

REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

TO: BARROWFORD & WESTERN PARISHES COMMITTEE

DATE: 07th February 2019

Report Author: Neil Watson
Tel. No: 01282 661706
E-mail: neil.watson@pendle.gov.uk

PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 07 FEBRUARY 2019

Application Ref: 18/0818/FUL

Proposal: Full: Change of use of dog breeding kennels to a mixed use of dog breeding, dog sales and dog petting (Retrospective) and formation of an extension to the existing car park.

At: Douglas Hall Cottage, Spenbrook Road, Newchurch In Pendle

On behalf of: Mr W Lancaster

Date Registered: 07/12/2018

Expiry Date: 01/02/2019

Case Officer: Alex Cameron

This application has been brought before Committee as more than three objections have been received.

Site Description and Proposal

The application site is a dog breeding kennels located in the open countryside to the south of Spenbrook and within the Forest of Bowland Area of Outstanding Natural Beauty (AONB). In addition to the existing buildings the site has planning permission for the erection of 21.6m x 12m building to provide rest and circulation space for the breeding bitches and space for general storage associated with the business.

The lawful use of the site is dog breeding, which can include an ancillary element of sales of the puppies bred on site. However, the operation of the site predominantly involves the sale of puppies bred elsewhere, this is an unauthorised retail use. The operation also attracts visitors solely to pet the puppies, this is at a level that constitutes a material change of use.

This application is for the retrospective change of use of the site to include retail sale of dogs and dog petting. The proposed development also includes the extension of the existing car park.

Relevant Planning History

13/14/0442P - Erection of an extension and creation of a granny annex.

13/14/0052P - Formation of an access and track (Part Retrospective).

13/15/0110P - Retention of a dog breeding kennel (retrospective)

13/15/0477P - Sub-division of existing dwelling to create 2 dwellings including erection of porch, raised timber decking and creation of off-street parking areas. Approved

13/15/0516P - Erection of an agricultural building – Refused

13/15/0581P - Erection of a stable and change of use of land – Approved

16/0316/FUL - Erection a building for the sale of canine products – Refused

17/0469/FUL - Full: Change of use and extension of equestrian building to provide dog breeding facility, erection of office building and associated works (Part Retrospective) - Approved

18/0517/FUL - Extension of barn building for dog breeding purposes - Approved

Consultee Response

PBC Countryside Access – No objection to the revised plan. Please attach a note to any approval relating to obstruction of the public right of way.

LCC Highways – No objection in principle. Further detail of visitor numbers should be provided to assess whether the on-site parking is likely to be adequate and whether the proposed car park extension would alleviate on-road parking issues.

The proposed car park extension would be constructed entirely from grasscrete. We recommend that the parking bays are delineated in an appropriate manner to allow for the most effective use of the parking spaces.

The applicant should also provide details of signage on the site indicating the Public Right of Way across the site, and also warning drivers of the presence of pedestrians walking through the car parks.

The applicant states that the site can be easily accessed by public transport. However we do not support this statement. The nearest bus stop is in the settlement of Spen Brook. Spenbrook Road is subject to a maximum 60mph speed limit, with narrow carriageway widths over stretches and restricted forward visibility in places. There is also no footway between the bus stop and development site, meaning pedestrians would have to walk in the carriageway. Bus service 66 serves Spen Brook with only a limited number of buses per day in either direction (Monday – Saturday), some of which run outside the business' opening hours, and no service on Sunday or Bank Holidays. Therefore we do not consider that visitors are likely to use public transport to access the site, particularly those unfamiliar with the area.

The line of Footpath 38 (Goldshawbooth), which passes through the site, a detailed car park layout plan should be submitted demonstrating that the car park layout would not have an adverse effect on those using the footpath. This should also include signage details.

During the site visit we noted that the area to the rear of Douglas Hall Farm, over which Footpath 38 passes, was gated off. We are concerned that this may, in time, become a permanent arrangement and therefore obstruct the Public Right of Way. The Public Right of Way must not be obstructed during the proposed development unless a diversion is approved.

Please attach the following conditions: public right of way signage, car parking surfacing.

Goldshaw Booth Parish Council - It should be noted that the premises are located within the Forest of Bowland, an Area of Outstanding Natural Beauty. Residents complained about the annoying current noise levels from dogs barking, disturbing the tranquillity of a quiet rural area.

