



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

**TO: WEST CRAVEN COMMITTEE**

**DATE: 3rd August 2021**

**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 WEST CRAVEN COMMITTEE 3<sup>rd</sup> AUGUST 2021

**Application Ref:** 21/0218/REM

**Proposal:** Reserved Matters: Erection of 3 No. dwelling houses (Appearance, Landscaping, Layout and Scale) of Outline Permission 18/0004/OUT.

**At:** Land To The West Of Birtwistle Court, Kelbrook Road, Barnoldswick.

**On behalf of:** Mr P Downs

**Date Registered:** 15<sup>th</sup> March 2021

**Expiry Date:** 10<sup>th</sup> May 2021

**Case Officer:** Kathryn Hughes

This application has been brought before Committee due to the number of objections received.

## Site Description and Proposal

The application site is an open field located in open countryside just outside the settlement boundary of Barnoldswick. To the north west is West Craven High School, to the south west is Kelbrook Road with dwellings opposite, to the south east is open land and to the north east is a group of dwellings at Birtwistle Court.

The application is a Reserved Matters application for the appearance, landscaping, layout and scale for the erection of 3 dwellings. Outline planning permission (access only) was granted in April, 2018.

The scheme consists of three 4 bed detached two storey dwellings.

Access has been approved from Kelbrook Road.

## Relevant Planning History

18/0004/OUT: Outline: Erection of up to 3 dwellinghouses (0.2 ha) (Access Only) – Approved March, 2018.

A previous application in 2017 was allowed at appeal for the adjacent site to the north, comprising of 10 dwellings.

## Consultee Response

LCC Highways – No objections subject to appropriate conditions and some amendments.

Plot 3 has limited internal manoeuvring area. The proposed grassed area at the front of the dwelling should be removed and the hardstanding extended to provide more manoeuvrability and allow vehicles to enter and leave the site in forward gear, given the site's proximity to the junction with Kelbrook Road. A revised plan should be provided.

Yorkshire Water – No comments.

## Public Response

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

- Work appears to have started on site;
- These properties lies outside of the settlement line for Barnoldswick. This will creep down the hill to meet Salterforth and effectively destroy the charm and character of having two separate communities;
- There is considerable wildlife that uses the field and these properties will impact on deer, badgers foxes etc.;
- You have already allowed building here for 10 houses despite problems with traffic and access and the proximity of two schools;
- The developers have started work felling trees and blocking driveways; and
- There are plenty of brownfield sites in town and no lack of housing in the town.

## 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. Barnoldswick is defined as one of the Key Service Centres which will provide the focus for future growth in the borough and accommodate the majority of new development.

Policy SDP3 (Housing Distribution) identifies housing distribution for West Craven Towns as 18%. The amount of development proposed here is not disproportionate to the level of housing development Barnoldswick would be expected to provide, as a minimum, over the plan period.

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 ENV7 (Water Management) does not allow development where it would be at risk of flooding and appropriate flood alleviation measures will be provided and/or would increase the risk of flooding elsewhere.

Policy LIV1 (Housing Provision and Delivery) sets out the requirement for housing to be delivered over the plan period. This policy allows for non-allocated sites within the Settlement Boundary as well as sustainable sites outside but close to a Settlement Boundary.

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

Policy LIV5 (Designing Better Places to Live) 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.

### **Replacement Pendle Local Plan**

Policy 4D 'Natural Heritage' states that development proposals that would adversely impact or harm, directly or indirectly, legally protected species will not be permitted, unless shown to meet the requirements of the Conservation Regulations 1994.

Policy 16 'Landscaping in New Development' requires all development proposals to include a scheme of landscaping sympathetic to the site's character and vicinity.

Policy 31 'Parking' supports car parking in new developments in line with the Maximum Car and Cycle Parking Standards. All new parking provisions should be in line with these standards unless this would compromise highway safety.

### **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.

Section 12 of the Framework relates to design and makes it clear that design is a key aspect of sustainable development. Paragraph 130 of the Framework states that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.

Development in the Open Countryside SPD.

### **Principle of Development**

The principle of residential development on this site has been established by the previously approved outline application 18/0004/OUT.

