



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

TO: WEST CRAVEN COMMITTEE

DATE: 31st JANUARY 2023

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO WEST CRAVEN COMMITTEE ON 31 JANUARY 2023

Application Ref: 22/0413/FUL

Proposal: Full: Major: Change of use of land from agricultural and engineering operations to form 61 caravan pitches and erection of new amenity / shower block.

At: Caravan Site, Lower Greenhill Farm, Kelbrook Road, Salterforth

On behalf of: Mr & Mrs N. Hudson

Date Registered: 26/10/2022

Expiry Date: 25/01/2023

Case Officer: Alex Cameron

This application was deferred for a site visit.

Site Description and Proposal

The application site is an agricultural field on the hillside to the north west of Lower Green Hill Caravan Park. The caravan park lies between the villages of Kelbrook and Salterforth. The site is situated in open countryside and is surrounded by agricultural fields to the south, and west. To the north is woodland and a dwelling at Lower Green Hill Barn. The site would be accessed off the B6383 Kelbrook Road via existing internal caravan park road which also serves as access to Lower Green Hill Farm and Barn.

The proposed development is the change of use of the land and works to form 61 touring caravan pitches as an extension to the existing caravan park and erection of a amenity and shower block. The works include cut an fill of up to approximately 2.5m cut and 1.2m fill and the erection of a communal facilities building of 15m x 10m footprint and 5.1m ridge height to be located centrally within the existing caravan site.

Relevant Planning History

13/87/0859P – Change of use of farm land to caravan site at Lower Greenhill Farm, Salterforth.

13/91/0152P – Erect caravan utility block. Approved 05/91.

13/95/0206P – Form access to Kelbrook Road Field NO 2220. Approved 06/95.

13/95/0338P – Increased use of site up to 23 caravans and 5 mobile homes. Approved 08/95.

13/95/0603P – retain site extension at caravan park and increase use to 23 caravans and 5 mobile homes. Approved 01/96.

13/12/0241P - Full: Extend touring caravan site, reconfigure plot layout and erection of a two storey building. Approved 07/12

13/12/0503P - Full: Removal of conditions 4 and 6 from Planning Permission 13/12/0241P - Approved 21/12/2012.

13/13/0561P - Full: Change of use of land for siting a caravan for permanent warden's accommodation. Approved

13/14/0272P - Full: Change of use of land from agricultural land to caravan park extension for siting 27 static caravans. Approved.

17/0659/FUL - Full: Change of use of land to accommodate 5 static caravan pitches. Approved.

17/0690/FUL - Full: Erection of two storey building comprising office/reception, laundry and storage at ground floor and holiday accommodation at first floor (Retrospective). Approved.

18/0283/FUL - Major: Full: Change of use from Agricultural to a Caravan Park and siting of 36 Holiday Lodge Caravans and 20 Touring Caravan Pitches. Withdrawn.

19/0069/FUL - Major: Full: Change of use from Agricultural to a Caravan Park and siting of 36 Holiday Lodge Caravans and 20 Touring Caravan Pitches. Appeal allowed with costs.

20/0393/FUL - Full: Variation of Conditions: Vary Condition 2 (Plans) of Planning Permission 19/0069/FUL. Approved

20/0412/FUL - Full: Creation of access into the site for emergency service vehicles use from Kelbrook Road. Refused

20/0657/FUL - Full: Removal of an existing caravan and erection of one dwelling house. Approved

Consultee Response

LCC Highways - The Transport Statement provides some speed data collected on Thursday 11th August 2022 which recorded 85%ile speeds 44.5mph and 44.3mph, eastbound and westbound respectively. Splays of 2.4m by 122m and 121m are required and the existing splays exceed this. The visibility splays are considered acceptable. A trics assessment has been prepared and records 5, 2-way vehicle movements in the am peak 8am-9am and 15, 2-way vehicle movements during the pm peak 5pm-6pm. The increase in vehicle movements does not require a full junction assessment and the cumulative impact is not anticipated to cause a significant impact to highway safety. There have been no collisions recorded on Kelbrook Road in the vicinity of the site within the previous 5 years. There is a continuous footway along Kelbrook Road connecting the site to bus stops within walking distance. There is no objection to the proposal, the following condition is requested.

1. The secondary point of access onto Kelbrook Road to the south eastern boundary of the site should not be used by customers of the static, touring or camping elements of the site. Reason : Insufficient junction geometry.

Lead Local Flood Authority – No objection subject to conditions for compliance with the submitted Flood & Drainage Assessment, a surface water drainage strategy, a construction phase surface water management plan, drainage operation and maintenance and validation report.

Earby and Salterforth Internal Drainage Board – No response.

Yorkshire Water – Water supply: 1.) This site can be supplied subject to property height and demand. 2.) There may be private water mains crossing the site for which the Company holds no records. 3.) Some off-site mainlaying may be required at Developer's cost. Waste Water: 1.) The submitted 'Flood & Drainage Assessment' 325 prepared by Coda, dated 20/10/22 is acceptable. In

summary, the report states that a.) Foul water will discharge to public combined water sewer via private network b.) Surface water will discharge to soakaway. Requests condition for compliance with the submitted Flood & Drainage Assessment.

