

**REPORT FROM:** PLANNING, ECONOMIC DEVELOPMENT AND  
REGULATORY SERVICES

**TO:** WEST CRAVEN COMMITTEE

**DATE:** 6<sup>th</sup> JULY 2021

**Report Author:** Neil Watson  
**Tel. No:** 01282 661706  
**E-mail:** [neil.watson@pendle.gov.uk](mailto:neil.watson@pendle.gov.uk)

## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications.

## REPORT TO WEST CRAVEN COMMITTEE ON 06 JULY 2016

**Application Ref:** 21/0242/FUL

**Proposal:** Full: Major: Conversion of former St Andrews Sunday School into 13 No. Apartments.

**At:** St Andrews Methodist Church, Mosley Street, Barnoldswick

**On behalf of:** Barnoldswick Development Co.

**Date Registered:** 31/03/2021

**Expiry Date:** 19/07/2021

**Case Officer:** Alex Cameron

This application was deferred from June's Committee meeting in order for the applicant to be requested to explore the possibility of off-street car parking being provided.

### **Site Description and Proposal**

The application site relates to a vacant former school building adjacent but outside of the Barnoldswick Conservation Area and Barnoldswick town centre and is within the settlement boundary. There is a church building and nursing home to the north and terraced housing on all other sides.

Planning permission was granted in 2016 for the partial demolition of the school building and redevelopment into six apartments together with an extension to the church.

This application is for the conversion of the existing building to 13 apartments, without the demolition previously proposed.

### **Relevant Planning History**

16/0303/FUL - Full: Part demolition of school building and conversion to six 1 and 2 bed apartments and erection of two storey extension to rear, erection of single storey extension to rear of church. Approved

### **Consultee Response**

**LCC Highways;** Planning permission has been previously approved for the part demolition of the Sunday School building and conversion to six 1 and 2 bed apartments and erection of two storey extension to rear, plus erection of single storey extension to rear of church (ref 16/0303/FUL). The application also included six off-road parking spaces. The principle of the provision of residential units on site has therefore been established.

The current proposal is on a larger scale, being eleven 1 bed and two 2 bed apartments, as no demolition of any part of the Sunday School building is proposed, as was previously. There is also no off-road car parking proposed.

Having considered the information submitted, together with site observations, the proposed development raises highway safety concerns, which it is unlikely can be mitigated satisfactorily. Therefore the Highway Development Control Section objects to the development on highway safety grounds.

**Car & cycle parking**

The development site is located in an area of predominantly terraced houses which have no associated off-road parking. As observed on the site visits in both May 2016 and May 2021 there is a high demand for on-street parking on Mosley Street and the surrounding highway network, with

limited capacity for additional demand. A further increase could lead to inappropriate parking at road junctions or vehicles having to reverse out of junctions because the side streets are double parked, narrowing the carriageway down to single file, which is a safety concern.

The application form states that the apartments would be social, affordable or intermediate rent. Whilst this type of property may have lower than average car ownership we have noted that the borough council no longer has a policy which referred to social housing requiring less parking. Therefore parking provision would need to be in line with recommendations in the council's car and cycle parking standards.

An alternative to providing off-road parking may be to have a contractual agreement between occupants of the apartments and neighbouring church. However, as this could not be controlled by condition it is likely to fail the test for applying conditions. There is also likely to be a conflict for demand between the different users when the church's premises are in use.

We have noted the provision of 13 internal, secure cycle storage spaces.

#### **Accessibility**

Although the site is within acceptable walking distances for some local facilities and amenities, we do not consider it to be a town centre location, where no parking would need to be provided.

The site is located within acceptable walking distances of some local amenities and facilities, including the public transport network. A number of bus services go through Barnoldswick connecting to various destinations. Whilst access to public transport may reduce the reliance on private vehicles, it is unlikely to reduce it to the level of that of a car-free development, which the applicant is proposing.

Given the above concerns regarding the detrimental impact on the surrounding highway network the highway authority objects to this application on highway safety grounds. However, if the number and scale of apartments proposed was reduced to the level previously approved under 16/0303/FUL, and some off-road parking was provided, then the highways authority may reconsider its response and withdraw its objection.

LCC Schools Planning – An education contribution is not required.

East Lancashire NHS Trust – Request a contribution to meet the provision of additional facilities and services for the residents of the dwellings in the first three years of its occupation.

