

REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND
REGULATORY SERVICES

TO: WEST CRAVEN COMMITTEE

DATE: 10th MAY 2022

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO WEST CRAVEN COMMITTEE 10th MAY 2022

Application Ref: 21/0666/FUL

Proposal: Full: Erection of 3 holiday lodges with associated parking, access and amenity area.

At: Land to the rear of the Greyhound, Manchester Road, Barnoldswick.

On Behalf of: Greyhound Cottages Ltd

Date Registered: 9 August 2021

Expiry Date: 4 October 2021

Case Officer: Laura Barnes

This application has been called in by a Councillor

Site Description and Proposal

The application site is an area of undeveloped land located within the settlement of Barnoldswick. The site staggers the Barnoldswick and Calf Hall and Gillians Conservation Areas with the Grade II listed Hey Farm located immediately to the southeast. It is surrounded by dwellings of varied styles and a Public House to the north and east with fields and allotment gardens to the south and west. The site has been previously used as a pub car park and allotments.

Previously permission has previously been granted for the erection of a total of 12 three bedroom cottages although not as far into the land as this proposal.

This proposal seeks permission for the erection of three holiday lodges to the south west of the site using the existing access from Manchester Road via Crow Foot Fold. Electric security gates are proposed to the entrance of the holiday lodges.

The holiday lodges would all be two storey detached units finished in natural stone and slate and cream timber doors and windows with lounge/dining, kitchen and utility to ground and two beds and bathroom at first floor.

Units 1 – 6 of the adjacent residential development have been completed and some are occupied. Units 7 -12 are still under constructed.

This area of land was proposed to be landscaped and provide a bund under the previous permission as a physical barrier to the approved development and the conservation area/listed building.

Planning History

13/11/0145P – Full: Erection of 4 detached dwellings (Re-submission) – Refused – May 2011.

13/12/0263P – Full: Erection of 4 detached dwellings – Approved with Conditions – September 2012.

13/15/0089P – Full: Erection of 9 dwellings with associated access, parking and landscaping – Approved with Conditions – April 2015.

13/16/0015P – Outline: Residential development (0.49 hectares) (Access only) – Refused – March 2016.

16/0470/RES – Outline: Major: Residential development (14 dwellings) (Access, Appearance, Layout and Scale) (Re-Submission) – Refused – September 2016. Appeal Dismissed 6th February, 2017.

18/0076/CND – Approval of Details Reserved by Condition: Discharge of Conditions 6 (Drainage), 7 (Materials), 8 (Window & Door Colour), 9 (Landscaping), 15 (Contamination) and 16 (Construction Method Statement) of Planning Permission 13/15/0089P – Conditions Partially Discharged.

19/0760/FUL – Erection of no. 9 two storey dwelling houses – Approved.

Consultee Response

United Utilities – In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), 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.

The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

We recommend the applicant implements the scheme in accordance with the surface water drainage hierarchy outlined above.

Please note we are not responsible for advising on rates of discharge to the local watercourse system. This is a matter for you to discuss with the Lead Local Flood Authority and / or the Environment Agency if the watercourse is classified as main river.

LCC Highways – Having considered the information submitted, the Highway Development Control Section does not have any objections regarding the proposed development at the above location, subject to the following comments being noted, and conditions being applied to any formal planning approval granted.

The proposed development would be accessed from Crow Foot Fold, which is a privately maintained road.

Plot 7

It is proposed to amend the off-road parking for Plot 7 as previously approved under planning permission 19/0760/FUL. Parking for two vehicles is now proposed in front of the dwelling. This should be a minimum of 5.8m wide to provide joint vehicular and pedestrian access and needs amending on the submitted plan.

Holiday lodges

Car & cycle parking

The proposed holiday lodges all have two bedrooms. Two parking spaces are proposed, which is an adequate level of parking for the type and size of development.