Salterforth Parish Council – No response.

Public Response

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

Harm to the landscape, character and visual amenity of the area

Issues relating to deposit of material from the previous extension

Responses received supporting the application:

- Benefits for tourism and the economy of the area
- The existing site is well managed and maintained
- Loss of privacy
- Increase in traffic and highway safety impacts

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

ENV1 (Protecting and Enhancing Our Natural and Historic Environments) states that proposals in the designated open countryside should have regard to the Development in the Open Countryside SPG. The impact of new developments on the natural environment (biodiversity and geodiversity) should be kept to a minimum.

ENV2 (Achieving Quality in Design and Conservation) All new development should viably seek to deliver the highest possible standards of design, in form and sustainability.

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 ENV7 (Water Management) states that The design of all new developments (Policy ENV2) must consider:

1. The potential flood risk to the proposed development site.
2. The risk the proposed development may pose to areas downslope / downstream.

3. The integrated, or off-site, use of Sustainable Drainage Systems (SuDS) to help reduce surface water run-off from the development.
4. The availability of an adequate water supply and disposal infrastructure.

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

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

Principle of the development

The proposed change of use would be an expansion of the existing tourism use, this would provide improved facilities for tourism. The site is in an acceptably assessable location for a tourist accommodation use approximately 450m walking distance from bus stops and the settlement of Salterforth. The economic and social benefits of supporting tourism weigh in favour of the development and it is acceptable in principle accordance with policy WRK5.

Visual Amenity and Landscape Impact

The existing site, although visible in medium to long distance views from the south, particularly along the A56 and the hillside to the south east of that, sits low in the landscape set against the hillside to the north west.

In allowing the appeal for the recent extension of the caravan park the Inspector concluded that the visual impact in medium to long distance views of the caravan park extension would be acceptable in the context of the landscape and nearby settlements.

From the north and west the proposed site would be largely screened by the existing woodland to the north east and hill to the south west. However, the south eastern. Viewed from the south east the site would sit above the existing site on the crest of the hillside this would potentially be a more prominent location for the siting of caravans. However, extensive landscaping is proposed, which would once established effectively screen the development and would integrate with the landscape. An acceptable timescale for that establishment could be ensured by requiring the planting of more mature standard trees.

A Landscape and Visual Impact Assessment has been submitted with the application which concludes that there would be a slight adverse effect on the landscape in the opening year of the development which would then become an overall neutral impact once the landscaping matures and I agree with that assessment.

With a condition to ensure adequate landscaping the proposal is acceptable in terms of visual and landscape impacts in accordance with policy ENV2 and WRK5.

Residential Amenity

The proposed extension of the caravan park would be approximately 190m from dwellings at Bashfield Farm, and the nearest caravan plots would be approximately 40m from the adjacent dwellings to the north east and 40m from the proposed facilities building. These distances are sufficient to ensure there would be no unacceptable residential amenity impacts upon the occupants those properties from the proposed development. It appears that the facilities building would be capable of hosting gatherings, however, noise generating use could be controlled by condition. The development would also increase the level of traffic passing Lower Greenhill Farm, the increase in traffic would not result in an unacceptable residential amenity impact upon the occupants of that or the other adjacent dwellings.

The proposed development is therefore acceptable in terms of residential amenity in accordance with policy ENV2.

Highways

The site would be accessed via the existing caravan site access. The junction was improved as part of the recent extension of the site and this provides acceptable access to the site. A transport statement has been submitted which acceptably demonstrates that the existing access can safely accommodate the additional traffic that would be generated by the proposed touring caravan extension.

A condition is also necessary to ensure that the existing access to the field from the access road to Bashfield Farm is not used for vehicular access to the site. That access would be unsuitable to accommodate traffic from the development.

An adequate level of car parking of one space per caravan plot is proposed for the development.

The proposed development is acceptable in terms of highway safety in accordance with policy ENV4.

Ecology

An ecology survey has been submitted with the application this found potential value for bats birds and terrestrial mammals which can be preserved and enhanced with bat and bird boxes and planting. It makes recommendations for mitigation in the form of timing of any works to avoid bird breeding season, a low-level lighting scheme, bat boxes attached to trees and additional hedgerow planting. The proposed development is acceptable in terms of ecology impact in accordance with policy ENV1.

Drainage

The Flood Risk Assessment (FRA) submitted for the application states that the site is not at risk from either fluvial or pluvial flooding. In terms of off-site flood risk the FRA states that the proposed touring caravan site will not increase the impermeable area of the site as permeable surfacing will be used, the proposed facilities building will result in a minor increase in impermeable area, however, the FRA demonstrates that the existing surface water storage basin serving the previous extension of the site is of sufficient capacity to accommodate the attenuation of the surface water discharge from the building.

The Lead Local Flood Authority have assessed this and raise no objection to the development subject to conditions. The development would not result in an unacceptable risk of on-site flooding or increase in the risk of off-site flooding.

Foul sewage is proposed to be drained to the existing foul sewer running along Kelbrook Road.