United Utilities – The site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

### **Public Response**

Press and site notices posted and neighbours notified. Responses received objecting on the following grounds:

- Lack of car parking provision
- Restriction of access for emergency and other vehicles
- This type of development is unprecedented in Barnoldswick
- Insufficient daylight and poor living conditions of the proposed apartments
- Bats have been seen flying around the building

### **Officer Comments**

The main issues for consideration are compliance with policy, principle of development, impact on amenity, design and materials and highway safety issues.

#### **Policy**

The starting point for consideration of any planning application is the development plan. Policies which are up to date and which conform to the provisions of the National Planning Policy Framework ("the Framework") must be given full weight in the decision making process.

## **Local Plan Part 1**

The following Policies are wholly compliant with the Framework and as such should be afforded full weight.

Policy SDP1 (Presumption in Favour of Sustainable Development) is set out to secure development that improves the economic, social and environmental conditions in the area.

Policy SDP2 (Spatial Development Principles) prioritises new development within settlement boundaries provided they are of a nature and scale that is proportionate to the role and function of that settlement.

Policy LIV1 (Housing Provision and Delivery) states that housing development will be supported within a settlement boundary where they are sustainable and make a positive contribution to the five year supply of housing land.

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

Policy ENV2 (Achieving Quality in Design and Conservation) 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.

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

### **Principle of Development**

The site is previously developed land and is located in a residential area within the settlement boundary of Barnoldswick. It is within walking distance of public transport where regular buses travel along Essex Street. The site has easy access to essential services given its location adjacent to the town centre. The property would be positioned on a non - allocated site within the settlement boundary, there is no policy directly relating to the site that would prevent the change of use and therefore the principle of development is acceptable.

Whilst the development is proposed as affordable housing the number of dwellings proposed does not meet the threshold for the provision of affordable housing in West Craven and therefore it is not necessary to require that the dwelling remain as affordable housing.

### **Impact on amenity**

Taking into account the existing window relationships and character of the area of terraces dwellings with spacing distances of considerably less than 21m, the proposed development would not result in an unacceptable reduction in the level of privacy of surrounding properties. The proposed development would provide an acceptable living environment for its occupants and would not result in any unacceptable residential amenity impacts upon the residents of surrounding properties in accordance with policies ENV2 and LIV5.

### **Design and Materials**

Proposed alterations to the external appearance of the building are minor and would result in no unacceptable visual amenity impacts in accordance with policies ENV2 and LIV5.

## **Highways**

Regarding the proposed single storey rear extension to the church, LCC Highways does not have any objections regarding this proposed extension. As existing there are 14 spaces available for both the church and the school building, the proposal is to demolish the school building which would considerably reduce the number of parking spaces required for the church and the proposed extension. Holistically the site including the proposed apartments will now provide 20 spaces rather than 14 which would be an increase in parking that would be sufficient and acceptable for the proposed development.

Concerns have been raised by LCC highways in relation to the lack of car parking provision. The car parking standards set out in the RPLP are maximum rather than minimum standards and therefore can be relaxed where appropriate. This site is directly adjacent to the town centre boundary of Barnoldswick, with the facilities of the town centre and public transport within easy walking distance. Off street car parking is not a typical feature of residential properties in the surrounding area, the school building itself currently has no off-street parking and the lawful use of the building could potentially generate significant parking demand in surrounding streets. The applicant has been requested to explore the possibility of providing some level of off-street parking in the vicinity. We are awaiting a response from the applicant which will be reported to Committee.

However, taking the above factors into account, it is recommended that the development is acceptable as proposed, it would not have an unacceptable impact on highway or pedestrian safety around the site in accordance with policy ENV4.

## **Landscaping**

The plans submitted show the trees along the north eastern side boundary will be retained, this also includes the grassed area however no details have been submitted. A condition should be attached for a landscaping scheme to be submitted and approved.

## **Ecology**

Concerns have been raised that bats have been seen in the immediate vicinity of the building, and initial bat survey has been undertaken and identified the need for further surveys to establish whether the building is used by bats and what mitigation may be necessary. Those surveys are awaited.

## **Contributions**

A request has been made from East Lancashire Hospitals NHS Trust for a contribution towards the cost of healthcare interventions it calculates will be generated by the residents of the dwellings in their initial occupation, for which there is a funding gap.