### **Design and Visual Amenity**

The application site is not in a prominent location or significant in landscape views. It is sited adjacent to Kelbrook Road, a key link road between Barnoldswick and Salterforth, as well as the Birtwistle Court residential development and the recently approved ten units on the adjacent field (20/0550/REM).

The site is an open field but has development on three sides and a line of trees to the south east and south west boundaries. The majority of the existing boundary trees are to be retained as part of this development, with additional planting and hedgerows proposed.

Taking this into account this residential development can be accommodated within the site, without unacceptable impacts upon the visual amenity of the area.

The layout of the three proposed dwellings is linear and does not result in any potential privacy or overlooking issues. All properties benefit from a rear garden in excess of 10m deep and 18m width. These are appropriate garden sizes for the plots proposed. This also ensures that the development does not result in a cramped form of development.

The proposed dwellings comprise of 2 house types, all two storey with comparable features including simple pitched roofs, gable features and larger windows on the front and rear elevations. Plots 1 and 3 are 4 bed detached with attached garage to the front elevation. Whilst Plot 2 is a 4 bed detached with detached garage.

The dwellings are to be constructed of natural pitched faced stone and rendered elevations in Champagne, with interlocking concrete roof tiles in Slate Grey, Anthracite Grey UPVC windows and doors, with artstone heads and cills. These materials would be acceptable for this location,

## **Residential Amenity**

The layout of the three proposed dwellings is linear and does not result in any potential privacy or overlooking issues. All the properties face onto the access road and the rear of the approved dwellings on the adjacent land which are yet to be completed. The front elevation of plot 1 would be 28m from the rear of the nearest property, plot 2 would be 30m and plot 3 would be over 30m.

Plot 1 lies adjacent to Meadow Park a detached property to the east at a distance of 8.5m gable to gable. Meadow Park has a single storey extension to that side gable which would not be unduly affected by the proposal due to existing landscaping and the proposed 1.8m high boundary fence. Plot 1 has a first floor window which serves a bathroom on the side gable which is proposed to be obscure glazed this is acceptable and can be controlled by condition.

Therefore the proposed scheme would not result in any adverse impacts on amenity. The proposed siting of the dwellings would result in sufficient separation distances to ensure no significant detrimental overlooking or overbearing impacts on future or existing neighbouring occupiers.

Whilst some of the house types propose first floor side facing windows, these are kept to a minimum and all are obscure glazed and serving en-suite bathrooms. Obscure glazing of these windows will be secured by condition.

## **Landscaping**

A landscaping plan has been submitted as part of this application.

The scheme shows a large number of the existing boundary trees retained with additional trees in the front gardens of the proposed properties.

The majority of the perimeter of the site is to be bound by 1.8m high close boarded fencing. Additional hedging is proposed to screen this, particularly on the south east. Although this will take time to major this is acceptable.

The rear gardens will be grassed with block paving to the front parking area and trees along the frontage to the retained and three additional trees planted. This will help soften the hard landscaping elements within the development.

The revised landscaping scheme is acceptable.

## **Highways**

Access to the site from Kelbrook Road was dealt with during the outline application and appropriate conditions attached.

In accordance with Saved Policy 31, which sets out the parking standards. Each unit benefits from driveway parking, sufficient for at least two vehicles as well as a double garage space. As a result, there is sufficient on plot parking within the site, in accordance with Policy 31.

## **Reason for Decision**

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development accords with the Local Plan and National Planning Policy Framework. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

## **RECOMMENDATION: APPROVE**

Subject to the following conditions:

1. This notice constitutes an approval of matters reserved under Condition 1 of Planning Permission No. 18/0004/OUT and does not by itself constitute a planning permission.

**Reason:** The application relates to matters reserved by Planning Permission No.18/0004/OUT

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

2039-GTA-00-00-DR-A-1014, 2039-GTA-00-00-DR-A-1015B, 2039-GTA-00-00-DR-A-1016A, 2039-GTA-00-00-DR-A-1017A, 2039-GTA-00-00-DR-A-1018 and Materials Palette 2039/RPW.

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

3. The development shall have be carried out in accordance with the materials palette 2039/RPW submitted with this application. The development shall thereafter be carried out in strict accordance with the approved details.

