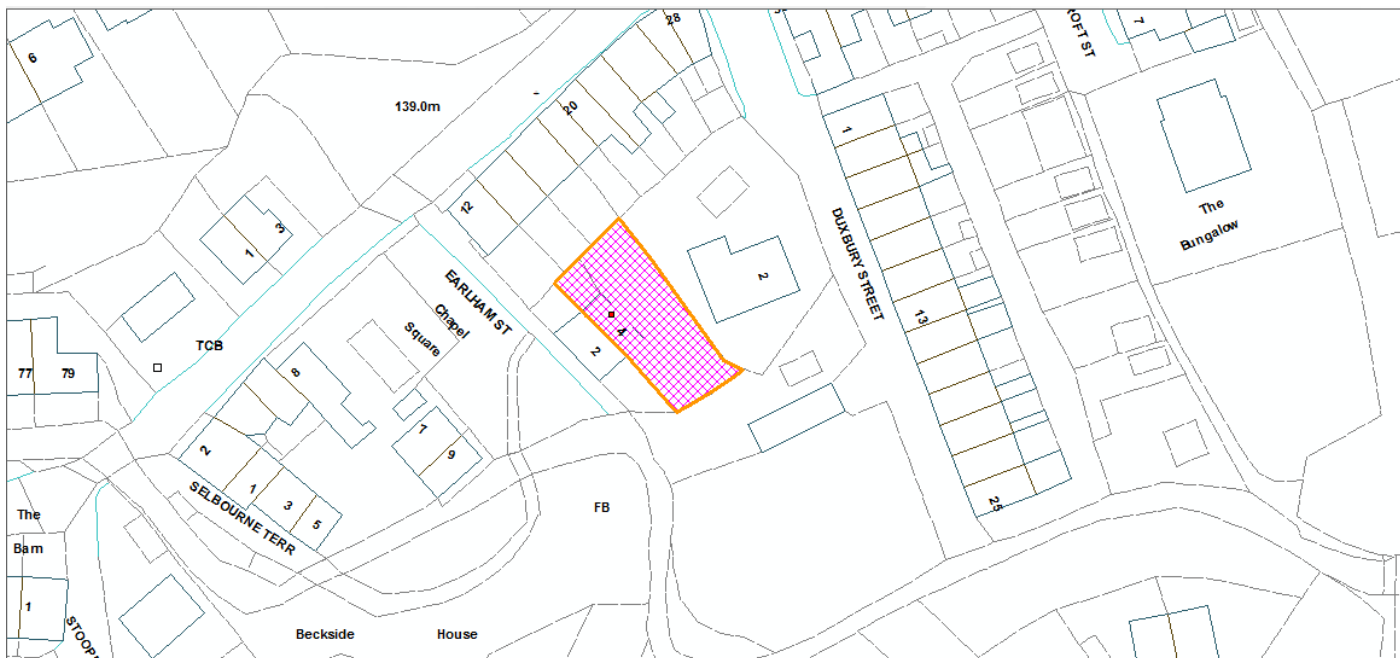
The development would however increase the parking requirements of a site that has no scope to provide any off-street parking. It would create unacceptable levels of on-street parking to an extent that would compromise the overall safety of the local road network.

The development therefore fails to comply with Saved Policy 31 of the Replacement Local Plan and Paragraph 109 of the National Planning Policy Framework.

RECOMMENDATION: Refuse

For the following reason;

1. The site does not have sufficient off-street parking for the proposed development and no additional parking can be provided to cater for the increase in parking that would result from the development. This would lead to an unacceptable increase in on-street parking which would comprise the overall safety of the local road network contrary to Saved Policy 31 of the Replacement Pendle Local Plan and Paragraph 109 of the National Planning Policy Framework.



Application Ref: 18/0700/HHO

Proposal: Full: Erection of two-storey side extension.

At: 4 Earlham Street, Earby

On Behalf of: Mr Robert Cranham

REPORT TO WEST CRAVEN AREA COMMITTEE ON 08 DECEMBER 2018

Application Ref: 18/0724/FUL
Proposal: Full: Erection of a two storey detached function suite and hotel accommodation (Use Class C1).
At: Stone Trough Inn, Colne Road, Kelbrook
On behalf of: Mr Andrew Gillin
Date Registered: 19/10/2018
Expiry Date: 27/12/2018
Case Officer: Alex Cameron

Site Description and Proposal

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

The application site is public house / restaurant with accommodation located within the open countryside to the south west of the settlement of Kelbrook. The roadside section comprises of the main building with bar and restaurant. This is a combination of stone and white render.