In terms of health service contributions there are a number of concerns about the request and justification for those requests. Planning legislation allows for conditions to be placed on developments to make them acceptable. It also provides for the possibility of payments being made through section 106 agreements for infrastructure affected by a development. The law surrounding this is as follows:

Section 106 of the 1990 Act provides as follows:

(1) Any person interested in land in the area of a local planning authority may, by agreement or otherwise, enter into an obligation (referred to in this section and sections 106A and 106C as “a planning obligation”), enforceable to the extent mentioned in subsection (3)—

- (a) restricting the development or use of the land in any specified way;
- (b) requiring specified operations or activities to be carried out in, on, under or over the land;
- (c) requiring the land to be used in any specified way; or
- (d) requiring a sum or sums to be paid to the authority (or, in a case where section 2E applies, to the Greater London Authority) on a specified date or dates or periodically.

(2) A planning obligation may—

- (a) be unconditional or subject to conditions;
- (b) impose any restriction or requirement mentioned in subsection (1) (a) to (c) either indefinitely or for such period or periods as may be specified; and
- (c) if it requires a sum or sums to be paid, require the payment of a specified amount or an amount determined in accordance with the instrument by which the obligation is entered into and, if it requires the payment of periodical sums, require them to be paid indefinitely or for a specified period....”

The relevant parts of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (“the CIL Regulations”) are as follows:

(1) This regulation applies where a relevant determination is made which results in planning permission being granted for development.

(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

Section 216(1) of the Planning Act 2008 together with Regulation 59 of the CIL Regulations requires charging authorities to apply CIL payments to “supporting development by funding the provision, improvement, replacement, operation or maintenance of infrastructure”.

Section 216(2) defines “infrastructure” as follows:

“infrastructure” includes—

- (a) roads and other transport facilities,
- (b) flood defences,
- (c) schools and other educational facilities,
- (d) medical facilities,
- (e) sporting and recreational facilities, and
- (f) open spaces”

The request for contributions for health care services does in my view overall fit into a category of infrastructure that could, if necessary to make the development acceptable, fall within a category of infrastructure that can be funded through a section 106 agreement. However that does not mean to say that the contribution being requested meets the tests set out in the CIL Regulations detailed above.

Case law is clear that planning permissions cannot be bought or sold hence any sum to be paid to a planning authority must be for a planning purpose which should in some way be connected with the land in which the developer is interested.

The issue for Committee is whether the funding has a direct connection to the development and whether this would be fairly and reasonably related in scale and kind to the development.

Robust evidence is required to support a request for a contribution. In London for example a model has been produced which attempts to provide robust and up to date evidence on the need for a contribution. The model is referred to as the HUDU model. This looks at the specific circumstances of each development in its own location reflecting the population characteristics of the area.

The evidence supplied with this request does not in my view go far enough to support the view that the impacts of the individual development is directly related to healthcare deficiencies. A flat rate is applied to all developments which will inevitably result in some developers over providing and some underproviding. The model does not factor in demographic modelling of the area and does not for example look at any percentage of the population that may move into the developments and that they are already resident in the area thus not increasing the demand on services.

We have also raised a concern about the timing of funding and that developments can take several years in order to come to fruition. From the information supplied to us it appears that once a development is known about then financing is included in the next budgetary year. The issue therefore is that if developments take several years to come forward and they are included in financial planning after year 1 then the developer would be paying for services already funded in the standard funding formulae.

Whilst more accurate evidence could be provided were the model to be finessed as it stands it is not sufficiently robust to prove the level of contribution fairly reflects the impact the development would have on services.

This is an important issue that will arise in other developments in the Borough. In order to get an independent view on this we have obtained Counsel's opinion on this. That advice is legally privileged but supports the view that the evidence is not sufficiently robust to be able to support a requirement for the contribution requested.

Committee are therefore recommended not to require a contribution to the NHS as the evidence is not robust enough to confirm that the funding is directly enough related to the development and is fairly and reasonably related in scale and kind to the development. The level of contribution would also undermine the already low level of profitability and would jeopardise whether or not the scheme would proceed. The provision of affordable housing is a major need within Pendle and significant weight should be attached to providing that housing.

## **Conclusion**

The proposed development is acceptable in terms of housing development on this site which would contribute towards the housing land supply and would not unacceptably impact upon amenity and highways safety.

A further bat surveys are required in order to establish whether protected species are present in the building. It is recommended that the approval of the application be delegated to the Planning, Economic Development and Regulatory Services Manager subject to the receipt of the surveys and any additional conditions that need to be attached as a result.