**Reason:** To ensure the external materials and finish of the development is appropriate for the setting and character of the area.

4. The windows in the first floor side elevations of the development hereby permitted shall at all times be glazed only with obscure glass of Level 4 or above. Any replacement glazing shall be of an equal degree of obscurity and the windows shall be hung in such a way so as to prevent the effect of obscure glazing being negated by way of opening.

**Reason:** In order to protect and preserve the privacy and amenity of the occupiers of the adjoining dwelling

5. Prior to first occupation of each dwelling an electric vehicle charging point shall be installed and available for use.

**Reason:** To ensure that the development provides sustainable transport options.

6. Unless approved in writing by the Local Planning Authority no ground clearance, demolition, changes of level or development or development-related work shall commence until protective

fencing, in full accordance with BS 5837 : 2012 has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land, and no work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction.

All works involving excavation of soil, including foundations and the laying of services, within the recommended distance calculated under the BS 5837 (2012) of the trees to be retained on the site, shall be dug by hand and in accordance with a scheme of works which has been submitted to and approved by the Local Planning Authority, prior to the commencement of works.

**Reason:** To prevent trees or hedgerows on site from being damaged during building works.

7. The landscaping scheme hereby approved on plan 2039-GTA-00-00-DR-A-1015B shall be implemented in its entirety within the first planting season following the substantial completion of the development or occupation of any dwellinghouse whichever occurs first. Any tree or other planting that is lost, felled, removed, uprooted, dead or dying, 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 an appropriate landscape design for the development in the interest of visual amenity for the area.

**Application Ref: 21/0218/REM**

**Proposal:** Reserved Matters: Erection of 3 No. dwelling houses (Appearance, Landscaping, Layout and Scale) of Outline Permission 18/0004/OUT.

**At:** Land To The West Of Birtwistle Court, Kelbrook Road, Barnoldswick.

**On behalf of:** Mr P Downs

# REPORT TO WEST CRAVEN COMMITTEE ON THE 3<sup>rd</sup> AUGUST, 2021

**Application Ref:** 21/0371/VAR

**Proposal: Variation of Condition:** Major: Vary condition 2 (Plan numbers) of Reserved Matters approval 20/0550/REM to revise roof design of all house types, reposition Plot 4 and eliminate the shared access path between Plots 3 & 4.

**At:** Land to the West of Birtwistle Court, Kelbrook Road, Barnoldswick

**On behalf of:** Rural Splash Kelbrook Limited

**Date Registered:** 6 May 2021

**Expiry Date:** 5 August 2021

**Case Officer:** Kathryn Hughes

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

This application seeks permission to vary the plans approved under 20/0550/REM. This permission sought the Reserved Matters for dwellinghouses allowed on appeal with access off Marina Way onto Kelbrook Road.

The application site is a greenfield site located outside the settlement boundary of Barnoldswick.

This variation seeks to change the roof design previously approved for all ten units, reposition plot 4 and remove the shared access path between plots 3 and 4. All other aspects remain the same.

## ***Relevant Planning History***

17/0001/OUT - Outline: Major: Residential development (0.42 hectares) (Access Only).  
Refused 2017 Allowed on Appeal 2017.

20/0550/REM – Reserved Matters: Major: Erection of 10 no. dwellinghouses (Appearance, Landscaping, Layout and Scale) of Outline Permission 17/0001/OUT – Approved 12<sup>th</sup> February 2021.

21/0141/CND – Approval of Details Reserved by Condition: Condition 3 (Materials), Condition 9 (Surface Water) and Condition 11 (Boundary Treatments) of Planning Permission 20/0550/REM – Pending.

## ***Consultee Response***

LCC Highways – No objection.

LLFA – No objections subject to conditions.

Barnoldswick Town Council

## ***Public Response***

Nearest neighbours notified by letter. 1 response received objecting on the following grounds:-



- As is typical with developers the initial plan was likely never intended to be the actual development. Can this be one of a number of changes to come? The approved plan should be strictly adhered to and developers should not have free reign to change things simply to improve profit margins. If changes are needed shouldn't the whole site be revoked and re-applied for as a whole.

### **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 LIV4 sets out the requirements for affordable units.

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 4D 'Natural Heritage' seeks to protect species and promote biodiversity.