With conditions to control the details of the drainage and its maintenance the proposed development is acceptable in terms of drainage and flood risk.

Summary

The proposed extension of the caravan site would constitute sustainable development and subject to necessary conditions is acceptable in terms of visual and landscape impacts, residential amenity, highway safety, impact on ecology and drainage. It is recommended that the application be approved.

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 in accordance with the policies of the Pendle Local Plan Part 1: Core Strategy and the saved policies of the Replacement Pendle Local Plan. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

1. The development permitted shall be begun before the expiration of three years from the date of the 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: 2022-25 400C, 2022-29 1255A, 2022/020 P3 2022-29 200E, 7325/21 P3, 7325/33 P3, 7325/034A.

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

3. The site shall be used for the siting of touring caravans only and there shall not be more than 61 caravans sited within the approved application site and they shall be laid out in accordance with the approved plans.

Reason: to ensure that the visual impact of the touring caravans is mitigated in the interests of the visual amenity of the area.

4. The caravan pitches shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The operators of the site shall maintain an up-to-date register of the names of all owners of caravans on the site and of their main home

addresses and shall make this information available at all reasonable times to the local planning authority.

Reason: In order to ensure proper control of the use of the holiday units and to prevent the establishment of permanent residency.

5. Provision shall be made within the site for the parking of not less than one car per caravan pitch, together with a turning space such that vehicles serving may both enter and leave the site in a forward gear, in accordance with the approved plans. The caravan pitches hereby approved shall not be occupied unless and until the access, parking and turning areas have been laid out, surfaced and made available for use and the parking and turning area shall thereafter remain free from obstruction and available for parking and manoeuvring purposes at all times thereafter.

Reason: In order to ensure satisfactory levels of off street parking are achieved within the site to prevent parking on the county highway to the detriment of highway safety.

6. There shall be no vehicular access to the site from the access road to Bashfield Farm.

Reason: The junction of the access road to Bashfield Farm with Kelbrook Road is inadequate to accommodate the nature of traffic that would result from the development.

7. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason: To prevent stones and mud being carried onto the public highway to the detriment of road safety.

8. No caravans shall be sited on the approved application site unless and until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a. the exact location and species of all existing trees and other planting to be retained;
- b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
- c. an outline specification for ground preparation;
- d. all proposed boundary treatments with supporting elevations and construction details;
- e. all proposed hard landscape elements and pavings, including layout, materials and colours;
- f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its entirety within the first planting season following the commencement of the use of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

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

9. The development shall be carried out and operated in full accordance with the mitigation and compensation recommendations of the Preliminary Ecological Appraisal Report September 2022. No caravans shall be sited on the approved application site unless and until a scheme for installation of bat and bird boxes has been submitted to and approved in writing by the Local Planning Authority. The bat and bird boxes shall be installed in accordance with the approved scheme prior to the commencement of the use of the development and maintained thereafter.

Reason: To ensure protection of ecology and wildlife.

10. No external lighting shall be installed within the approved application site unless and until details of the lighting have first been submitted to and approved in writing by the Local Planning Authority. The details shall include the type, size, wattage, location, intensity and direction of the lighting. Any external lighting shall at all times be in strict accordance with the approved details.

Reason: In order to prevent light pollution causing harm wildlife and the open rural character of the countryside.

11. The facilities building hereby approved shall be for the use of people accommodated at the caravan site only and there shall be no amplified music played within the facilities building unless details of volume control measures and hours of operation have been submitted to and approved in writing the Local Planning Authority. The use of the building shall thereafter be in strict accordance with the approved details.

Reason: In the interest of residential amenity and to prevent the establishment of an unrestricted assembly and leisure equivalent use.

12. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the site-specific flood risk assessment (20th October 2022 / 7325 / CoDa Structures)

The measures shall be fully implemented prior to the first use of the development and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority in consultation with the Lead Local Flood Authority.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site.

13. No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the Local Planning Authority.

The detailed surface water sustainable drainage strategy shall be based upon the site specific flood risk assessment and indicative surface water sustainable drainage strategy submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

The details of the drainage strategy to be submitted for approval shall include, as a minimum;

- a) Sustainable drainage calculations for peak flow control and volume control for the:

- i. 100% (1 in 1-year) annual exceedance probability event;
- ii. 3.3% (1 in 30-year) annual exceedance probability event + 35% climate change allowance
- iii. 1% (1 in 100-year) annual exceedance probability event + 40% climate change allowance,

Calculations must be provided for the whole site, including all existing and proposed surface water drainage systems.

b) Final sustainable drainage plans appropriately labelled to include, as a minimum:

- i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
- ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels; to include all existing and proposed surface water drainage systems up to and including the final outfall;
- iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
- iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
- v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;
- vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
- vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;

c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with BRE 365.

d) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site.

14. No development shall commence until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority.

The details of the plan to be submitted for approval shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include for each phase, as a minimum:

- a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.

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

The plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue surface water flood risk on-site or elsewhere during any construction phase.