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

There is a further rear accommodation block made from artificial stone with a concrete tile roof.

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

The proposed development is the erection of two storey building to accommodate a function suite and hotel six bedrooms at the southern end of the site in an area, currently covered in trees and shrubs, between the upper and lower car park areas.

The proposed building would have a footprint of 20m x 18m with an eaves height of up to 8m and a ridge height of up to 13.5m. The building would be finished in random stone with a concrete tile roof and brown upvc windows and doors.

Relevant Planning History

13/16/0035P - Full: Major: Change of use from hotel (C1) to offices (B1(a)) and cafe/restaurant (A3). Refused.

Consultee Response

LCC Highways

Yorkshire Water

Lancashire Constabulary Architectural Liaison Unit

Public Response

Site notice posted – publicity expires 6th December 2018

Officer Comments

Policy

ENV1 (Protecting and Enhancing Our Natural and Historic Environments) states that proposals in the designated open countryside should have regard to the Development in the Open Countryside SPG. Where there is reason to believe that Species of Principal Importance, or their habitat, are present on a proposed development site, planning applications should be accompanied by a survey assessing their presence and, where appropriate, make provision for their needs.

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

Policy WRK5 (Tourism, Leisure and Culture) states that Proposals associated with the provision of new or improved facilities for tourism, leisure and cultural activities, including accommodation for visitors, will be supported where they:

1. Promote sustainable tourism associated with walking, cycling, waterways and the appreciation of the area's natural and historic environment.
2. Help to improve the quality and diversity of the existing tourism offer, and extend the tourist season.
3. Do not result in a significant increase in car usage and are readily accessible by public transport, and sustainable modes of transport (e.g. walking and cycling).
4. Support conservation, regeneration and/or economic development objectives, including the promotion of cross-border initiatives.
5. Are of an appropriate scale and will not have a significant detrimental effect on the natural or historic environment, local amenity or character of the area.
6. Achieve high environmental standards in terms of design and accessibility.

National Planning Policy Framework

Paragraph 130 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

Principle of the Development

The proposal would expand the established facilities at this site and help to improve the quality and diversity of the existing tourism offer and would not significantly increase car usage. Therefore the proposed development is acceptable in principle, subject to acceptable visual and environmental impacts which are addressed below.

Visual Amenity

The proposed conversion of the barn would be sympathetic to the building and would not result in any unacceptable visual or landscape impacts.

The design of the proposed building is unacceptable, its window and door layout and style are not in keeping with the character of the adjacent buildings or the overall character of the building and large swaths of the building are proposed to be blank. The building design of the building is visually unacceptable.

Furthermore its proposed height would result in a dominant presence within the site, particularly in views approaching the site from the south.

The proposed roofing material of concrete tiles would not be in keeping with the existing building fronting the road, which has stone slate roofing. Whilst there is an existing more modern building on the north side of the site with a concrete tile roof it is not as prominently sited as the proposed building would be. The materials could however be controlled by condition.

The proposed development would represent poor design and would unacceptably impact upon the visual amenity and character of the area contrary to policies ENV1, ENV2 and WRK5 and paragraph 130 of the Framework.

Amenity

The site is over 200m from the nearest dwelling. This is a sufficient distance to ensure that the use of the development would not result in unacceptable residential amenity impacts.

Trees and Ecology

The development would result in the removal of an area of trees and shrubs. No details of this had been included within the application and no tree survey and ecology survey submitted. In fact the question on the application form “are there any trees on the application site?” has been answered ‘no’. Whilst the trees do not appear to be specifically worthy of preservation, and their loss would be acceptable in principle subject to acceptable replacements in a landscaping scheme, it has not been demonstrated by the applicant that this area does not contain any protected species habitats. There is reason to believe that such an area may be habitat to protected species, the applicant has therefore failed to accord with policy ENV1.

Highways

The existing access to the site is acceptable to accommodate the additional traffic that may be generated by the development. Details of existing and proposed car parking provision have not been included in the application, however, the site has a substantial level of existing car parking and this would not be reduced by the development. Acceptable car parking provision could be ensured by condition.

The proposed development is therefore acceptable in highway terms in accordance with policy ENV4.

