

REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND
REGULATORY SERVICES

TO: WEST CRAVEN COMMITTEE

DATE: 1st November 2022

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To consider the attached planning applications.

REPORT TO WEST CRAVEN COMMITTEE 01ST NOVEMBER 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

This application was delegated for approval by West Craven Committee in May subject to the removal of the Environment Agency's objection.

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.

The application was delegated for approval by West Craven Committee in May subject to the withdrawal of the Environment Agency's objection. The objection has now been withdrawn following the submission of further details and amended plans altering the site levels, including raising the level of plot 6 by 20cm.

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 – No objection subject to a condition for the development to be carried out in accordance with the submitted Flood Risk Assessment.

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

Since the delegation of approval by Committee further responses has been received raising the following concerns:

- Loss of light and privacy resulting from plot 6, exacerbated by increase in its height
- Maintenance responsibility for land between the site and adjacent properties
- Increase in off-site flood risk resulting from the alterations to plot 6

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 plot 6 would face the rear of Heather Brow. Plot 6 originally proposed a utility room door in the side elevation which would potentially impact on the privacy of properties on Heather Brow. The amended plans relocate the utility room door in the rear elevation to the site of the garage and clarify the proposed levels down to the boundary.

This acceptably resolves the potential issue in relation to privacy impact of the door on the rear of Heather Brow and all other windows in that elevation would be non-habitable obscure glazed windows and therefore do not result in any unacceptable loss of privacy

The land between Plot 6 and Heather Close would be raised by approximately 1m and 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. The Council's Design Principles SPD advises that a minimum distance of 12 metres should be provided between principle windows and two storey 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 dwellings 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 there 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.

The applicant has submitted a Flood Risk Assessment (FRA) and amended plans altering site levels. The FRA adequately demonstrates that the proposed development would not result in any unacceptable risk of on-site flooding or increase the risk of off-site flooding.

The development is therefore acceptable in term of drainage.

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.

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: 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: 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 Rev A, 070, 071, 072 Rev A, 073 Rev A, 074, 101 SK2 Rev A, 103 Rev A.

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

- 3 Unless alternative materials have been submitted to and approved in writing by the Local Planning Authority the development shall be carried out in accordance with the materials approved by the discharge of conditions letter dated 22/03/2021.

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 dwelling shall be occupied unless and 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 Unless an alternative Construction Method Statement have been submitted to and

approved in writing by the Local Planning Authority the development shall be carried out in accordance with the Construction Method Statement approved by the discharge of conditions letter dated 22/03/2021.

Reason: In the interest of highway safety.

- 8 Prior to the occupation of the dwellings hereby approved a scheme for the construction of the site access including visibility splays shall be submitted to and approved in writing 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.

- 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 The garages hereby approved shall be maintained free from obstruction and shall not be used for any purpose that would preclude their use for car parking purposes.

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 dwelling hereby approved shall be occupied 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 dwelling hereby approved shall be occupied 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. No additional windows or doorways shall be installed in the in the west elevation of Plot 6 without the prior written approval of the Local Planning Authority.

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

21. The development shall be carried out in accordance with the submitted flood risk assessment (titled "Birch Hall Lane, Earby, Fluvial flood risk" reference "PPP-JBAU-XX-XX-RP-HM-0001-S3-P02" revision "P02", dated August 2022 compiled by JBA consulting) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 300mm above the adjacent ground levels.
- The flood wall along the East boundary, the new precast channel and widening of the existing channel, shall be constructed in accordance with Fig 5-1 "Proposed development site plan".

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

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

REPORT TO WEST CRAVEN COMMITTEE 01ST NOVEMBER 2022

Application Ref: 22/0542/HHO

Proposal: Full: Erection of a single storey extension to the side.

At: 19 Whitworth Way, Barnoldswick.

On behalf of: Mr and Mrs Robertson.

Date Registered: 11/08/2022

Expiry Date: 06/10/2022

Case Officer: Joanne Naylor

Site Description and Proposal

The application site is a two storey detached dwellinghouse with a front porch within a residential area of similar properties. There is a detached single garage to the front elevation with off-street parking for one car and a rear garden.

The proposal seeks to erect a single storey extension to the side elevation for an office, utility and shower room. The proposal would have two windows and one roof light to the front elevation, two rooflights to the side elevation and patio doors to the rear elevation.