As the development is aimed at visitors, who would be unfamiliar with the site layout, the central landscaped feature should be removed from the scheme as it encroaches into the manoeuvring area. The removal of the landscaping would also improve the manoeuvring area for vehicles servicing the site, eg refuse vehicles.

The Planning Statement refers to the use of a car not being necessary or essential as there are cycling opportunities available from the site (page 3). However, no cycle storage facilities have been provided. Secure, covered storage for at least two cycles should be provided for each lodge.

Internal road

As the internal road would remain private the developer should provide details of the proposed arrangements for the future management and maintenance of the road. These should include the establishment of a private management and maintenance company.

General

The use of the development should be controlled by condition as holiday let only, so that traffic generated by the development can be assessed and managed.

An electric vehicle charging point should be provided for each lodge.

Subject to the receipt of an amended parking/layout plan conditions should be attached to any grant of permission relating to future management and maintenance of the internal road, parking and manoeuvring areas, cycle storage and electric vehicle charging points.

PBC Environmental Health – Requests contamination and construction methodology conditions.

PBC Conservation – The Barnoldswick Conservation Area covers the eastern section of the site, however the bulk of the site lies within the Calf Hall and Gillians Conservation Area, which at this point marks the transition from the historic urban to rural character at the settlement edge of Barnoldswick.

The design, scale and materials of the completed row of houses are to a good standard, and reflect the character and density of existing terraced cottages to the north and east of the site.

The Grade II listed Hey Farm and its attached Cottage lie close to the southern boundary of the site. However any increased impact arising from this proposal on the setting of the LB would be limited, due to the separation distance between the buildings, the intervening stone wall and vegetation, and also the change in levels between the two sites. The main significance of the LB lies in its south-facing frontage and east facing gable, seen most importantly from Manchester Rd to the east. The extension of the site area could affect these views of the building. The development would project southwards towards the boundaries of the LB's affecting their setting within open countryside.

Barnoldswick Town Council - We object on the basis of the proximity to the conservation area and listed buildings.

Public Response

The nearest neighbours have been notified by letter and a Site Notice was posted. No public comments have been received.

Officer Comments

The main considerations for this application are the principle of the development, design and the conservation, residential amenity, highways and drainage.

The Pendle Local Plan Part 1: Core Strategy (2011 – 2030) is the starting point for considering planning applications. Policies that conform to the NPPF and are up to date must be given full weight when planning applications are considered. Other relevant material considerations are then set against the Policies of the Local Plan and contribute to the decision making process.

National Planning Policy Framework ('the Framework')

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in paragraphs 7 to 211 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.

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

Policy ENV1 (Protecting and Enhancing our Natural and Historic Environments) seeks to ensure a high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum;

Policy ENV2 (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 the wider locality;

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

Policy ENV 5 (Pollution and Unstable Land) states that new development is required to address the risks arising from contaminated land or unstable land, including that arising from mining legacy, through remediation work that makes the site suitable for the proposed end use;

Policy LIV1 (Housing Provision and Delivery) sets out the Councils requirement to deliver new housing at a rate of 298 dwellings per annum;

Policy LIV5 (Design Better Places to Live) states that the layout and design of new housing should reflect the site surroundings, and provide a quality environment for its residents, whilst protecting the amenity of neighbouring properties. Provision for open space and/or green infrastructure should be made in all new housing developments.

Saved Policy 31 of the Replacement Local Plan (Parking) sets out appropriate parking standards.

The Conservation Area Design and Development Guidance Supplementary Planning Document (SPD) gives guidance on suitable developments within Conservation Areas.

Design Principles Supplementary Planning Document (SPD) sets out the aspects required for good design.

Principle of Housing

Although the application site is located beyond the settlement boundary, it is surrounded by residential properties to two sides with services, facilities and regular public transport links all within walking distance. The development would be within a sustainable location for housing and is acceptable in principle thereby according with Policies LIV1 and LIV5.