It is believed that by increasing the size of the kennels and the commencement of dog breeding within the close proximity of dwellings, it will significantly increase the noise emanating from the kennels, providing an unacceptable level of noise disturbance.

Vehicular access to the kennels is via a single gateway from the narrow country lane. The access is located adjacent to a sharp bend which restricts views available for approaching drivers. The recent increase in traffic and subsequent traffic disturbance, in particular at weekends, has been identified. Visiting vehicles often park on the carriageway opposite the gated entrance and in the

lay-by. Vehicles parked on the carriageway further restrict visibility and cause vehicles to deviate onto the opposite side of the road. Concerns are raised that if the size of the business premises increases, then it would follow that the volume of visiting traffic will also increase, causing further disturbance and the possibility of unnecessary road hazards to local residents.

In addition to increased traffic to the area, there is also concern regarding the possibility of cross contamination between animals, caused by unmonitored activity between the pens by members of the public.

The Parish Council understands the current arrangement relating to the disposal of dog waste at the premises is that it is stored and removed using a skip. However, there are concerns that waste is being burnt on site on a regular basis. This practice is unacceptable, as it causes air pollution to the rural area. Concerns are also raised that increasing the size of the facility and dog breeding would increase this problem. The Parish Council feel that dog waste should be disposed of in a legally approved and agreed manner. (We are unaware if changes to this practice have been made).

Overall, the Parish Council are of the opinion that the proposal could introduce a severe negative impact on traffic in the area. Consequently increases in light pollution and noise, will affect an inherently quiet locality and cause nuisance to Goldshaw Booth residents. Additional concerns are raised over animal welfare issues.

Public Response

A press and site notice were posted and nearest neighbours notified. Numerous responses have been received objecting to the development on the following grounds:

- concerns relating to animal welfare in relation to puppy sales, petting and the existing operation of the business
- The proposed use is contrary to licencing regulations
- The site does not have adequate space to allow for such an increase in dogs
- The site is in an isolated location. outside of a Town Centre, and are poorly serviced by public transport
- The proposed change of use would not generate economic gain, to the local area, and would not contribute to the social wellbeing of the borough.
- The existing permissions granted on site to date, are more than adequate to cover future operations pertaining to dog breeding
- The proposed puppy petting use is speculative development and should be informed by an up to date economic strategy and/or supporting data.
- A 'petting farm' that only contains one species of animal and has no other attractions or on site facilities, is unlikely to appeal to a wide audience. Therefore comparisons to a petting farm use are invalid.
- There is no demand for a puppy petting tourist attraction.
- The proposed use is likely to have a negative influence on tourist's perception of Pendle.
- The proposed puppy petting use would be detrimental to the efforts to educate children on the importance of responsible ownership of animals.
- Public health concerns in relation to puppy petting.
- The existing car park is adequate, the new car park will not be required when the ban on third party sales of puppies is implemented.
- An increase in foot traffic encourage by the puppy petting side of the business could become a safety issue on a route with no footpath.

- The proposed use would exacerbate issues of unwanted dogs.

Officer Comments

Policy

National Planning Policy Framework

Planning policy nationally is set out in the National Planning Policy Framework (“the Framework”). This sets out the economic, social and environmental role that planning has. Part 3 deals with supporting a prosperous rural economy. It supports sustainable growth and expansion of all types of businesses. It also supports the diversification of agricultural and other land based rural businesses as well as retaining local services and rural communities. The encouragement of growth is predicated on the conversion of existing buildings and well-designed new buildings.

Paragraph 115 requires great weight to be given to conserving the landscape and scenic beauty in, amongst others, Areas of Outstanding Natural Beauty.

Adopted Core Strategy

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) requires great weight to be given to the landscape and scenic beauty of the AONB. Proposals are to be considered on a needs basis and be in scale and respect for their surroundings. Proposals in the designated open countryside should have regard to the Development in the Open Countryside SPG.

Policy ENV2 (Achieving Quality in Design and Conservation) seeks to encourage high standards of design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Policy WRK4 (Retailing and Town Centres) states that main town centre uses should follow the following sequential approach:

- 1: Town and local shopping centres
- 2: Edge of centre locations
- 3: Out-of-centre sites which are well serviced by a choice of means of transport and have a higher likelihood of forming links with a nearby centre

Policy WRK5 (Tourism, Leisure and Culture) – Proposals associated with the provision of facilities for leisure will be supported where they do not result in a significant increase in car usage and are readily accessible by public transport and sustainable modes of transport. Are of an appropriate scale and achieve high environmental standards in terms of design and accessibility.