## **Reason for Decision**

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in terms of sustainability, design residential amenity, highway safety and all other relevant regards. 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: Delegated Grant Consent**

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: 001A, 002B, 003A, 004A, 005D, 009A

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

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

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

- 4 No dwelling hereby approved shall be occupied unless and until the cycle storage facilities details in the approved plans have been made available for the use by the occupants of that dwelling and those cycle storage facilities shall be retained at all times thereafter.

Reason: In the interest of amenity.

- 5 No dwelling hereby approved shall be occupied unless and until a scheme of foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority and the drainage has been installed in accordance with the approved scheme.

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

- 6 The development hereby permitted shall not be occupied unless and until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a. the exact location and species of all existing trees and other planting to be retained;
- b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
- c. all proposed boundary treatments with supporting elevations and construction details;
- d. 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 occupation 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 that the development is adequately landscaped so as to integrate with its surroundings.

- 7 Before the first dwelling unit is occupied waste containers shall be provided in the bin storage area.



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

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

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Measures to control the emission of dust and dirt during construction
- vi) A scheme for recycling/disposing of waste resulting from clearance and construction works
- vii) Details of working hours
- viii) Timing of deliveries
- ix) Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties.
- x) Construction site noise and vibration.
- xi) Burning on site.

Reason: In the interest of highway safety and to protect the amenities of occupiers of adjoining and nearby properties.

**Application Ref:** 21/0242/FUL

**Proposal:** Full: Major: Conversion of former St Andrews Sunday School into 13 No. Apartments.

**At:** St Andrews Methodist Church, Mosley Street, Barnoldswick

**On behalf of:** Barnoldswick Development Co.

## REPORT TO WEST CRAVEN COMMITTEE ON 06 JULY 2021

**Application Ref:** 21/0399/PIP  
**Proposal:** Permission in Principle: Erection of up to 9 No. Dwellings.  
**At:** Land Off Cob Lane And, Old Stone Trough Lane, Kelbrook  
**On behalf of:** YLBD  
**Date Registered:** 11/05/2021  
**Expiry Date:** 15/06/2021  
**Case Officer:** Alex Cameron

This application has been brought before Committee as over three have been received.

### **Site Description and Proposal**

The application site is an agricultural field to the south of Cob Lane. The site is located to the south east of the main village and is outside of, but adjacent to the defined settlement boundary. To the west is Yellow Hall, a row of listed dwellings, to the south and east is open land. The land slopes upwards from Old Stone Trough Lane, as Cob Lane rises away to the east. It is designated as Open Countryside in the Local Plan.

The site was subject to an outline planning application for up to 10 dwellings in 2017 which was refused and then allowed on appeal.

This is an application for Permission in Principle for up to 9 dwellings on the site.

### **Relevant Planning History**

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

16/0488/OUT - Outline: Major: Application for up to 17 dwellings (Access only) – Refused and Appeal Dismissed. The appeal was against the development of 17 houses. The Inspector did not raise any objections to the scheme on highway grounds, amenity, loss of wildlife, highway safety, drainage, housing land supply or infrastructure provision.

17/0691/OUT Outline: Major: Erection of up to 10 Dwellinghouses (Access only) (Re-Submission). Appeal allowed.

### **Consultee Response**

**LCC Highways** – Principle matters: The site has been the subject of previous planning applications, the most recent one being 13/17/0691/OUT for the erection of up to 10 dwelling houses (access only). This application was allowed at appeal, with a number of conditions applied, including some relating to highways.

The proposed development site would be accessed directly from the adopted highway network on Cob Lane. Cob Lane is an unclassified road (U40347), with the section along the site frontage subject to a maximum speed limit of 30mph.

For a road with a speed limit of 30mph a Stopping Sight Distance (SSD) of 43m should be provided. As the site access has not been indicated on the submitted Location Plan it is not clear whether the necessary visibility splays can be achieved over land within the applicant's ownership

and/or over the adopted highway, although these were provided under planning application 17/0691/OUT.

Technical details stage: If Permission in Principle is granted there are a number of matters that would need addressing at the technical details stage. These include, but are not exclusive to:

- Provide a new vehicular access – including construction, surfacing and drainage details – and appropriate visibility splays.
- Provide off-road car parking for each dwelling in accordance with Pendle Borough Council's Parking Standards. That is, two spaces for two – three bedroom dwellings and three spaces for four plus bedrooms.
- Provide adequate internal manoeuvring space to allow vehicles to enter/leave the site in forward gear, including refuse vehicles, emergency vehicles and large delivery vehicles.
- The approved site layout submitted for 17/0691/OUT included the provision of a footway along the frontage of site. A footway with minimum width of 1.8m should be provided in any future layout.
- Provide secure, covered cycle parking for at least two cycles and an electric vehicle charging point at each dwelling.
- To be counted as one parking space single garages should have minimum internal dimensions of 6 x 3m. This size of garage could also provide secure storage for two cycles.
- To be counted as two parking spaces double garages should have minimum internal dimensions of 6 x 6m.