Relevant Planning History

No relevant planning history.

Consultee Response

LCC Highways

I have viewed the plans and the highway related documents submitted; I have the following comments to make:

There is no highway concerns with this proposal and therefore no objection but given the development site's location within a residential estate we recommend that a condition is applied restricting the times of deliveries to ensure there is no conflict with traffic, both vehicular and pedestrian, at peak times entering/leaving the estate and on the surrounding highway network.

Condition

1. Deliveries to the approved development shall only be accepted between the hours of 9.30am and 2.30pm, to avoid peak traffic on the surrounding highway network. Reason: In the interest of highway safety.

Parish/Town Council – No comment.

Canal & River Trust

Based on the information available our substantive response (as required by the Town and Country Planning (Development Management Procedure) Order 2015 (as amended)) is that the Trust has no comment to make on the proposal.

Public Response

Letters were sent to nearby properties, no responses received.

Relevant Planning Policy

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy 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 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.

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

National Planning Policy Framework

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

The Design Principles Supplementary Planning Document (SPD) applies to extensions and sets out the aspects required for good design.

Officer Comments

The main considerations are design and materials, residential amenity and highways.

Design and Materials

The Design Principles SPD advises that extensions should be constructed in materials and style to match the existing dwelling and pitched roof elements are preferred.

The material proposed would be reconstituted stone blocks which would match the existing, the existing roof is grey concrete, the proposal would have a pitched roof and would improve the quality of the slates which would match the existing in colour. The proposed windows would match the existing windows, the doors are currently brown uPVC, the proposal would have doors to be grey composite which would match the existing garage door, this would ensure uniformity in the colour and design of the doors on the dwelling house. The proposal is a single storey extension and would appear subordinate to the dwellinghouse.

The Design Principles SPD advises that single storey side extensions should preserve the street scene, protect neighbours amenity, and retain satisfactory parking space. The proposal would extend the porch by a further circa 3m to the side elevation, in front of the proposal there is an existing garage and the boundary treatment to the front has hedging and trees which would screen much of the proposal from the streetscene. The materials and design would match the existing dwelling and would not look out of place in this area.

The proposal would not create any additional bedrooms and would retain the existing level of parking spaces.

Overall, the design and materials are acceptable and would be in accordance with Policy ENV2 and the Design Principles SPD.

Residential Amenity

The Design Principles SPD advises that extensions must adequately protect neighbours enjoyment of home, to not overshadow or have an overbearing effect and windows to maintain a distance of 12m between principal window and a gable elevation and 21m between habitable room windows facing each other, however this distance can take account of existing interface distance between properties characteristic in the area.

The front elevation of the existing porch is in line with the front elevation of No. 21 Whitworth Way, the proposal would not overbear or overshadow the adjacent neighbours. The proposal would be close to the party boundary with No. 21 Whitworth Way, leaving a gap of circa 0.25m. The proposal does not have windows on the side elevation, there would be two roof lights to the side elevation. No. 21 has a ground floor window on the side elevation facing the application site and there are no windows to the upper floor of No.21, therefore there would be no amenity issues in terms of privacy and overbearing.

To the rear, there are dwellinghouses at Banks Bridge Close, with No.12 Banks Bridge Close rear garden backing onto the rear garden of the application site. The proposal would have two patio doors to the rear elevation, the patio doors would face a terraced wall forming the rear garden. No.12 Banks Bridge Close is elevated above the application site, there would be no direct overlooking and the distance between this dwelling and the application site is sufficiently large enough to ensure no amenity issues.

The proposed development would have one roof light and two windows to the front elevation facing No. 30 Whitworth Way which has ground and first floor habitable room windows. The existing dwelling has habitable room windows to the front elevation at ground and first floor. The proposal would widen the existing door and install a new side light circa 0.25m wide and would be the same height as the door. The second proposed window would serve the utility room which would not be a habitable room, the siting of this window would be screened by the existing garage, and there would be a highway between the dwellings, the distance between the application site and the opposite dwelling houses would be circa 24m which is a greater distance than advised by the Design Principles SPD of 21m between habitable room windows facing each other. The proposed development does not detrimentally impact on those dwellings over and above the existing conditions. The relationship across the public highway is also acceptable.