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

Policy ENV5 seeks to minimise air, water, noise, odour and light pollution.

Replacement Pendle Local Plan (RPLP)

Policy 31 (Parking) requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP.

Development in the Open Countryside SPG

The Open Countryside SPG is referenced as a supporting document to policy ENV1. In relation to dog kennels it states that such development normally requires new buildings and extensive fenced areas. The countryside (except in the AONB) can be an appropriate location for such uses, subject to an existing access arrangement. However it is important to ensure that the landscape character of an area is protected.

Principle of the Development

Dog kennels are a sui generis use and there is no specific policy relating to their location, however, due to their nature they are typically based in countryside locations.

The Open Countryside SPG does address dog kennels and indicates that they can be an acceptable use in the open countryside subject to acceptable landscape impact, however it indicates that the AONB is an exception to this. The SPG is not a policy document and cannot be read as forming policy that dog kennels cannot be located in the AONB. Neither the adopted Local Plan Part 1 nor the Framework preclude development of kennels in the AONB.

AONB is a sensitive location in relation to landscape impact rather than a conflict between a dog kennel use and the AONB designation in principle. Therefore, subject to the landscape and other planning impacts of the development being acceptable the location of the proposed development is acceptable in principle.

The proposed development includes a retail use. Retail uses should be accommodated within town centres as first order of priority. However, the retail use applied for is specifically for the sale of puppies associated with other canine uses, this is not a use that can reasonably be accommodated within a town centre as there are animal welfare requirements, such as outdoor space for exercise, which cannot reasonably be met in or adjacent to town centres or in other locations within settlements.

The applicant has submitted an assessment demonstrating this to be the case. Taking this into account, and with a condition limiting the retail use to that proposed, the location of the proposed development is acceptable in principle.

Policy WRK5 supports leisure uses that do not result in a significant increase in car usage and are readily accessible by public transport and sustainable modes of transport. The accessibility of the site is addressed in the highways section.

Landscape Impact and Design

The proposed development includes an extension to the existing car park. This would be to the north east of the existing car park covering an area of 24m x 14m and surfaced in grasscreeet.

The site is located on a plateau with the land beyond sloping down to Spenbrook. Due to this topography the proposed car park would not be prominent in views beyond the site. A public footpath runs through the site and the car park would have an impact on the visual experience of users of the footpath. This would result in minor harm to the AONB, this harm would be offset by the necessity for the car park extension to provide additional on-site car parking to support the proposed use and address the highway safety issues resulting from cars parking on Spenbrook Road.

Taking these factors into account, the proposed development would not result in an unacceptable landscape or visual impact or unacceptable impact upon the AONB in accordance with policies ENV1 and ENV2.

Highways

The recently approved new building was proposed for indoor exercise and storage space and did not directly increase the breeding capacity of the kennels. However, if the building were fitted out with pens to accommodate puppies it could potentially significantly increase the potential number of puppies that could be accommodated on the site. We estimate the potential number, while meeting welfare requirements set by licencing, to be around 420 puppies.

The level of visits for sales / petting of that number of dogs could generate could potentially result in unacceptable highway impacts.

A condition is therefore necessary to restrict the number of puppies that can be accommodated at one time. The applicant has suggested that a number of 150 would meet the needs of their business. This is approximately equivalent to the total number of puppies that the business could accommodate operating under the existing permission with breeding bitch numbers restricted to 30.

Whilst there would be likely to be additional visits to the site, above what a dog breeding use would be likely to generate, with a condition in place to restrict the number of dogs accommodated the proposed extended car park would be suitable to accommodate the parking demand and the access and surrounding highway network is adequate to accommodate the level of traffic that would be likely to be generated.

Concerns have been raised regarding access to public transport. However, there are bus stops within nearby Spenbrook which offer a two hourly service during the day to Nelson and Clitheroe. Concerns have been raised with regard to highway safety implications of pedestrians using Spenbrook Road, however, pedestrians would have the option of using public footpaths 33, 37 and 38 avoiding Spenbrook Road. Furthermore, by their nature uses such as those proposed would generally be located in locations with a lower accessibility. Taking these factors into account, the site has an acceptable level of accessibility for the proposed uses.

The applicant has submitted a revised plan showing that the proposed car parking layout would not obstruct the route of footpath 38.