Design and Impact on Heritage Assets

Paragraph 134 of the Framework contains guidance on achieving well-designed places and buildings. Policy ENV2 reiterates those requirements and is relevant to the determination of this application. The Conservation Area SPD advises that materials used for the construction of new houses should harmonise with those of surrounding properties. In addition, window styles should match those of neighbouring dwellings and any regular spacing between dwellings should be respected, with adequate garden areas.

Whilst the site itself is relatively level, the surrounding area is on a gradient running up from north to south. Because of this, the properties at Hey Farm stand higher (around 1.7m) and the terraced, cottage style dwellings on Crow Foot Row sit lower. When viewed from public vantage points to the west, and the Calf Hall and Gillians Conservation Area, the proposed development would be taken in the context of those dwellings.

The amount of built form proposed would not be significantly greater than the 12 dwellings already approved, despite the modest scale of the units this would erode the landscaping area and bund which assist in screening the Listed Building from view.

A public footpath runs adjacent to the site along the front of Crow Foot Row, meaning the development would be visible from a number public vantage points. The overall configuration and position of the site means that the dwellings would not contribute to or impact on the wider street scene in general. Therefore, the main design considerations should be how the proposal sits within its immediate surroundings and potentially affects the character of the Conservation Areas. In a previously refused housing scheme at this site, an Inspector found that the limited scale of the scheme meant that any impacts on the heritage assets would be less than substantial. However he did raise concerns that the Calf Hall and Gillians Conservation Area (which covers approximately one third of the site, with the Barnoldswick Conservation Area covering the remainder) may be impacted on by new development, being at the transitional cusp between urban form and open land beyond.

20. [...] the section of land to the west and north west of the established rear boundaries of Hey Farm Cottage and Hey Farm and to the south of Overdale makes a positive contribution to the character of open countryside in the immediate surroundings of Gillians Beck. Furthermore, this part of the site also serves an important role in the transition to a rural setting at the edge of the Barnoldswick settlement and from the different character of the neighbouring Barnoldswick Conservation Area. Accordingly, the western part of the site makes a positive contribution to the rural character and significance of the Calf Hall and Gillians Conservation Area in its present undeveloped state. (Appeal Decision APP/E2340/W/16/3163643)

The application site is located entirely within the Gillians & Calf Hall Conservation Area and also partly within the Barnoldswick Conservation Area. These Conservation Areas are Heritage Assets, for the purpose of making an assessment in accordance with the Framework. The proposed development would result in land which serves as an important transition from urban to rural setting being built on, as such this would cause harm to views both into and within the Conservation Area. The impact upon the Heritage Asset would be “less than substantial” harm, which in accordance with the Framework (paragraph 202) must be outweighed by public benefit. Although there would be some public benefit arising from the scheme in terms of contributions to the local economy, this is not sufficient to outweigh the harm caused to the Heritage Asset. As

such, the scheme conflicts with paragraph 202 of the Framework. Hey Farm adjacent is a Grade II Listed Building, which is also a Heritage Asset. The proposed development would result in harm to the immediate setting of the Listed Building, given the proximity of the built form to the Listed Building. This would result in a detrimental impact upon views of the Listed Building from public vantage points. Again, this conflicts with paragraph 202 of the Framework. This is because although there are some public benefits of the scheme to the local economy, these benefits would be limited and are not sufficient to outweigh the harm caused to the Heritage Asset. As such, the proposed development fails to comply with paragraph 202 of the Framework, Policies ENV1 & ENV2 of the Local Plan Part 1 Core Strategy and the Conservation Area Design & Development SPD.

The increase in density at the site does raise concerns regarding the layout and impact on the characteristics of the immediate area. The proposal therefore fails to comply with Policies ENV1 and ENV2 and the guidance of the Conservation Area and Design Principles SPDs.

Residential Amenity

The Design Principles SPD states that development proposals must adequately protect neighbours enjoying their homes. Minimum distances of 21m must be provided between directly facing main habitable room windows to preserve domestic privacy. The massing of proposed dwellings must not appear overbearing in relation to the immediate neighbours, or cause any unacceptable losses of light.