Highway related conditions were applied to the appeal approval. These related to a Construction Method Statement (10); vehicles being able to enter/leave in forward gear (13); construction details of the estate road (14); visibility splays of 43m x 2.4m x 1.0m (15) and full engineering, drainage, street lighting details of the internal road (16). For the sake of consistency, the above conditions should be applied to any future planning permission. In addition, conditions covering electric vehicle charging points and secure cycle storage for each dwelling, where garages are not provided, should be applied to improve the site's sustainability.

**Yorkshire Water** – The site should have separate foul and surface water drainage comments related to surface water disposal.

**Lancashire Fire and Rescue Service** – Comments relating to building regulations.

**Kelbrook and Sough Parish Council** – Objects for the following reasons:

1. There is an extant planning application 17/0691/OUT for exactly the same number of houses and the same land in use by the developers. The Parish Council considers that this may be an attempt to circumvent the law regarding planning/development deadlines, and also an attempt to circumvent the conditions applied by the inspector in his appeal decision of 17/069/OUT. It notes that Covid-19 is used as a reason for this additional application, yet the construction industry has been open and supported by the government from the start of the Covid-19 pandemic. The Parish Council notes that the developers have been open in their wish to proceed down the Reserved Matters route and only want to preserve their development "rights". Nevertheless, the developers were aware of the time related conditions when they made agreement with the landowner and the approval of this application might well set an unwelcome precedent.
2. Should the above reason be insufficient, given the lack of specifics within the PIP, the Parish Council objects on the grounds of a) heritage – the relationship of Yellow Hall and Stoops Farm with the proposed site and the open countryside setting (as expressed by the inspector in the appeal of 17/0691/OUT); b) natural environment – the disturbance and danger to the circa 450 years old wooded area lining the beck adjacent to the site, and the bats which roost within the trees therein; c) the increase in traffic which will be caused by the development; d) the development being situated outside of the settlement area.

The Parish Council is further concerned that this application for nine dwellings has been put forward to undermine the scrutiny which would have been automatically in place for a Major Development. Should this PIP be approved, the Parish Council would want assurances that there would be no attempt to build additional houses over and above the nine stated in the PIP and thus create a Major Development by means outside of the spirit of the planning laws and regulations.

The Parish Council would also like to understand why a site notice has not been posted and why Stoops Farm, Oliver's Croft, The Moorings and Newlyn have been omitted from the Neighbour Consultees distribution, yet other dwellings, much further afield have been included as Neighbour Consultees.

### **Public Response**

Site and press notices posted and nearest neighbours notified. Over 80 responses received objecting on the following grounds:

- Impact on Listed Buildings
- Increase traffic congestion
- Highway safety risk, including risk to school children
- Impact of construction traffic
- Increase in on-street parking
- Poor access visibility
- Lack of footways on roads leading to the site
- Loss of greenfield / countryside land
- Brownfield land should be developed first
- Unacceptable visual impact
- Impact of the character of the village
- Increase risk of surface water flooding
- Lack of community benefit
- Insufficient details to assess impacts
- This is an attempt to circumvent the requirements of the previous appeal decision
- The PIP should have the same conditions and buffer zone as the outline approval
- The Planning Inspectorate's dismissal of the previous appeal was wrong

### **Officer Comments**

This type of application can only be determined on matters of the principle of the development with its scope limited to location, land use and the amount of development. Conditions and/or planning obligations cannot be imposed at this stage. If approved a Technical Details application would be required before the development taking place, that would include details such as plans and technical reports. Conditions and planning obligations can only be imposed at that stage.

### **Policy**

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

The following Local Plan policies are relevant to this application:

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

Policy SDP3 indicates that new housing provision and distribution will be guided by the settlement hierarchy within the policy. Rural Pendle (inc. Kelbrook) is expected to account for 12% of the Borough's supply over the plan period. It should be noted that this figure is not a fixed limit, it is a representation of the projected housing distribution.

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

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

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

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

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

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

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

## **Principle of Housing**

Policy LIV1 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 is located immediately adjacent to the settlement boundary of Kelbrook, which is a Rural Service Centre. Kelbrook has a variety of services and facilities and is accessible by means of both public and private transport and also has established links with the larger West Craven Towns.