The proposed development is therefore acceptable in terms of highway safety and accessibility accordance with policies ENV4, WRK4 and WRK5 of the LPP1 and policy 31 of the RPLP.

Residential Amenity

The house adjacent to the site has been subdivided into two dwellings, the nearest to the kennels is occupied by a member of the applicant's family who works in the business and is linked to the business by condition. The other was subdivided after the dog breeding use was established and, as such, has always been adjacent to a dog breeding kennels. The subdivided dwelling is sufficiently separated from the existing business that it does not result in unacceptable impacts.

The Parish Council raise the issue of noise complaints in relation to the current activities. Environmental Health have confirmed that they have received no complaints about noise.

Taking these factors into account, and with the condition limiting the number of dogs as detailed above attached, the proposed use would not generate an additional level of noise or activity that would result in unacceptable residential amenity impacts upon that dwelling.

The nearest dwelling without a current or past connection to the use is approximately 130m away. This distance is adequate to ensure that the use would not result in unacceptable impacts upon that or any other dwelling.

The proposed development is therefore acceptable in in terms of residential amenity in accordance with ENV5

Other Issues

Numerous concerns have been raised relating to animal welfare and public health issue due to contact with animals. Those matters are not material considerations in the determination of this planning application. The operation of the premises in terms of animal welfare and public health is controlled by other legislation, such as licencing requirements. National planning practice guidance requires that where controls exist in other legislation planning decisions should not duplicate those controls.

It has been indicated that the government is likely legislate against the third party sale of puppies in the near future. That is a separate matter to this planning application, the approval of planning permission would not override any such legislation and, at present, such sales are lawful, subject to meeting licencing requirements.

Summary

The proposed use and extension of the car park, subject to conditions, would not result in any unacceptable impacts upon the visual amenity, landscape character or natural beauty of the AONB, the vitality and viability of Pendle's town centres, residential amenity and highway safety and would be an acceptable location for such uses. The application is therefore recommended for approval.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed use is acceptable in accordance with the policies of the Pendle Local Plan Part 1: Core Strategy and saved policies of the Replacement Pendle Local Plan. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

1. The development must be begun not later than the expiration of three years beginning with 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: 001 Rev. D, 103 Rev. A, 005 Rev. N.

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

3. The part of the landscaping scheme 103 Rev A to the north west, north east and south east boundaries of the car parking area shall be implemented in the first planting season following the substantial completion of the car park extension. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a

period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

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

4. Unless otherwise approved in writing by the Local Planning Authority, animal waste removal shall at all times be undertaken in accordance with the details of waste disposal approved under discharge of conditions application 17/0667/CND.

Reason: In the interests of residential amenity and in order to protect the health of nearby occupants.

5. The breeding kennels, dog sales and dog petting use hereby approved shall be only be used in conjunction with Douglas Hall Cottage and shall not be operated as a separate or independent business at any time.

Reason: The separation of the uses may lead to an unacceptable loss of amenity to the occupants of the property.

6. The total number of puppies accommodated on the site at any time shall not be exceed 150 and the number of breeding bitches accommodated on the site at any time shall not exceed 30. The operators of the kennels shall maintain an up-to-date register of the number of all puppies and breeding bitches accommodated on the site and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: The unrestricted accommodation of dogs for sale, petting and breeding would potentially result in unacceptable impacts upon highway safety and residential amenity, the applicant has not provided details to fully assess those impacts in relation to the accommodation of an unrestricted number of dogs.

7. Notwithstanding the provisions of Use Class A1 of the Town & Country Planning (Use Classes) Order 1987 (as amended), or any statutory instrument revoking and re-enacting that Order with or without modification, the retail use hereby approved shall be for the retail sales of puppies only, there shall be no retail sales of any other type from the site.

Reason: To protect the vitality and viability of the Borough's town centres.