The proposal would be acceptable in residential amenity terms and would conform to Policy ENV2 and the Design Principles SPD.

Highway

The proposed development would not result in an increase in bedrooms and the number of existing parking spaces would be retained. LCC Highways have no objections to the proposal. As the proposal is for a small extension, it would be unreasonable for deliveries to be time restricted.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed housing development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework, subject to compliance with planning conditions. 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

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:

- Existing Site Location Plan: drawing no. 376:3, 27 July 2022.
- Proposed Elevations and Plans: drawing no. 376:2, 27 July 2022.
- Existing elevations and Plans: drawing no 376:1, 27 July 2022.

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

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

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

Application Ref: 22/0542/HHO

Proposal: Full: Erection of a single storey extension to the side.

At: 19 Whitworth Way, Barnoldswick.

On behalf of: Mr and Mrs Robertson.

REPORT TO WEST CRAVEN COMMITTEE 01ST NOVEMBER 2022

Application Ref: 22/0662/NMA

Proposal: Non-Material Amendment: Alteration of name of property referred to in Condition 6 of Planning Permission 13/12/0121P.

At Tha Haybarn, Gisburn Old Road

On behalf of: Mr & Mrs Lang

Date Registered: 30/9/2022

Expiry Date: 28/10/2022

Case Officer: NW

Site Description and Proposal

The application site is situated in an isolated location off Gisburn Old Road. There are two cottages to one side and an access track has been created.

Relevant Planning History

13/12/0121P – Erection of stables and formation of access track- Approved

13/13/0265P – Subdivision of property to create two dwellings – Approved 24/7/2013

Consultee Response

Highways

Parish/Town Council

Public Response

None

Relevant Planning Policy

Pendle Local Plan Part 1: Core Strategy Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy 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 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. Saved Policy 31 of the Replacement Pendle Local Plan sets out the maximum parking standards for development. National Planning Policy Framework The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in the Framework, taken as a whole, constitute the Government's view of what sustainable

development in England means in practice for the planning system. The Design Principles Supplementary Planning Document (SPD) applies to extensions and sets out the aspects required for good design.

Officer Comments

This application is to alter the planning permission granted in 2012 to make reference to The Haybarn. The original planning permission for the stables and track (13/12/0121P) was made when the buildings were a single building named Lower Sandyford Farm. Permission was granted in 2013 to subdivide the farm and to create two separate dwellings.

The development of the stables was started as the track was put in. The stable itself has not been constructed but the permission has been commenced.

The decision notice for the stables refers to Lower Sandyford Farm. The track and stables were however retained at The Haybarn.

This application seeks to refer to the Haybarn in the decision notice and replace Lower Sandyford Farm. All other elements remain the same.

There are no planning implications for this and the change is a non-material one that can be dealt with under section 96A of the Town & Country Planning Act 1990.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed housing development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework, subject to compliance with planning conditions. 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

That the planning permission be altered to refer to The Haybarn and not to Lower Sandyford Farm with all other conditions remaining as approved.

Application Ref: 22/0662/NMA

Proposal: Non-Material Amendment: Alteration of name of property referred to in Condition 6 of Planning Permission 13/12/0121P.

At Tha Haybarn, Gisburn Old Road

On behalf of: Mr & Mrs Lang

REPORT TO WEST CRAVEN COMMITTEE 01ST NOVEMBER 2022

Application Ref: 22/0689/CPO

Proposal: Full: (County Consultation): Construction of a motor control centre kiosk.

At Sewage Treatment Centre Barnoldswick

On behalf of: United Utilities Water Limited

Date Registered: 13/10/2022

Expiry Date: 3/11/2022

Case Officer: NW

Officer Comments

This is a consultation on a proposed kiosk to be erected at the treatment works in Barnoldswick. The proposal is to put a green housing measuring circa 7m x 3m on the south west of the site.

The development does not raise any issues in terms of landscaping or impact on neighbours.

RECOMMENDATION: No comment or objection

It is recommended that Pendle raises no comments or objections to the proposal

Application Ref: 22/0689/CPO

Proposal: Full: (County Consultation): Construction of a motor control centre kiosk.

At Sewage Treatment Centre Barnoldswick

On behalf of: United Utilities Water Limited

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 20th October 2022