Highways and Parking

The plans show parking for two cars to service each dwelling which is acceptable in accordance with the Parking Standards of Saved Policy 31. The development would utilise an existing and suitable access and the number of traffic movements involved would be similar to the sites former use as a pub car park. LCC Highways have raised no principle objections and I concur with their findings.

Subject to appropriate conditions being added relating to parking provision, the estate road construction and the submission of a revised Construction Method Statement, the proposed development would have no unacceptable impacts on highway safety in accordance with Policy ENV4.

Drainage

Adequate foul and surface water drainage could be required through condition and therefore the proposed development is acceptable in terms of drainage.

Trees and Ecology

An ecological appraisal has been submitted in support of this application. No issues have been identified and there is no requirement for further ecological investigation. A tree survey has also been submitted and this recommends re-stocking the existing hedgerow to the south and east of the site, in addition to new native hedgerows to the south and west. There are no outstanding issues in this regard.

Summary

The proposal involves the erection of 3 holiday units, together with associated works. The development would not be acceptable in terms of the potential impact on heritage assets and therefore fails to accord with paragraph 202 of the Framework, Policies ENV1, ENV2 and the guidance of the Conservation Area SPD.

RECOMMENDATION: Refuse

For the following reasons:

1. Due to its position in an area which plays an important role in the transition of the rural setting and the edge of Barnoldswick, the proposed development would result in an unacceptable impact upon both the Gillians & Calf Hall and the Barnoldswick Conservation Areas. The proposal would also result in a harmful impact upon Hey Farm, a Grade II Listed Building, this harm is not outweighed by any public benefit, contrary to paragraph 202 of the Framework, Policy ENV1, ENV2 of the Local Plan Part 1: Core Strategy and the Conservation Area SPD.

Application Ref: 21/0666/FUL

Proposal: Full: Erection of 3 holiday lodges with associated parking, access and amenity area.

At: Land to the rear of the Greyhound, Manchester Road, Barnoldswick.

On Behalf of: Greyhound Cottages Ltd

REPORT TO WEST CRAVEN COMMITTEE ON 10 MAY 2022

Application Ref: 21/0481/FUL

Proposal: Full: Erection of six detached dwellings and garages with new estate road and associated landscaping.

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

On behalf of: Pretty Perfect Properties Ltd

Date Registered: 02/06/2021

Expiry Date: 01/09/2021

Case Officer: Alex Cameron

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

Site Description and Proposal

The site is a former area of agricultural / equine land adjacent to the settlement boundary of Earby and within Earby Conservation Area. There are groups of dwellings immediately adjacent on Heather Brow and Birch Hall Lane. There is an extant commenced planning permission on the site for 6 dwellings (17/0617/FUL).

This application is for an alternative scheme of 6 dwellings to revise the approved development. The alterations involve minor changes to the levels of the site raising the floor levels of the plots at the southern end of the site by between 0.2-1m and changes to the design and of the dwellings, which are similar but with more verity to the design than the two house types previously proposed.

Relevant Planning History

13/14/0231P Outline: Residential development for 5 detached houses with garages (Access, Layout and Scale), erection of garage for No. 8 and demolition of existing garage. Refused. Appeal allowed with Conditions. 2015.

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

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

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

Consultee Response

LCC Highways – This new application proposes a number of amendments to the previously approved scheme. The Highway Development Control Section does not raise an objection, subject to the following comments being noted, and conditions and notes being applied to any formal planning approval.

Formation of new access

The formation of the new vehicle access from Birch Hall Lane to the development site would need to be carried out under a legal agreement (Section 278) with Lancashire County Council as the

Highway Authority. Works should include, but not be exclusive to, the construction of the access to an appropriate standard and 6m radius kerbs. The newly formed verges within the visibility splays should be surfaced with a bound porous material, agreed with the Highways Authority.