Policy 16 'Landscaping' seeks to ensure all proposals are adequately landscaped with appropriate species.

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.

Development in the Open Countryside SPG is also relevant here.

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.

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 is should be refused.

## **1. Principle of Housing**

This proposal is for the erection of ten dwellings on a Greenfield site outside the settlement boundary for Barnoldswick.

The principle of housing has been established under the previous outline permission 16/0617/FUL allowed on Appeal and the subsequent Reserved Matters which is still extant.

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

The proposed changes to the layout are minor and include moving plot 4 1m to the north east and the removal of the shared access path between plots 3 & 4 and the provision of a private access path to each of these units.

These changes would not result in any further impact to existing or proposed units than the previously approved scheme.

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 roof designs of all ten plots have been amended to hip style to simplify the design. This is acceptable. All other design issues remain as previously approved.

The materials proposed remain the same as 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**

In terms of drainage this can be controlled by an appropriate condition.

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

## **5. Highways Issues**

No changes are proposed to the access approved on Appeal.

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

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.

## **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. This notice constitutes an approval of matters reserved under Condition 1 of Planning Permission No. 17/0001/OUT and does not by itself constitute a planning permission.

**Reason:** The application relates to matters reserved by Planning Permission No.17/0001/OUT

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

2039-GTA-00-00-DR-A-1001 Rev G, 2039-GTA-00-00-DR-A-1002 Rev A, 2039-GTA-00-00-DR-A-1003 Rev A, 2039-GTA-00-00-DR-A-1005 Rev A, 2039-GTA-00-00-DR-A-1007 Rev A, 2039-GTA-00-00-DR-A-1009 Rev A, 2039-GTA-00-00-DR-A-1010 Rev A, 2039-GTA-00-00-DR-A-1011 Rev A and 2039-GTA-00-00-DR-A-1000 – Site Plan.

Landscaping plans 1012B and 20008-L1

Drainage Plans 20008-D101A and 20008-D103

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

3. Prior to the commencement of development samples of the external facing materials to be used in the construction of the development and the hard landscaping hereby permitted (notwithstanding any details shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

**Reason:** To ensure the external materials and finish of the development is appropriate for the setting and character of the area.

4. The windows in the first floor side elevations of Plot 1 and 2 of the development hereby permitted shall at all times be glazed only with obscure glass of Level 4 or above. Any replacement glazing shall be of an equal degree of obscurity and the windows shall be hung in such a way so as to prevent the effect of obscure glazing being negated by way of opening.

**Reason:** In order to protect and preserve the privacy and amenity of the occupiers of the adjoining dwelling.

5. Within three months of the commencement of the development hereby approved, a scheme for the construction of the off-site works of highway improvement shall be submitted to and approved in writing by the Local Planning Authority. Works shall be completed in accordance with the approved scheme, prior to occupation of the first dwelling.

**Reason:** In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable.

6. Within three months of the commencement of the development hereby approved, details of the proposed arrangements for the future management and maintenance of the internal road shall be submitted to and approved in writing by the Local Planning Authority. The road and infrastructure shall thereafter be maintained in accordance with the approved details until such time as a private management and maintenance company has been established.

**Reason:** To ensure that the internal road serving the development is completed and thereafter maintained to an acceptable standard in the interest of residential/highway safety.

7. Prior to first occupation of each dwelling, the parking area associated with that dwelling, shall be constructed, laid out and surfaced in bound porous material, in accordance with the approved plans. The parking area shall thereafter always remain available for the parking of domestic vehicles associated with the dwelling.

**Reason:** In order to ensure satisfactory levels of off-road parking are achieved within the site to prevent parking on the highway.

8. Prior to first occupation of each dwelling an electric vehicle charging point

shall be installed and available for use.

**Reason:** To ensure that the development provides sustainable transport options.

9. No development shall commence unless and until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the Local Planning Authority.

Those details shall include for each phase, as a minimum:

a) Measures taken to ensure surface water flows are retained on-site during construction phase(s) and, if surface water flows are to be discharged they are done so at a restricted rate to be agreed with the Lancashire County Council LLFA.

b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The development shall be constructed in accordance with the approved details.