15. The commencement of use of the development shall not be permitted until a site-specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The details of the manual to be submitted for approval shall include, as a minimum:

- a) A timetable for its implementation;
- b) Details of SuDS components and connecting drainage structures, including watercourses and their ownership, and maintenance, operational and access requirement for each component;
- c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
- d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
- e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
- f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- g) Means of access for maintenance and easements.

Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

Reason: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the sustainable drainage system is subsequently maintained.

16. The commencement of use of the development shall not be permitted until a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems.

Application Ref: 22/0413/FUL

Proposal: Full: Major: Change of use of land from agricultural and engineering operations to form 61 caravan pitches and erection of new amenity / shower block.

At: Caravan Site, Lower Greenhill Farm, Kelbrook Road, Salterforth

On behalf of: Mr & Mrs N. Hudson

REPORT TO WEST CRAVEN COMMITTEE ON 31ST JANUARY 2023

Application Ref: 22/0510/FUL

Proposal: Full: External alterations involved in conversion from bank to clinic including insertion of a new door & window and replacement of doors and windows.

At 2 Newtown, Barnoldswick

On behalf of: NHS Property Services Ltd

Date Registered: 31.10.2022

Expiry Date: 26.12.2022

Case Officer: Yvonne Smallwood

Site Description and Proposal

The application site was formerly Yorkshire Bank and lies within the defined Town Centre of Barnoldswick within Barnoldswick Conservation Area. It is a stone building with an existing shopfront, surrounded by retail and commercial properties. The premises would become an NHS Doctor's Surgery.

The proposal seeks to replace all of the windows and doors. A door and window to the front elevation would be transposed. An additional window would be created to the front elevation. The extract plant equipment would be removed from the rear of the site.

Relevant Planning History

13/15/0102P - Advertisement Consent: Erection of two internally illuminated fascia signs and one internally illuminated projecting sign – Approved with Conditions 26.02.2015

13/14/0493P – Full: Alterations to window openings and replacement of door – Approved with Conditions, 22.10.2012

13/03/0882P - Full: Extend ramp to give level access to premises – Refused 18.12.2003

Consultee Response

Highways -

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

Newtown (U40151, is an adopted unclassified, single carriage way minor road with a 20 mph speed limit. The development site is in a town centre location, close to local facilities and amenities, including public transport, therefore it is considered to be in a sustainable location.

As a new entrance door and window has to be formed and all windows and doors to be replaced (Ref Drawing 6582-T02, Proposed floor plans and elevations, Jan 2022, and Heritage Statement submitted: 4.1 C, D, & E), please see the informative note.

No parking is available with this application, however, given the site's sustainable location, this may be considered a car-free development.

There are traffic regulation order restrictions in the form of no waiting at any time on Newtown on both sides of road from its junction with Church St to its junction with Albert Road. Careful consideration should, therefore, be given to access by delivery vehicles during the construction and fit out phases. We recommend that a condition is applied restricting the times of deliveries to ensure that there is no conflict with traffic, both vehicular and pedestrian, at peak times. If the local planning authority is minded to approve this application, the following condition should be applied to any formal planning approval granted.

Condition

- 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.
 - A construction management plan should be produced to highlight how deliveries during construction will be managed and where workers on the site will park during construction. Reason: to minimise the impact of construction on pedestrians in the vicinity of the site.
- I would recommend the following informative note:

Informative Note

- The developer should be aware that any works on, or immediately adjacent to the adopted highway network, would require the appropriate permits from Lancashire County Council's Highway Regulation Team, who would need a minimum of 12 weeks' notice to arrange the necessary permits. They can be contacted on lhsstreetworks@lanashire.gov.uk or on 01772 533433.

Parish/Town Council

Cadent Gas

United Utilities

PBC Engineering

Architectural Liaison Unit

Environmental Health

Yorkshire Water

Public Response

A Press Notice and Site Notice has been placed and nearest neighbours notified by letter with 16 responses, summarised below:

- The site is unsuitable for use as an NHS clinic, too small, with inadequate facilities and a new purpose-built facility is requested. Three clinical rooms is not enough
- Parking and traffic concerns, insufficient drop-off/pick-up space. Illegal parking would be likely to increase
- Access for disabled workers to the second storey
- Access and parking for people who are disabled or infirm. The pavement is not level and there are steep narrow stairs.
- Suggested relocation to Rainhall Road, similar to Sainsbury's, Colne
- Not enough room for expansion with growing population/increased housing

- The Butts should be overhauled and used instead

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.

Policy 26 – Proposals to introduce non-shopping uses in town centres and local shopping centres.

Conservation Area Design and Development Guidance SPD - Planning and the Historic Environment considers the setting of a Conservation Area to be important in preserving or enhancing the area.

Officer Comments

Design and Materials within Conservation Area

The building itself is relatively modern and possesses no heritage value. The building is specifically mentioned within the conservation area character appraisals as being harmful to the character and appearance of the conservation area and therefore makes no contribution to its significance.

The proposal entails the repositioning of the existing front door to an existing window opening and the existing door opening would be altered to form a window. The repositioning of the existing doorway is required to better suit the proposed internal layout. The proposed window would have obscure glazing, which would serve the proposed disabled WC, which is to be located at the point of the existing entrance door.