Visibility splays

Birch Hall Lane is subject to a 20mph maximum speed limit. Visibility splays, measured 2.4m along the centre line of the proposed estate road from the continuation of the nearer edge of the carriageway of Birch Hall Lane, to points measured 25m in each direction along the nearer edge of the carriageway of Birch Hall Lane, should be provided. The Highway Development Control Section is of the opinion that the sight lines shown on the Proposed Site Plan (Drawing No 041) are acceptable.

Internal layout

A turning head is required on the new estate road to allow refuse, emergency and any large delivery vehicles to turn within the site. The layout of the turning head shown on the Proposed Site Plan (Drawing 041) is such that it should allow such vehicles to enter and leave in forward gear.

Proposed parking provision

Having regard to the nationally described space standard, in order to constitute a single bedroom the room must have a floor area of at least 7.5m², and be at least 2.15m wide. As all the proposed first floor home offices are over the minimum floor area, the Highway Development Control Section considers that these would be used as bedrooms, meaning that all dwellings would have five bedrooms, except Plot 1, which would have four.

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

Plot 1 – Two adequately sized off-road parking spaces are provided in the form of a single garage with one space in front. However, we consider that this is a four bed dwelling and a third off-road parking space should be provided. A previously approved site layout showed vehicle access to Plot 1 off the internal estate road. In the interest of highway safety, the Highway Development Control Section recommends that a third space is provided with access from the internal estate road.

Plots 2 & 3 – An adequate level of off-road parking has been provided.

Plot 4 – The previously approved plot layout has been changed, with the drive and garage now on the opposite side of the plot. The internal dimensions of the proposed garage are such that it can only be considered as one parking space. (To count as two spaces a double garage should have minimum internal dimensions of 6m x 6m.) The driveway in front of the garage is also considered too short for a vehicle to park wholly on the drive and not project into the turning head. A 6m drive should be provided in front of a garage where an up and over style door is provided. This can be reduced to a minimum of 5.6m where a roller shutter style door is fitted.

A single garage (internal dimensions 6 x 3m) set back into the site could be provided. This would increase the drive length in front which would then provide adequate parking for two vehicles.

Plots 5 & 6 – An adequate level of off-road parking has been provided.

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

Timing of deliveries /Construction Traffic Management

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

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

Public Right of Way

Public Footpath FP26 Earby runs along the eastern boundary of the development site. This Public Right of Way must not be obstructed during the proposed development, including by any building materials etc. Nor should it be encroached upon by any new boundary structures. It is the landowner's/developer's responsibility to ensure that the necessary procedures are followed for the legal diversion of the Public Right of Way if this should be necessary. The granting of planning permission does not constitute the diversion of a Definitive Right of Way.

If it is necessary for the Public Right of Way to be temporarily diverted or temporarily closed, this is the landowner's/developer's responsibility to ensure that this is done following the appropriate legal procedures. A temporary closure will only be granted where it is the intention to re-open the right of way upon expiration of the closure on the route recorded on the Definitive Map of Public Rights of Way.

The development must not commence until the necessary procedures are in place, either allowing the development to take place without affecting the right of way as recorded on the Definitive Map of Public Rights of Way and subsequent diversion orders and side roads orders. Or, if it is necessary to divert the above Public Right of Way, then the necessary Orders must be confirmed prior to construction to avoid enforcement action should the above Public Footpath become affected. There is no provision under the Town and Country Planning Act 1990 to allow a retrospective diversion of paths that are already affected by either partially completed or completed development.

Subject to the satisfactory receipt of amended plans showing adequate levels of off-road parking for Plots 1 and 4, the following conditions and note should be applied to any formal planning approval granted: estate road adoption/management, engineering, construction and lighting, construction method statement, site access, wheel washing, deliveries, visibility splays, surfacing, turning, parking, garage retention.