Summary

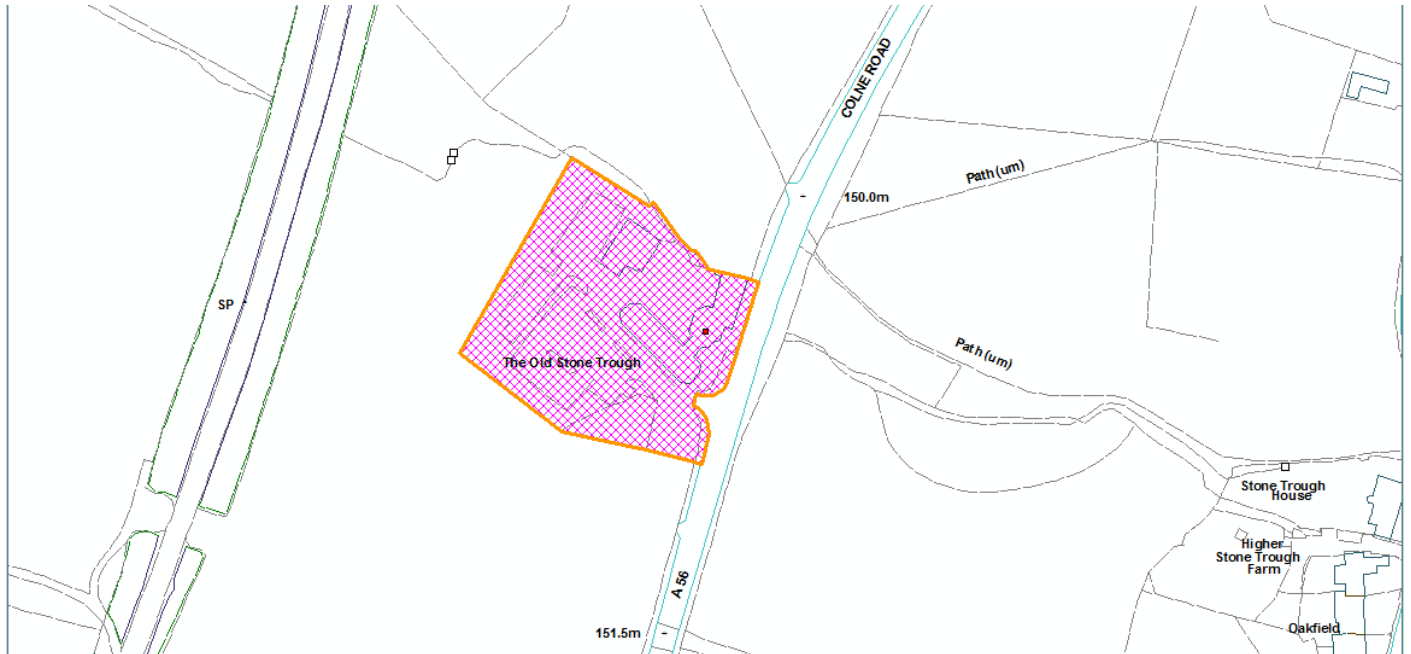
Whilst an expansion of the facilities on this site is acceptable in principle the design of the proposed building is unacceptable and no demonstration has been provided by the application that the development would not result in harm to protected species. The proposed development is therefore contrary to policies ENV1, ENV2 and WRK5 of the Local Plan Part 1: Core Strategy and paragraph 130 of the National Planning Policy Framework. It is recommended that the refusal of the application be delegated to the Planning, Building Control and Licencing Manger subject to the expiry of the publicity period.

RECOMMENDATION: Delegate Refusal

For the following reasons:

1. The design of the proposed building represent poor design that fails to take the opportunities available for improving the character and quality of the area contrary to Policies ENV2 and WRK5 of the Local Plan Part 1: Core Strategy and paragraph 130 of the National Planning Policy Framework.

2: The applicant has failed to provide sufficient information to demonstrate that the development would not cause unacceptable harm to protected species contrary to Policy ENV1 of the Local Plan Part 1: Core Strategy.



Application Ref: 18/0724/FUL

Proposal: Full: Erection of a two storey detached function suite and hotel accommodation (Use Class C1).

At: Stone Trough Inn, Colne Road, Kelbrook

On behalf of: Mr Andrew Gillin

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 21st November 2018