One additional window opening would be created serving the proposed Clinical Room 3 at ground floor level as the existing room is not served by a window and has no means of natural lighting and ventilation.

The proposal would be acceptable in regard to design and materials and therefore accords with ENV1, ENV2, Design Principles SPD and Conservation Area Design and Development Guidance SPD.

Residential Amenity Impacts

The proposal seeks to replace all of the windows and doors. A door and window to the front elevation would be transposed. An additional window would be created to the front elevation. The extract plant equipment would be removed from the rear of the site. The proposed alterations to the windows and doors would not have any unacceptable adverse impacts to residential amenity.

Other Matters

Objections have been raised relating to the suitability and size of the site and alternative premises have been suggested as preferable locations. It is not within our remit to consider other premises, as we are only able to deal with the application which has been made to us.

Parking and Highways Issues

There are no proposed parking spaces and there are equivalent of 7 full-time staff and patients who will be visiting the clinic. The opening hours would be 08:00 – 18:00 Mon – Fri and 08:00 – 17:00 Saturday and closed Sunday. There have been comments received raising concerns related to parking, access and highway safety. Highways LCC have assessed the parking and traffic requirements for this application within the hours of use and have raised no objection to the application. Highways LCC have recommended Conditions and an Informative. We concur with Highways that with these Conditions in place, the scheme would be acceptable. Therefore the proposal would not present any highway safety issues and would accord with Saved Policy 31 Parking Standards.

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

Subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan received 28.07.22, 6582-T02

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

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

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

4. 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.

5. A construction management plan should be produced to highlight how deliveries during construction will be managed and where workers on the site will park during construction.

Reason: to minimise the impact of construction on pedestrians in the vicinity of the site.

I would recommend the following informative note:

Informative Note

- The developer should be aware that any works on, or immediately adjacent to the adopted highway network, would require the appropriate permits from Lancashire County Council's Highway Regulation Team, who would need a minimum of 12 weeks'

Application Ref: 22/0510/FUL

Proposal: Full: External alterations involved in conversion from bank to clinic including insertion of a new door & window and replacement of doors and windows.

At 2 Newtown, Barnoldswick

On behalf of: NHS Property Services Ltd

REPORT TO WEST CRAVEN COMMITTEE ON 31 JANUARY 2023

Application Ref: 22/0551/FUL

Proposal: Full (Major): Change of use of land from storage and dismantling of vehicles to a mixed use of storage and dismantling of vehicles and a 5 plot Travelling Showpeople's Site comprising the siting of 5 static residential caravans, 5 touring residential caravans, equipment and associated vehicle storage, vehicle and equipment maintenance and gated access alterations on Moor Lane.

At: Salterforth Quarry, Moor Lane, Salterforth

On behalf of: Mr Frank Lee

Date Registered: 19/09/2022

Expiry Date: 19/12/2022

Case Officer: Alex Cameron

This application has been brought before Committee as it is a major application.

Site Description and Proposal

The application site is land adjacent to a former quarry most recently used for storage and dismantling of vehicles located in the open countryside approximately 600m to the south west of the settlement of Salterforth and accessed from Moor Lane.

The proposed development is a mixed use retaining the use for storage and dismantling of vehicles together with a 5 plot Travelling Showpeople's Site (each comprising the siting of one static residential caravans and one touring residential caravans) equipment and associated vehicle storage, vehicle and equipment maintenance and gated access alterations on Moor Lane.

Relevant Planning History

13/75/0365P – Extension of permission (SN 4737) for storage and dismantling of vehicles and parts. Approved

13/77/0535P – Temporary planning permission for siting of a caravan. Approved

13/83/1684P – Renewal of temporary planning permission for siting of a caravan. Approved (expired)

Consultee Response

LCC Highways – The highway authority considers that the highway network is not suitable for the proposed development, in particular the use for storage of fairground rides transported to and from the site on low loaders. Given the narrow carriageway widths and no footways on Moor Lane/Salterforth Lane for the majority of its length between the site and Kelbrook Road, Salterforth there is the potential for conflict between oversized vehicles and vulnerable highway users, such as walkers and cyclists, especially adjacent to Salterforth Bridge where there is access to the canal towpath, the Pennine Cycleway and a public car park adjacent to the canal. This is contrary to NPPF paragraph 110 d).

From the photographic evidence submitted in Appendix 5 of the Access Assessment it is not clear whether the low loader is empty or carrying a load. If the trailer/loader was empty then carriageway clearance would be less once carrying a load and may not clear the bridge deck at Salterforth Bridge. There are road surface scour marks at the bridge which, whilst the highway authority is not saying that these have been caused by the applicant's vehicles, does indicate insufficient clearance by low vehicles.

The low loader also has a rear tow bar, which, looking at the submitted photos, barely clears the carriageway on the bridge (Appendix 5 – photograph 4).

It should also be noted that Salterforth Lane at its junction with Kelbrook Road is signed as being unsuitable for heavy goods vehicles.