Environment Agency – Object. The application site lies within Flood Zone 3, which is land defined by the planning practice guidance as having a high probability of flooding. The National Planning Policy Framework (paragraph 163, footnote 50) states that an FRA must be submitted when development is proposed in such locations. An FRA is vital to making informed planning decisions. In its absence, the flood risks posed by the development flood are unknown. This is sufficient reason for refusing planning permission.

Yorkshire Water – No objection subject to a drainage condition.

PBC Environmental Health – Please attach a construction management statement condition and a note relating to contamination.

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

Earby Town Council – Concerns in relation to compliance with conditions 9, 11 and 20 of the existing planning permission.

In relation to the proposed plans submitted with application 21/0481/FUL, it is interpreted by Council that the development identified at Plot 1 is proposed to be built on a level elevated by some 2m above other plots and above neighbouring properties. Should this be the case then it is our view that the development should be redesigned to ensure the elevation is more in keeping with its surroundings and does not unnecessarily overlook and overshadow nearby dwellings to the detriment of residential amenity and to the detriment and loss of privacy of current residents.

Public Response

A press and site notice posted and neighbours notified. Responses received objecting on the following grounds:

Increase off-site flood risk
Highway safety impact of traffic and highway / bridge maintenance
Impact on the Conservation Area
Disruption, dust and noise pollution as a result of the development

Officer Comments

Pendle Local Plan Part 1: Core Strategy

Policy SDP2 states that proposals for new development should be located within settlement boundaries. Proposals to develop outside of settlement boundaries will only be permitted for those exceptions outlined in the Framework.

Policy ENV1 seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 states that all new development should viably seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving our heritage assets. This is supported by the guidance set out in the Conservation Area Design and Development Guidance SPD.

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. Proposals should follow the settlement hierarchy approach in Policy SDP2 and minimise the need to travel by ensuring that they are developed in appropriate locations close to existing or proposed services.

Replacement Pendle Local Plan

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

Principle of the Development

The principle of developing this site has been established by the extant permission for 6 dwellings. The site is in principle suitable for development and there have been no policy changes that would now alter that position.

Appearance and Impact on Conservation Area

The Council's Character Appraisal details that the settlement around Birch Hall Lane is surrounded by farmland and forms part of the 'upland fringe' section of the area.

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

Due to the topography of the landscape, the screen planting to the boundaries of the site and its proximity immediately adjacent to existing built form, prominent or clear views of the site are limited.

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

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

UPVC windows, doors and rainwater goods and graphite roof slates are proposed. These materials were approved for the extant permission, taking this and the prevalence of UPVC and non-natural materials in surrounding dwellings the use of those materials is acceptable subject to the windows and doors being of suitable heritage type.

This section of the Conservation Area would still retain an open and semi-rural feel, therefore preserving the overall intrinsic character. Whilst the development of this previously open rural site would inevitably result in a small degree of harm to the significance of the Conservation Area that harm would be less than substantial and would be outweighed by the public benefits of the development in terms of the economic and social benefits of the provision of housing.

Design

The development takes the form of a small cul-de-sac of six dwellings, located around a central access road. Plot 1 at the entrance to the site is two storey and finished in coursed stone with slate effect concrete roof tiles. An attached single garage and driveway would be provided to the side of the property.

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

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

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

The design and layout of the dwellings is acceptable.

Amenity

In terms of residential amenity, the principle assessment to be undertaken are the potential impacts on dwellings in Heather Brow. The side elevations of plot 5 and rear of plot 6 would be facing the rear of Heather Brow. Plot 6 would have a utility room door and window and bathroom window in the ground floor and bathroom and walk in wardrobe windows in the first floor, of that elevation. Due to the difference in proposed levels between the plot and the boundary there is potential for those windows to adversely impact upon the privacy of those properties on Heather Brow, therefore it is necessary to require obscure glazing by condition. The door raised potential privacy impacts that could not be resolved by obscure glazing when it is open, we are awaiting amended plans removing or relocating the door to a position that would not raise unacceptable impacts. The land between Plot 6 and Heather Close would be raised by up to 1.4m to meet the floor level of that property, there would therefore be views from that area to the rear of Heather Close, however, that is not the main garden area of the property, it would be a narrow sloping area with a path around the property likely to be only used for access, a condition restricting permitted development rights could ensure that the area could not be altered in a way that would make it suitable for other use that would unacceptably impact on privacy.