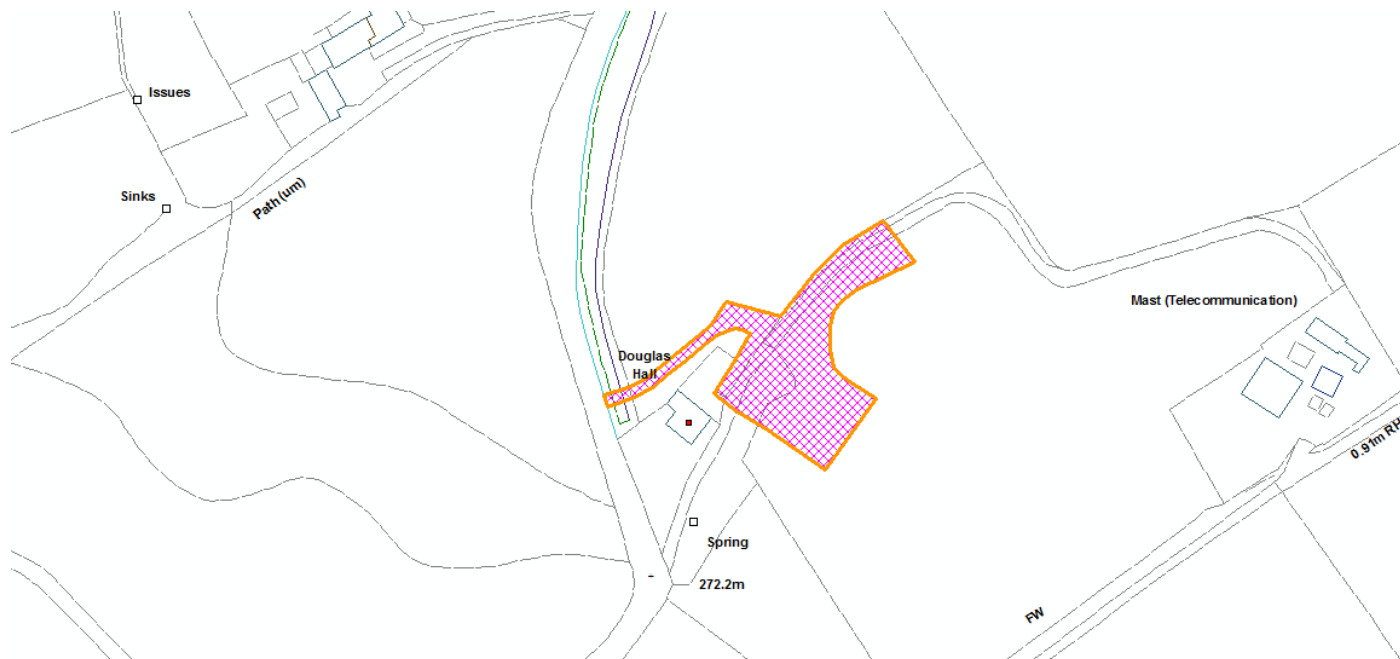
8. Within 2 months of the date of this permission the car park extension hereby approved must be formed, marked out and made available for use in accordance with drawing Nos. 005 Rev. N and 103 Rev. A. If the car park has not been provided within 2 months from the date of this permission the use of the site shall cease until the car park has been provided and completed in its entirety. car parking spaces and manoeuvring areas shall thereafter at all times be maintained free from obstruction and available for car parking and manoeuvring purposes.

Reason: To ensure that an adequate level of on-site car parking is provided to prevent parking on the highway, resulting in unacceptable highway safety impacts and in order to prevent the use which is already occurring continuing until adequate car parking is provided.

9. The use of the car park extension hereby approved shall not commence unless and until a scheme of signage alerting users of the car park to the presence of a public footpath has been submitted to and agreed in writing by the Local Planning Authority and the approved scheme has been fully implemented. The approved signage shall be maintained in accordance with eth approved scheme at all times thereafter.

Reason: In order to protect users of the footpath from vehicles using the car park.

Note: The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way, including any temporary stopping-up or diversion, should be the subject of an Order under the appropriate Act.



Application Ref: 18/0818/FUL

Proposal: Full: Change of use of dog breeding kennels to a mixed use of dog breeding, dog sales and dog petting (Retrospective) and formation of an extension to the existing car park.

At: Douglas Hall Cottage, Spenbrook Road, Newchurch In Pendle

On behalf of: Mr W Lancaster

REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 7th FEBRUARY 2019

Application Ref: 18/0879/VAR

Proposal: Full: Variation of Condition: Variation of Condition 6 (Highway Improvements) of Planning Permission 17/0410/FUL.

At: Land Adjacent Number 30 Dixon Street, Barrowford

On behalf of: MFH Projects

Date Registered: 10.12.2018

Expiry Date: 11.02.2019

Case Officer: Charlotte Pinch

Site Description and Proposal

The application is to be decided at committee as it has received more than three objections.

The application site is an empty, previously undeveloped site within the settlement boundary of Barrowford. The site is located in a residential area, which is surrounded by dense semi-detached and terraced two storey properties, with a detached bungalow to the north east.