**Reason:** To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue flood risk on site or elsewhere; and to ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies.

10. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report and Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme (or detail any minor variations), and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an final 'operation and maintenance manual' for the sustainable drainage scheme as constructed.

Details of appropriate operational, maintenance and access requirements for each sustainable drainage component are to be provided, with reference to published guidance, through an appropriate Operation and Maintenance Plan for the lifetime of the development as constructed. This shall include arrangements for adoption by an appropriate public body or statutory undertaker, and/or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

**Reason:** To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of Paragraph 165 of the National Planning Policy Framework.

## **INFORMATIVE**

The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as the Highway Authority prior to the

start of any development. For the avoidance of doubt works shall include, but not be exclusive to, the construction of the footways on Kelbrook Road to an appropriate standard, including radius kerbs, and the provision of buff coloured tactile paved, dropped pedestrian crossings on both sides of the junction. The applicant should be advised to contact the county council for further information by telephoning the Development Support Section (Area East) on 0300 123 6780 or by email on [developeras@lancashire.gov.uk](mailto:developeras@lancashire.gov.uk) , in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number

**Application Ref: 21/0371/VAR**

**Proposal: Variation of Condition:** Major: Vary condition 2 (Plan numbers) of Reserved Matters approval 20/0550/REM to revise roof design of all house types, reposition Plot 4 and eliminate the shared access path between Plots 3 & 4.

**At:** Land to the West of Birtwistle Court, Kelbrook Road, Barnoldswick

**On behalf of:** Rural Splash Kelbrook Limited

## REPORT TO WEST CRAVEN AREA COMMITTEE ON 03 AUGUST 2021

**Application Ref:** 21/0386/FUL  
**Proposal:** Full: Erection of holiday cottage.  
**At:** Deerstone House Windlefield Farm, Birch Hall Lane, Earby  
**On behalf of:** Mr C Greenwood  
**Date Registered:** 07/05/2021  
**Expiry Date:** 02/07/2021  
**Case Officer:** Alex Cameron

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

### **Site Description and Proposal**

The application site comprises an agricultural machinery storage area adjacent to a converted barn located within the open countryside.

The proposed development is the erection of a three bedroom holiday cottage. The building would have a footprint of 12m x 9m with an eaves height of 3.1m and a ridge height of 5.5m and would be finished in natural stone with a slate roof and powder coated aluminium windows and doors.

### **Relevant Planning History**

13/01/0171P Convert and extend barn to form dwelling and erected double garage – Approved.  
13/11/0349P – Erection of a domestic garage (to replace garage previously permitted) – Approved.  
13/13/0256P - Full: Erection of agricultural storage building. Approved.  
21/0065/FUL - Full: Erection of holiday cottage (Log cabin) (Use Class C3) - Withdrawn

### **Consultee Response**

LCC Highways – No objection.

Earby and Salterforth Drainage Board – No comment.

Earby Town Council - Council object to this application for the construction of a new build holiday cottage at Deer Stone House Windlefield Farm for the following reasons:-  
It is outside the settlement boundary, it is also adjacent to 3 locally designated nature SSI (Standridge Clough, Three Acre Clough & Deer Stones Clough), the access road is very steep and narrow and has no passing places. This area of Earby already has a number of existing holiday cottages both on Mill Brow Rd and Birch Hall Lane and therefore the development is not needed or appropriate

### **Public Response**

Site notice posted and neighbours notified – One response received raising the following concerns:

Wheelie bins causing obstruction to access.

## **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.

#### **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 ENV4 (Promoting Sustainable Travel) requires new development to have regard to potential impacts that may be caused on the highway network, particularly in terms of safety. Where residual cumulative impacts cannot be mitigated, permission should be refused. It states that proposals should follow the settlement hierarchy approach in Policy SDP2 and minimise the need to travel by ensuring they are developed in appropriate locations close to existing or proposed services.

Policy SDP2 (Spatial Development Principles) states that proposals for new development should be located within a settlement boundary. Proposals to develop outside of a defined settlement boundary will only be permitted for those exceptions identified in the Framework, or policies in a document that is part of the development plan for Pendle.