Whilst the rear aspect of the residents in Heather Brow will change as a result of the proposed development, the separation, scale and massing of the dwellings would not lead to an unacceptable relationship. Council's Design Principles SPD advises that a minimum distance of 12 metres should be provided between principle windows and side elevations and 21 metres between principle windows which face each other.

There would be a 12m or more separation distance between the rear of properties on Heather Close and the two storey elevations of the proposed dwellings, which would also be offset rather than directly facing, although the proposed dwelling would be on higher ground than Heather Close this would not result in any unacceptable overbearing impacts or unacceptable loss of light.

With a condition to obscure an upper floor side bedroom window in Plot 2, which would directly overlook the garden of plot 1 in close proximity, the relationships between the proposed dwellings are also acceptable in terms of privacy, overbearing impacts and light.

The proposed development is therefore acceptable in terms of residential amenity in accordance with Policies ENV2 and LIV5.

Landscaping

The plans provided show that internal boundary treatments are to comprise of 1.2m high stone walls and 2m boarded fence. The hard landscaping, primarily the access and driveways, would be constructed of block pavements. Each curtilage would be finished with topsoil and grass seeded, with patio areas around the perimeter of the dwellings.

Additional boundary planting is to comprise a number of new trees (29 in total) with a combination of flowering cherry and hawthorn. Some existing trees are to be removed to facilitate development. Existing hedgerows to the site boundary (adjacent to the open countryside) are to be retained.

At an edge of settlement site these proposals are acceptable and implementation will be controlled by condition.

Drainage and Flooding

At the time of the previous application the application site is not within a flood risk zone, however, since that time the Environment Agency (EA) has revised its fluvial flood risk map for Earby and

the site is now within flood zones 2 (medium risk) and 3 (high risk). The whole of the site being within zone 2 and part of the north end of the site, where plot 1 is proposed, would be zone 3.

Due to this change in circumstances and the lack of an adequate flood risk assessment (FRA) to address it the EA have objected to this application.

It should be noted that the applicant would have the option to simply continue the development under the extant permission, however, it is in their interest to resolve this in order to avoid potential issues related to flood risk when selling the properties.

The applicant has submitted a FRA and this is being assessed by the EA and their response will be reported to the meeting.

Highways and Access

The proposed access is acceptable and adequate car parking for all plots can be ensured by condition.

Ecology

A phase 1 habitat survey was undertaken at the time of the approved application, that development has been commenced and this development does not raise additional issues in relation to ecology, subject to the condition relating to that survey being replicated in this application the proposed development is acceptable in terms of its impact on ecology.

Conclusion

It is recommended that the approval of the application is delegated to the Planning, Economic Development and Regulatory Services Manager subject to the Environment Agency's objection being withdrawn.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in terms of design, amenity, drainage and highway safety and would preserve the character and appearance of the Conservation Area. The proposal therefore complies with the policies of the Replacement Pendle Local Plan and National Planning Policy Framework. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in terms of design, amenity, highway safety and impact upon ecology. 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: DELEGATE 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: 041 Rev B, 042 Rev A, 043 Rev A, 044, 050, 051, 052, 053, 054, 055, 056, 057, 058, 059, 060, 061, 062, 063, 064, 065, 066, 067, 068, 069, 070, 071, 072, 073, 074.

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

- 3 Prior to the commencement of development samples of all the external materials to be used in the construction of the roofs, walls, boundary/retaining walls and paving together with samples of the colour and finish of windows and doors of the development hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter at all times be carried out in strict accordance with the approved materials and details.