Planning permission was granted in 2017 for the erection of one detached bungalow and one pair of two storey semi-detached dwellings.

This application is to vary Condition 6 of the planning permission, removing the requirements for upgrading and re-surfacing the carriageway to the west of the adopted section and the provision of a new street lighting column. This element of the road is not within the applicant's ownership and is privately owned, so this would not be possible to implement.

Relevant Planning History

16/0595/FUL

Full: Erection of 4 three bedroom dwellinghouses.
Withdrawn.

17/0410/FUL

Full: Erection of one detached bungalow and one pair of two-storey semi-detached dwellings (resubmission).
Approved with Conditions. 2017.

Consultee Response

LCC Highways

After examining the application and the proposed variation, the Highway Development Support Section has no objection to the request to vary the wording of Condition 6. Works shall include the construction of accesses to Plots 2 and 3 to an acceptable standard and re-instatement of the kerb line where necessary.

Barrowford Parish Council

Object to the proposal. The improvements to the highway contained in Condition 6 will improve both access and street safety to a currently unadopted cul-de-sac which will see additional vehicle use through the building of these three dwellings. The fact that LCC Highways were clear in their original response that they would only support this application if these conditions were imposed and the future benefits to the adjacent householders and pedestrians who use this road and as a foot link to Wheatley Lane Road were in part the rear why the Parish Council supported this application. The costs of improving such a short stretch of the highway would not be too onerous an imposition on the developer when gauged against the potential return from this development.

Public Response

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

- May result in more cars using the area to turn around and therefore become unsafe for pedestrians.
- Part of the road is privately owned and permission will not be given for works to be carried out on it.
- The proposed driveways would pose a highway safety risk.
- Relocation of the telegraph pole would be unsafe.
- Detrimental impacts on the quality of the unadopted road during construction of the properties.

In addition, two letters of support were received from neighbouring occupiers, highlighting that it would be of benefit for the site to be developed as it has become overgrown and is beginning to become an eye sore.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 (Presumption in Favour of Sustainable Development) takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy SDP2 (Spatial Development Principles) sets out the roles each settlement category will play in future growth. Barrowford is a local service centre which will provide a supporting role to the Key Service Centres and accommodate levels of new development.

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) 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 (achieving Quality in Design and Conservation) identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Policy LIV5 (Designing Better Places to Live) states that layout and design should reflect the site surroundings, and provide a quality environment for its residents, whilst protecting the amenity of

neighbouring properties. Provision for open space and/or green infrastructure should be made in all new housing developments.

Replacement Pendle Local Plan

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

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.

Highways and Parking

The proposed variation to the condition would result in the removal of the requirement for the re-surfacing of the carriageway, to the west of an existing adopted section of road. The condition previously required a section of carriageway to be resurfaced, which is not owned by the highways authority or the applicant, nor have the landowners given permission for these works to be carried out.

However, the requirement to resurface and kerb the footway, directly adjacent to the development site, from which vehicles will gain access, will be retained. The proposed amendments would not alter the parking provision or access to the site.

No objections have been raised by LCC Highways in regards to the variation of this condition, provided that suitable accesses are constructed for plots 2 and 3, as well as re-kerbing where necessary. This element will be retained within the condition.

Some concerns have been raised by neighbouring occupiers in relation to an increase in on road parking and more people using the road as a turning place as a result of this proposal. However, sufficient on plot parking has been provided and secured by the extant planning permission, therefore mitigating need to park on the road. Furthermore, it is unlikely that not re-surfacing the road would encourage more people to use it, apart from when accessing the application site.

Residential Amenity

The proposed amendment to the condition would not affect the size, design or siting of the proposed dwellings, therefore the separation distances from neighbouring properties and privacy of neighbouring occupiers will be maintained.

The variation of this condition would not result in a detrimental impact on the condition of the existing unadopted highway section, for residents. The proposed dwellings would retain on plot parking as approved, alleviating any concerns in relation to on street parking.

Therefore, the proposed variation is acceptable in terms of residential amenity in accordance with Policy ENV2.

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 8th September 2017.

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, 5131-01, 5131-05C, 5131-06B, 5131-07A

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, together with details of proposals for the reuse of existing materials, 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. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & Country Planning (General Permitted Development) (England) Order 2015 (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.