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

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



Expansion of the rural economy and farm diversification projects will be supported by promoting the re-use of existing buildings of traditional design and construction and by allowing extensions to existing business premises. Premises alongside the Leeds and Liverpool Canal provide a unique opportunity to preserve our industrial heritage, whilst creating new employment opportunities.

### 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.

### **Principle of the Development**

The proposed development is for a holiday let. This is an acceptable location for a holiday let within acceptable walking and cycle distance of the settlement of Earby for holiday accommodation. The proposed development is therefore acceptable in principle in accordance with policy WRK5.

### **Design and landscape impact**

The application site sits towards the top of a hill, however, it would be cut into the hillside and taking into account its relatively low ridge height, its simple stone appearance and that a similar sized agricultural building has previously been approved on this site, it would not cause unacceptable harm to the landscape and visual amenity of the area.

### **Residential Amenity**

The proposed building is a sufficient distance from Windlefield Farm to the east, including the previously approved but seemingly unimplemented barn conversion, to ensure that it would not result in an unacceptable loss of privacy, light or overbearing impact. The proposed development would raise no unacceptable residential amenity issues in accordance with policy ENV2.

### **Ecology**

Concerns have been raised by the Town Council in relation to impacts on ecological designated sites. The proposed building is approximately 70m from the nearest of those sites and would have no adverse impact upon them.

### **Highways**

The access is suitable to accommodate the additional traffic that would be generated by the proposed holiday let and an adequate level of car parking provision is proposed.

### **Other issues**

Concerns have been raised regarding bin storage. There is adequate space for bin storage within the site, planning can not reasonable control where bins are left, collection arrangements are a separate matter to the planning process.

### **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: Gre/987/2995/01.

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

3. Prior to any above ground works involved in the erection of the external walls of the development samples of the materials of the walls and roof shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved materials.

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

4. The holiday let hereby approved shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The operators of the site shall maintain an up-to-date register of the names of the occupiers of the holiday let and of their main home addresses and shall make this information available at all reasonable times to the local planning authority.

Reason: In order to ensure proper control of the use of the holiday unit and to prevent the establishment of permanent residency in an isolated countryside location.

5. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & Country Planning (General Permitted Development) Order 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 & G of Part 1 and Classes A & C of Part 2 of Schedule 2 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: To enable the Local Planning Authority to control any future development on the site in order to safeguard the character and visual amenity of the area.

6. A scheme for the disposal of foul water shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the holiday let. The scheme shall provide for separate systems for foul and surface waters and the drainage for the development shall be constructed and completed in accordance with the approved plans before the development is occupied.

Reason: To control foul water disposal.

7. The proposed development should not be brought into use unless and until the parking area and turning shown on the approved plans have been constructed, laid out and surfaced. The parking and turning area shall thereafter always remain free from obstruction and available for the parking and turning of vehicles.

Reason: In order to ensure satisfactory levels of parking are achieved within the site.

Note: If during any stage of the development any miscellaneous substances, made ground or potentially contaminated ground that has not been previously identified and planned for in a report is uncovered, work in the area must stop immediately and the Environmental Health Department at the Borough of Pendle should be made aware. No work should continue until a contingency plan has been developed, and agreed with the local planning authority.

**Application Ref:** 21/0386/FUL

**Proposal:** Full: Erection of holiday cottage.

**At:** Deerstone House Windlefield Farm, Birch Hall Lane, Earby

**On behalf of:** Mr C Greenwood

## 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 objections 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**

**PBC Legal Service Manager:** I understand that common ground has been reached with all parties now accepting that the provisions of Section 70 of the Town & Country Planning Act 1990, which allow for Councils to refuse to determine applications in certain circumstances, are not able to be applied to this submission. In short I agree with this. None of the provisions of Section 70 can be applied to this submission.

### **PBC Conservation -**

**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

**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



## REPORT TO WEST CRAVEN COMMITTEE 3<sup>rd</sup> AUGUST 2021

**Application Ref:** 21/0482/FUL

**Proposal:** Full: Change of use of first floor from apartment into accommodation ancillary to ground floor dentist

**At:** 8 Park Avenue, Barnoldswick

**On behalf of:** My Dentist

**Date Registered:** 07/06/2021

**Expiry Date:** 02/08/2021

**Case Officer:** Laura Barnes

This application has been called in by a Councillor.