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

- 4 The dwellings hereby approved shall not be occupied unless and until the parking for a minimum of three cars per dwelling has been laid out and surfaced in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The parking spaces, including those in garages, shall remain available free from obstruction and available for parking purposes at all times thereafter.

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

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

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

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

Reason: In the interest of highway safety.

- 7 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

i) The parking of vehicles of site operatives and visitors

- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) Wheel washing facilities
- v) Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
- vi) Routing of delivery vehicles to/from site.

Reason: In the interest of highway safety.

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

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

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

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

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

Reason: In the interest of highway safety.

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

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

- 12 Notwithstanding the provisions of the Town and Country Planning (General Development Procedure) (England) Order 2015 and the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008, or any subsequent Orders or statutory provision re-enacting the provisions of these Orders, all garages shown on the approved plan shall be maintained as such and shall not be converted to ancillary accommodation/offices or used for storage without the prior written approval of the Local Planning Authority

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

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device over 1m above road level. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed access road from the continuation of the nearer edge of the carriageway of Birch Hall Lane

to points measured 25m in each direction along the nearer edge of the carriageway of Birch Hall Lane.

Reason: To ensure adequate visibility at the site access.

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

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

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

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

- 16 The recommendations detailed in Part 3 of Extended Phase 2 Habitat Survey undertaken by Pennine Ecological dated May 2014 shall be carried prior to any building work at the site. Any further, necessary mitigation measures identified should be submitted to and approved in writing by the local planning authority prior to the commencement of any further development. The development shall subsequently be implemented entirely in accordance with the approved details. Thereafter, unless otherwise agreed in writing by the local planning authority, the mitigation measures shall be permanently maintained and retained in accordance with the approved details.

Reason: To protect species and their habitats.

- 17 No vegetation or tree clearance work shall take place during the bird breeding season. Such activities shall be confined between the months of October (start) to February (end) unless a bird breeding assessment and is undertaken by a suitably qualified ornithologist along with a report of the findings to identify if any breeding birds would be affected. Any clearance outside of the period between October to February (inclusive) must be agreed in writing by the Local Planning Authority and clearance thereafter shall be undertaken in strict accordance with the approved details.

Reason: To ensure that suitable habitats for breeding birds are not harmed.

- 18 No development shall commence unless and until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. those details shall include, as a minimum:

a) Information about the lifetime of the development, design storm period and intensity (1 in 30 and 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;

b) the drainage strategy should demonstrate that the surface water run-off must not exceed 5 litres per second. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall be implemented in accordance with the approved details prior to first

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

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to reduce the risk of flooding to the proposed development, elsewhere and to future users and to ensure that water quality is not detrimentally impacted by the development proposal.

- 19 No development shall commence unless and until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:
- a) the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
 - b) arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - i. on-going inspections relating to performance and asset condition assessments
 - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
 - c) Means of access for maintenance and easements where applicable.

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

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

20. The upper floor window in the north elevation of Plot 1 and all windows in the west elevation of Plot 6 of the development hereby approved shall at all times be fitted with obscure glazing to at least level 4 or above, unless otherwise agreed in writing by the Local Planning Authority. Any replacement glazing shall be of an equal degree or above. The windows shall be hung in such a way as to prevent the effect of the obscure glazing being negated by way of opening. Notwithstanding any indication in the approved plans no doorway shall be installed in the in the west elevation of Plot 6.

Reason: To ensure an adequate level of privacy to the adjacent residential properties.

21. Prior to the commencement of the erection of Plot 6 details of the proposed alterations to levels between that property and the boundary of the site with Heather Brow shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of residential amenity.

Notes:

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

includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the county council for further information by telephoning the Development Support Section (Area East) on 0300 123 6780 or email lhscustomerservice@lancashire.gov.uk , quoting the relevant planning application reference number.

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

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: 21/0481/FUL

Proposal: Full: Erection of six detached dwellings and garages with new estate road and associated landscaping.

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

On behalf of: Pretty Perfect Properties Ltd

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 17th February 2022