It has been demonstrated in the previous application that acceptable access and visibility can be achieved.

The proposed site is a sustainable location for new development. This principle of development of this site for up to 10 houses, subject to conditions and contributions, has been established by the outline permission granted previously. The principle of housing is therefore acceptable in accordance with policies SDP2 and LIV1.

## **Other Matters**

Comments have been received regarding traffic, visual impacts, heritage impacts, impacts on ecology and protected species, flooding and drainage issues. This Permission in Principle application can only consider the principle of development, including location, land use and the amount of development. Therefore, factors outside of this cannot be considered as part of this application and must be dealt with at the technical details consent stage.

Concerns were also raised regarding this application circumventing the conditions of the previous permission. This is an application process open to the applicant, whilst conditions cannot be applied at this stage any necessary conditions and planning obligations could be imposed at the Technical Details stage.

Concerns were also raised in relation to publicity of the application not being the same as the previous application, unlike the previous application this is not a major application, is an entirely different form of application and has a different application site (not including the land of the previous larger 17 house proposal) and therefore has different publicity requirements.

### **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. Taking into account all material considerations the proposed development is acceptable in principle. 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**

#### **INFORMATIVE**

As part of a technical details application the following information should be provided:

- Plans, including location plan, site plan, access visibility splay plan, elevation and floor plans.
- Planning Statement.
- Heritage Statement.
- Foul and Surface Water Drainage Scheme.
- Ecology Survey.
- Landscaping Scheme.
- Dependent on the layout, scale and design planning obligations for affordable housing and education provision, or other public benefits, may be necessary to offset the impact on the significance of the Listed Building Yellow Hall and for off-site open space.

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**At:** Land Off Cob Lane And, Old Stone Trough Lane, Kelbrook

**On behalf of:** YLBD

# **REPORT TO WEST CRAVEN COMMITTEE ON THE 6<sup>th</sup> JULY, 2021**

**Application Ref:** 21/0412/VAR

**Proposal: Variation of Condition:** Vary condition 2 (Approved Plans) of Planning Permission 16/0617/FUL

**At:** Ambulance Station, Brogden View, Barnoldswick

**On behalf of:** Mr Graham Harker

**Date Registered:** 17 May 2021

**Expiry Date:** 12 July 2021

**Case Officer:** Kathryn Hughes

This item has been brought before Members due to the number of objections received.

## ***Site Description and Proposal***

This application seeks permission to vary the plans approved under planning permission 16/0617/FUL which was allowed with conditions on Appeal. This permission sought to demolish the ambulance station and erect nine dwellinghouses with access off Brogden Lane and Brogden View.

The application site is a brownfield site located within the settlement boundary of Barnoldswick.

Lane End Farmhouse is a Grade II listed building which lies to the north-east of the site at the junction of Gisburn Road and Brogden Lane.

The former Ambulance Station has been completely demolished and the site tidied and made secure.

An amended scheme has recently been approved for the 4 units on Brogden Lane under 20/0825/FUL.

This variation seeks to change the house type designs previously approved all other aspects remain the same.

## ***Relevant Planning History***

16/0617/FUL – Full: Demolition of ambulance station and erection of nine dwelling house, four semi-detached with access off Brogden View and five detached accessed off Brogden Lane – Allowed on Appeal 28<sup>th</sup> September, 2017.

20/0825/FUL – Erection of four detached dwelling house – Approved 27<sup>th</sup> April, 2021.

## ***Consultee Response***

LCC Highways –No objections. We note comments submitted by residents regarding the siting of planters on the adjacent private access drive. We suggest that these are shown on the proposed site plan and that the swept path is removed for the sake of accuracy. Use of the private access drive for manoeuvring by the refuse wagon vehicle is a private matter.

## **Public Response**

Nearest neighbours notified by letter. 6 responses received objecting on the following grounds:-

- This application repeats the previous rejected application in wanting to use out private land for their turning head;
- Work has already started on the site with foundations and walls being built for plots 6 and 7 despite contravening the schedule of conditions outlined in the appeal decision;
- The development does not adequately design for waste refuse vehicles to turn and leave in a forward gear without using land outside the red edge of the application site and it therefore contract to LCC highways requirements and Manual for Streets;
- The design and layout of the development bare no relation to the surrounding houses;
- There is no provision for visitor parking and the streets is already congested and cannot accommodate any more vehicles;
- The dormers are out of character with the surrounding buildings and I would lose my privacy in my garden from being looked down from such a height; and
- I feel the developer will go to any lengths to maximise the number of properties and degrade a desirable area;

## **Officer Comments**

The issues for consideration are policy issues, layout and impact on amenity, design and material, flooding and drainage and highways issues.