Site access

There is currently one access point to the site. A twin access is proposed but no justification for this layout has been provided. The submitted plans show conflicting use of both entrances. The swept path plan for the articulated vehicle (Appendix 3 Drawing No 848-22-70) demonstrates that this can enter and leave the site through the same access point, with no operational need for a second access point.

No connection into the highway surface water drainage system on Moor Lane would be permitted by the county council.

Visibility splays

The rationale for the provision of the visibility splays as outlined in Section 3 of the Access Assessment, in particular points 3.6 and 3.7, is acceptable. However, the visibility splay plan (Appendix 2 Drawing No 848-22-05) shows the measurement from the centre point between the two gateways which is not the correct position for a vehicle leaving the site.

The X measurement should be taken from the centre of the access, Whilst point 3.12 of the Access Assessment document states that there are no issues with the vertical visibility this has only been measured from an eye height of 1.05m above the carriageway level, which is the height for car drivers. Manual for Streets 1 states that lorry drivers need to be able to see obstructions 2m high down to a point 600mm above the carriageway (Section 7.6.3).

If it cannot be demonstrated that adequate visibility splays can be provided then this would be another highway safety reason for the highway authority to object to the development.

Conclusion

The highway authority considers that this type of development should be located close to the strategic road network, which can accommodate the large vehicle movements. Should the application be approved conditions covering the provision of an amended site access, with only one entry/exit point, visibility splays from the amended site access, and a scheme for the construction of the amended site access should be applied to any approval. Informative notes regarding the construction of the amended site and that no connection to the highway drainage network on Moor Lane would be authorised should also be applied.

Further comments in response to additional details provided by the applicant:

The applicant confirms that the wagon was fully loaded when the photos were taken so our comments relating to this (potential damage to the highway when crossing the bridge) can be deleted.

The site was previously assessed in 1975 for 'storage and dismantling of vehicles and parts' and subsequently in 1977 and 1983 for siting a static caravan. The traffic generated by the previous use of this site is not known, however it would be highly unlikely to generate articulated vehicle movements due to the constrained highway network. We do not consider this proposal to generate significantly lower vehicle movements than the previous use as stated by the consultant.

Regarding the site access and visibility splays, should the application be approved, these matters could be conditioned.

To conclude, our comments regarding the conflict of the large vehicles with pedestrians and cyclists on and adjacent to Salterforth Canal Bridge remain the same and we would raise an objection to this element of the proposal.

Lead Local Flood Authority - Withdraws its objection to the above application as further information has been made available to the Lead Local Flood Authority, in order to satisfy the previous objection points, specifically fully assessing the surface water flood risk on site and locating the most vulnerable areas of the development in areas of the lowest flood risk. The application will be acceptable subject to the inclusion of a surface water drainage condition.

Cadent Gas – No objection, informative note required.

PBC Countryside Access Officer - The recorded line of public footpath 2 passes through the site of the development and one of the static residential caravans is over the line of the recorded public right of way.

Further to my initial comments of 27th September 2022 following the recently submitted "Proposed Site Plan With Showmans Plots & Access Detailed – Rev A". The revised plan shows the line of footpath 13-18-FP 2 and it can be seen that the proposed residential plots are all to the west of the footpath. The footpath is believed to have been blocked since at least the early 1970s and a nearby alternative route is thought to have been used instead since then. A process is underway to regularise the current situation with the footpath but this may take some years to be finally determined.

If it does not prove possible to formally remove the recorded line of footpath 2 from the definitive map and the path is reopened, then this could be accommodated within the proposed site layout. The owners of the quarry site could simply erect a fence adjoining the footpath for their own privacy and security.

Salterforth Parish Council – No response

Public Response

Press and site notice posted and neighbours notified – responses received objecting on the following grounds:

- Highway safety impacts, Moor Lane and the Canal Bridge at Salterforth is not suitable for large vehicles and risk to pedestrians, cyclists and horse riders.
- Restrictions should at least be places on operating hours and numbers of vehicals.

- Ecology impacts.
- Removal of trees.
- Impact on local amenities.
- Unsustainable location.
- Obstruction of the public right of way through the site.
- Concerns about future expansion.
- Inadequate parking layout
- Noise impacts
- Lack of identified need to accommodate Travellers in Pendle.
- Non-compliance with policy for Traveller sites and the Pendle Core Strategy

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.

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.

Policy ENV5 (Pollution and Unstable Land) seeks to minimise air, water, noise, odour and light pollution.

Policy ENV7 (Water Management) states that the design of all new developments (Policy ENV2) must consider:

1. The potential flood risk to the proposed development site.
2. The risk the proposed development may pose to areas downslope / downstream.
3. The integrated, or off-site, use of Sustainable Drainage Systems (SuDS) to help reduce surface water run-off from the development.
4. The availability of an adequate water supply and disposal infrastructure.

Policy LIV1 (Housing Provision and Delivery) states that until such time that the Council adopts the Pendle Local Plan Part 2: Site Allocations and Development Policies sustainable sites outside but close to a Settlement Boundary, which make a positive contribution to the five year supply of housing land will be supported.