5. 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 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 unless and until a scheme for the re-surfacing and kerbing of the footway from the end of the adopted section to the western edge of

No 59 Dixon Street, ensuring a minimum carriageway width of 5.5m is maintained from the kerb edge, has been submitted to, and approved in writing 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 development shall take place, including any works of demolition/clearance, until a construction method statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

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

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

Reason: In the interest of highway safety.

8. Before the development hereby permitted becomes operative, the existing boundary to the east and west of the site shall be reduced to and be permanently maintained henceforth at a height not greater than 900mm above the crown level of the adjacent carriageway/Public Footpath, and shall include any new, internal boundaries in the front section of the site, in accordance with the approved plan, before the first occupation of any dwelling.

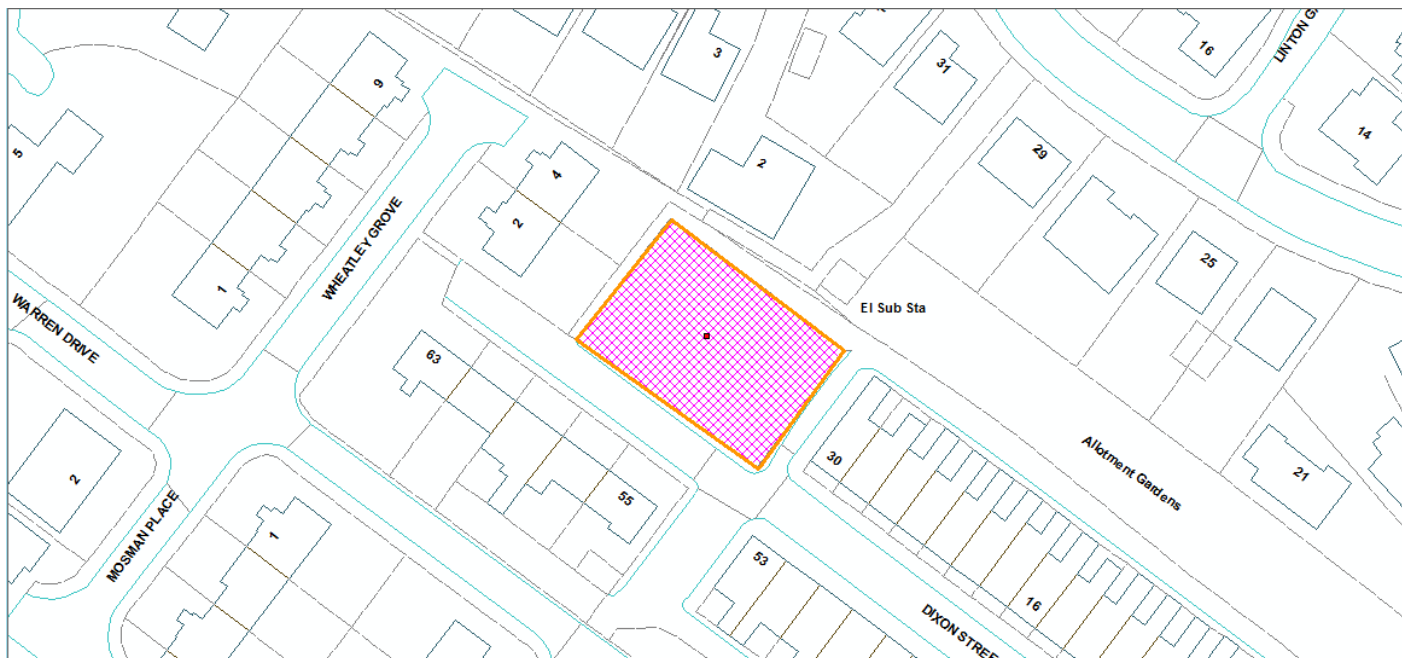
Reason: To ensure adequate visibility for the drivers of vehicles entering and leaving the site.

9. No part of the development hereby approved shall be occupied until the approved scheme referred to in Condition 6 has been constructed and completed in accordance with the scheme details.

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

10. The car parking areas shall be surfaced or paved in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the dwellinghouses being occupied and shall thereafter at all times be made available for the parking of vehicles associated with the dwelling.

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



Application Ref: 18/0879/VAR

Proposal: Full: Variation of Condition: Variation of Condition 6 (Highway Improvements) of Planning Permission 17/0410/FUL.

At: Land Adjacent Number 30 Dixon Street, Barrowford

On behalf of: MFH Projects

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 24th January 2019