### **1. Policy**

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

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

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

The following Local Plan policies are relevant to this application:

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

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

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



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

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

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

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

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

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

Paragraph 67 of the Framework requires local planning authorities to identify a supply of deliverable housing sites to provide five years' worth of their housing requirements. The SHLAA was updated in support of the publication of the Core Strategy. This is dealt with in detail below.

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 buffer needs to be applied.

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 it should be refused.

## **1. Principle of Housing**

This proposal is for the erection of nine dwellings on a Brownfield site within the settlement boundary for Barnoldswick.

This site is therefore sustainable and the principle of housing has been established under the previous approval 16/0617/FUL on Appeal which has been commenced.

## **2. Layout and Impact on Amenity**

The nearest properties are 4 & 15 Brodgen View, Cherry Tree Cottage, Hazel Bank, Norwood and Denismoor. No 4 and Cherry Tree lies to the east of the site and No. 15 to south west whilst Hazel Bank, Norwood and Denismoor all lie to the north.

The site proposes a mix of housetypes with the layout showing acceptable distances between existing and proposed units can be achieved.

The changes proposed are to plots 6, 7, 8 and 9 only.

Plot 6 & 7 propose a large rear dormer and porch to the front as well as triple paned doors to the ground floor rear elevation. These changes would not increase the footprint of the building or increase proximity to other neighbouring dwellings. The number of bedrooms proposed remains at three. This is acceptable.

Plot 8 & 9 propose an increased porch to the front elevation. These changes would not increase the footprint of the building or increase proximity to other neighbouring dwellings. The number of bedrooms proposed remains at three. This is acceptable.

The site is not prominent in terms of views and the design submitted and are acceptable in terms of how this development would impact on the amenity of the area.

No changes are proposed to the boundary treatments which included timber fences and dry stone walls which are acceptable.

Subject to appropriate conditions this layout would be acceptable in terms of design and impact and accords with policies ENV1 and ENV2.

### **3. Design and Materials**

The proposed houses are modern in style with gables roofs to the front elevation and -link detached garages. Plots 6 – 9 would be amended to have larger porches to the front and wider dormers to the rear and triple doors at ground floor rear rather than double and a single window. These changes are acceptable and would not be out of character on this small cul-de-sac. The scheme is therefore in keeping and reflects the existing character of the area.

The materials proposed are natural stone and natural blue slate with grey upvc windows and doors which are acceptable in this location. Samples of materials have been submitted and agreed and this can be controlled by an appropriate condition.

### **4. Flooding and Drainage**

The site is not within a Flood Risk area and an appropriate scheme for the disposal of surface water can be achieved on the site.

In terms of drainage this can be controlled by an appropriate condition. United Utilities have no objections to this scheme subject to conditions relating to appropriate drainage scheme which will need to be agreed prior to commencement of development. This will include foul drainage and will seek to address any inadequacies that might arise from the additional dwellinghouses.

The development is acceptable in terms of flood risk and accords with policy ENV7.

### **5. Highways Issues**

No changes are proposed to the accesses approved on Appeal.

Acceptable visibility splays can be achieved from both access roads and the road widths are sufficient for the number of properties proposed.

It is noted that planters have been positioned across the swept path for the refuge vehicle this does not affect the vehicle access to the site.

This scheme would provide off-street car parking for vehicles in a combination of garages and driveways. It would be advisable to attach a condition to any grant of permission which restricts the use of the garages of any other use than the parking of motor vehicles.

This would provide off-street car parking spaces in line with the car parking standards set out in the Replacement Pendle Local Plan.

Subject to appropriate conditions the proposal would not result in any adverse impact on highway safety issues.

## **6. Historic Buildings**

Lane End Farmhouse is a Grade II listed building which lies to the north-east of the site at the junction of Gisburn Road and Brodgen Lane.

The Farmhouse has existing development on all sides and is bounded by Gisburn Road and Brodgen Lane on two sides. The application site is a brownfield site set across the highway and does not have a direct relationship with the Listed Building.

The setting of the building is thereby already defined by existing built form. Given the separation distances and intervening development this proposal would not adversely impact upon the setting of the listed building.