Policy LIV3 (Housing Needs) States that where a need arises during the plan period, sites will be provided to meet the accommodation requirements of the Gypsy and Traveller community. Plots may also be provided for Travelling Showpeople. The site selection process should follow the criteria set out below.

Proposals for the development of Gypsy and Traveller or Travelling Showpeople sites, pitches or plots should:

- Avoid those areas where poor environmental conditions exist (e.g. pollution (Policy ENV5) and flood risk (Policy ENV7)).
- Be located in places which have access to employment, facilities and services including shops, schools, and health care provision.
- Be located and designed to respect the amenity of the existing settled community.
- Ensure that any potential impacts on the environment can be avoided or adequately mitigated and have regard to the requirements relating to protecting the natural and historic environment as set out in Policy ENV1.

Replacement Pendle Local Plan

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

National Planning Policy Framework

Paragraph 80 of the Framework states that local planning authorities should avoid the development of isolated homes in the countryside unless it meets one or more of five circumstances, including necessary accommodation for agricultural workers.

Principle of the development

Sustainability

The application site is located at Park Close, adjacent to a group of seven dwellings, an approved dwelling at Salterforth Plant Nursery and other dwellings along Salterforth Lane and the surroundings nearby. Taking this into account the development would not result in an isolated dwelling in the countryside for the purposes of paragraph 80 of the Framework.

However, in addition to considering isolation for the purposes of paragraph 80 it must also be considered whether the location of the development would be sustainable in terms of access to public transport and essential services, facilities and employment for the purposes of policies SDP2, LIV1 and ENV4 and the Framework as a whole.

The site is approximately 800m walking distance from the settlement of Salterforth and 1km from bus stops within the settlement providing public transport to other settlements. Furthermore, that distance would be in parts steep rural roads which are largely narrow, with no pedestrian footway or lighting. There are alternative routes by public right of way but those would involve walking on unmade tracks across agricultural fields. Therefore the pedestrian access to public transport and essential services, facilities and employment would be substandard.

However, it is also relevant that there is a lawful use of the site as a scrap yard and whether the proposed use would result in an additional sustainability impact over and above that lawful use.

Since the previous meeting further justification has been provided by the applicant in relation to the sustainability of the proposed use. It is proposed that the area of the scrap yard use be reduced by 0.23Ha and further details provided of the previous operation of the scrap yard, which it is stated had 10 staff travelling the site each day. It is reasoned that this plus the scarp yard use ceasing for nine months of the year while travelling would result in the proposed use having a lesser sustainability impact than the lawful use.

However, the information provided is not sufficient in relation to determine how the proposed use would actually operate and whether it could reasonably be controlled by conditions to ensure that there would be a betterment in sustainability impact sufficient to offset the sustainability impacts of the proposed use. Further information has been requested to assess this.

In the absence of sufficient information to demonstrate the above it must be considered whether the proposal would meet a policy exception for housing development in an unsustainable location or the sustainability impact would be offset by other factors.

Housing Need

Section 124 of the Housing & Planning Act 2016 amended the Housing Act 2004 to require that local housing authorities should consider the needs of people "residing in or resorting to their district with respect to the provision of sites on which caravans can be stationed". An assessment was undertaken in the preparation of the Core Strategy in 2012 and this found no need for provision for Travelling Showpeople, or any other Gypsy and Traveller communities within Pendle. This was reaffirmed in the most recent Housing Needs Assessment published in 2020.

At West Craven Area Committee Members requested further clarification of the Council's duty in relation to provision of sites for Gypsy, Traveller and Travelling Showpeople. The Council has a duty to assess the need as above and if a need is identified provide a 5 year supply of suitable sites. If a need is identified and unmet that would be a material consideration weighing in favour of a proposal.

However, there is no identified need to make provision for sites for Travelling Showpeople, or any other Gypsy and Traveller communities in Pendle and therefore the consideration of this application begins from a standard planning balance rather than one weighed in favour of the development by an unmet identified housing need.

The national Planning and Travellers Policy states that for determining planning applications for Traveller sites Local Planning Authorities should consider the following issues:

a) the existing level of local provision and need for sites.

There is no existing identified need for provision for Travelling Showpeople in Pendle.

b) the availability (or lack) of alternative sites.

Although it is stated in the application that there are no other sites available, there has been no comprehensive demonstration that there are not alternative sites available.

c) other personal circumstances of the applicant

The applicants previously lived on a rented site in Hyndburn, which has now been vacated. It is stated that the applicants have some family connections to the Pendle area Mr and Mrs Lee having lived in Kelbrook and Blacko for 8 and 3 years in the past. However, there does not appear to be a strong existing connection to the area and it appears that the choice of this site was due to its availability rather than a necessity to maintain ties to Pendle.