### **Site Description and Proposal**

The application relates to a terraced property located in a residential area within the settlement boundary of Barnoldswick.

The application seeks planning permission to change the use of the first floor of the building from an apartment into ancillary accommodation, to be used by the dental practice as a decontamination facility, staff kitchen / dining room and a rest room / changing room for staff. The application does not seek any external alterations.

### **Relevant Planning History**

13/05/0408P: Full: Change of use of 1st/2nd floor flat to form 2 surgeries at 1st floor and staff/office area at 2nd floor  
Refused

13/08/0686P: Full: Change of use of first floor and second floor from dwelling to dental practice associated with existing ground floor use.  
Refuse

APP/E2340/C/09/2103535: Unauthorised use of flat for business purposes  
Enforcement Appeal Dismissed

### **Consultee Response**

Lancashire County Council Highways

No objection

Environmental Health Officer

Content with the suggestions outlined in the noise report. Would recommend a validation report to check that the recommended measures are implemented.

### **Public Response**

Nearest neighbours have been notified, two letters of objection have been received raising the following issues:

- Noise issues with staff going up and down the stairs frequently causing disturbance to neighbouring dwelling
- Noise from the staff lounge / kitchen area causing disturbance to neighbouring dwelling
- Questions the accuracy of the noise report
- Concern that the use of the apartment as a staff room may eventually become another treatment room
- Additional parking in the area if the room is allowed to become a treatment room

## **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 WRK1 (Strengthening the Local Economy) states that new opportunities for development should help to strengthen and diversify the local economy.

Policy WRK6 (Designing Better Places To Work) sets out that the Council will encourage the provision of well-designed work places which meet the needs of businesses and their employees and contribute towards the aim of low carbon growth in Pendle.

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.

#### **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 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.

#### **Principle of Development**

The principle of the dentist has already been established at the ground floor level. However, this application seeks to change the use of the first floor from an apartment to ancillary rooms associated with the dental practice e.g staff rest area, kitchen and decontamination area. This has previously been explored and dismissed by previous applications and an appeal. The proposed development seeks to expand the area of the building which could be used by the dental practice and would lead to benefits to both the practice itself and the wider economy. As such, it accords with Local Plan: Core Strategy Policies WRK1 and WRK6.

#### **Residential Amenity**

The application site is located adjacent to Nos. 6 and 10 Park Avenue. Policy ENV2 of the Local Plan: Core Strategy requires development to not result in an unacceptable impact upon residential amenity.

The proposed floor plans indicates that the party wall between the staircase at the application site and No. 6 Park Avenue is to be covered in soundbloc plasterboard. The stairs themselves are to be covered in Quitefloor acoustic underlay before the carpet tiles are laid. The applicant has submitted a noise assessment as part of their application which demonstrates that there would not

be an unacceptable adverse impact upon the neighbouring dwelling, subject to the recommendations of the noise assessment being implemented.

The previous enforcement appeal was dismissed on the basis that the proposed development would have an unacceptable impact upon neighbouring amenity. The applicant had not submitted details of a noise assessment previously but this information has been submitted as part of this application.

As such, the proposed development accords with Policy ENV2 of the Local Plan: Core Strategy.

**RECOMMENDATION: Approve**

Subject to the following conditions:

1. The proposed development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Location Plan and Block Plan, received on 07/06/2021

Proposed Ground and First Floor Plans – Drawing number 303.03

Proposed Second Floor Plans – Drawing Number 303.04

Environmental Noise Survey, Reference number 11783-1

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

3. The development hereby permitted shall not be used for the approved use unless and until all of the measures set out in the acoustic report Reference: 11783-1 have been fully complete in their entirety and that is verified in a validation report which in turn has been formally agreed in writing by the Local Planning Authority.

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

**Application Ref:** 21/0482/FUL

**Proposal:** Full: Change of use of first floor from apartment into accommodation ancillary to ground floor dentist

**At:** 8 Park Avenue, Barnoldswick

**On behalf of:** My Dentist

**LIST OF BACKGROUND PAPERS**

Planning Applications

**NPW/MP**

**Date:** 08<sup>th</sup> July 2021