No assessment has been requested or is necessary in this situation.

## **7. Landscaping**

Policy LIV5 requires all proposals for residential units to provide on-site open space which can take the form of Green Corridors and spacious layouts.

The site layout provides ample private amenity spaces for the plots which helps to soften the scheme and provide some visual interest in the overall layout.

Details of the overall landscaping for the site have been submitted and agreed and these can be controlled by an appropriate condition.

The proposal therefore accords with this policy.

## **Summary**

The principle of residential development in this location is acceptable in terms of layout, design, materials, highway conditions and landscaping subject to appropriate conditions. The proposed development would not have a detrimental impact on residential amenity and accords with the adopted policies of the Pendle Local Plan: Part 1.

## ***Reason for Decision***

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. Subject to appropriate conditions the proposal would not unduly impact on amenity or raise undue highway concerns and 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 28<sup>th</sup> September, 2020 or as extended by the Business and Planning Act 2020 to the 1<sup>st</sup> May, 2021.

**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:

ADM/16/26/01 Rev. C, ADM/16/26/04 Rev. A, ADM/16/26/05 Rev B and ADM/16/26/07 Rev B.

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

3. The remediation measures shall implemented in strict accordance with the detail submitted and agreed on the 5<sup>th</sup> February, 2020 and shall thereafter be carried out in accordance with the approved implementation timetable under the supervision of a geotechnical professional and shall be completed in full accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

In addition, prior to commencing construction of any building, the developer shall first submit to and obtain written approval from the Local Planning Authority a report to confirm that all the agreed remediation measures have been carried out fully in accordance with the agreed details, providing results of the verification programme of post-remediation sampling and monitoring and including future monitoring proposals for the site.

**Reason:** In order to protect the health of the occupants of the new development and/or in order to prevent contamination of the controlled waters.

4. The drainage scheme shall be carried out in strict accordance with the approved details submitted and agreed on the 5<sup>th</sup> February, 2020 unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

5. The Construction Code-of-Practice method statement shall be carried out in strict accordance with the details submitted and agreed on the 5<sup>th</sup> February, 2020 unless otherwise agreed in writing by the Local Planning Authority.

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).

6. The new estate road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads. The new estate road should be completed to at least base course level up to plots 6, 7 and 8 before the commencement of the construction of dwellings on those plots. The final wearing course of the estate road shall be completed prior to first occupation of the dwellings on plots 6, 7 and 8 of the Site Layout Plan.

**Reason:** To ensure that satisfactory access is provided to the site before construction of the development hereby permitted commences.

7. The accesses to plots 1, 2, 3, 4 and 5 shall be so constructed to allow clear visibility from a point 1.05m above ground level at the centre of the access and 2.4m distance from the adjoining edge

of the carriageway, to points 1.05m above ground level at the edge of the carriageway and 43m distant in each direction measured from the centre of the access along the nearside adjoining edge of the carriageway of Brodgen Lane prior to the commencement of the dwellings on plots 1, 2, 3, 4 and 5.

**Reason:** To order to ensure satisfactory visibility splays are provided in the interests of highway safety.

**8.** The development shall be constructed in strict accordance with the materials submitted and approved on the 5<sup>th</sup> February, 20020 unless otherwise agreed in writing by the Local Planning Authority. The development shall then be completed in strict accordance with the approved details.

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

**9.** The windows and doors of the approved dwellings shall be set back from the external face of the walls of the units by at least 100mm.

**Reason:** To ensure a satisfactory form of development.

**10.** No dwellings shall be occupied until space has been laid out within its plot in accordance with drawing no. ADM/16/26/01 – Rev C for cars to be parked and that space shall thereafter be kept available at all times for the parking of vehicles.

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

**11.** The development hereby permitted shall be completed in strict accordance with the detailed landscaping scheme submitted and approved on the 5<sup>th</sup> February, 2020 unless otherwise agreed in writing by the Local Planning Authority.

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

**12.** All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

**13.** Waste and recycling receptacles shall be provided on the plot of any dwelling hereby permitted prior to its first occupation.

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

**Application Ref:** 21/0412/VAR

**Proposal: Variation of Condition:** Vary condition 2 (Approved Plans) of Planning Permission 16/0617/FUL

**At:** Ambulance Station, Brogden View, Barnoldswick

**On behalf of:** Mr Graham Harker

## **LIST OF BACKGROUND PAPERS**

Planning Applications

**NPW/MP**

**Date:** 22nd June 2021