There are also a number of personal circumstances detailed in relation to disability and other factors, however, those personal circumstances and the best interest of the children do not justify this residential use in this unsustainable location. It is not made clear how accommodation on this site would provide any benefit in relation to those personal circumstances and the best interest of children, in fact the unsustainable nature of the location, limiting access to essential services and facilities, and potential unsuitable living conditions together with the scrap yard use are likely to be detrimental.

d) locally specific policy criteria

The locally specific policy criteria are set out in Policy LIV3 states that Gypsy, Traveller and Travelling Showpeople sites should be located in places which have access to employment, facilities and services including shops, schools and health care provision. As detailed above this site is an unsustainable location that would conflict with this criterion of the locally specific policy.

e) that they should determine applications for sites from any Travellers and not just those with local connections

This merely makes it clear that lack of local connection should not be used as reason to refuse an application that is otherwise acceptable. For the reasons detailed in this section this proposal is not acceptable irrespective of local connections. The applicant was previously based in Hyndburn and the local connections and other personal circumstances detailed do not confer a duty on the Council that would outweigh the impacts of the unsustainable location of the site.

Policy D of the Planning and Travellers Policy states that rural exception sites should be considered in rural areas to provide affordable Traveller sites, however, Policy F states that mixed use sites, such as that proposed, should not be permitted on rural exception sites. Furthermore, Policy LIV4 of the LPP1 requires that rural exception sites, where justified, be located directly adjacent to a settlement boundary.

Therefore, the proposed Travelling Showpeople's site is not justified in terms of housing need in this unsustainable location.

Other Justification

The applicants have provided an additional statement relating to an Appeal Court judgement regarding a 2015 amendment to the definition of Travellers in the national Planning and Travellers Policy which was found to be discriminatory in relation to Travellers who has ceased travelling. However, that is not relevant to this application as that part of the definition is not being applied to the applicants and there is no dispute that they meet the definition of Travelling Showpeople.

Whilst a single dwelling has recently been approved at the adjacent plant nursery, that dwelling was approved on the basis that it allowed the operators of the existing nursery business to live at their place of work. It was determined that the provision of a single live-work unit, with a condition limiting its occupation to that, would reduce journeys to and from the site and therefore would offset the substandard access to public transport and essential services and facilities.

The proposed development differs from that in that it would be introducing a new use as a Travelling Showpeople's yard in addition to the existing use. That would result in an additional sustainability impact and therefore the proposal would not offset the potential impact of the existing lawful use of the site.

Furthermore, notwithstanding the previous temporary permission, approved in the 1980s under different national and local planning policy to that in place today, it has not been demonstrated that the operation of the lawful use of the site for vehicle dismantling and storage would viably justify the provision of even a single dwelling in this unsustainable location.

There is an extant permission for holiday accommodation in the former quarry to the south across Moor Lane, however, holiday accommodation is often acceptable in locations where other new dwellings would not be. Furthermore, there have been more recent appeal decisions at Whitemoor Pumping Station and Dales View Caravan Park that support the position this is an unsustainable location for new dwellings to be located.

The proposed residential accommodation is therefore contrary Policies SDP2, LIV1, LIV3 and ENV4 of the LPP1 and the guidance of the national Planning and Travellers Policy.

Design and Landscape Impact

The proposed use would not have significantly greater visual and landscape impacts than the existing lawful use, subject to similar conditions to the existing permission controlling the height of stored vehicles and parts on the land and area of that use.

Whilst it would be likely to intensify the overall use of the site and alterations to the access are proposed those impacts could be acceptably mitigated by a condition for additional landscaping. The development is therefore acceptable in terms of its impact on the visual amenity of the area in accordance with amenity of the area accordance with policies ENV1 and ENV2.

Amenity

The proposed uses would not result in additional impacts over that of the lawful use resulting in unacceptable residential amenity impacts on nearby residential properties.

The existing use would however have the potential to adversely impact on the residents of the proposed residential plots. That the residents would be away from the site for nine months of the year does not in itself address this. The local and national policies are clear that site for travellers should provide an acceptable living environment, the proposed retention of the existing use as a vehicle dismantlers would potentially be incompatible with residential accommodation on the site.

An acoustic fence separating the residential use has been proposed, however, no noise assessment has been submitted. Environmental Health have responded that they require a noise assessment to establish whether the impact can be acceptably mitigated by such an acoustic fence and/or other mitigation measures. Without a noise assessment it is not possible to determine whether an acceptable living environment for residents could be ensured by conditions.

The proposed development is therefore contrary to policies ENV5, LIV3 and the guidance of the national Planning and Travellers Policy.

Trees and Ecology

There have been some trees removed around the entrance to the site, however, these were not protected and no permission would have been required from the Council. The proposed siting of caravans would not require the removal of trees. Landscaping can be controlled by condition to ensure adequate replacement and additional planting to offset the visual impacts of the development. Taking into account the lawful use the proposed development would not result in unacceptable ecology impacts.

Highways

The applicant has provided acceptable details in relation to the diversion of the public right of way which can be acceptably diverted.

Whilst this site would potentially already be accessed by large vehicles, such as car transporters, in connection with its lawful use the proposed use for storage of fairground equipment would be in addition to the lawful use and would result in additional potentially unacceptable highway safety impacts with conflict of the large vehicles with pedestrians and cyclists on and adjacent to Salterforth Canal Bridge.

LCC Highways revised comments confirm that acceptable visibility and manoeuvring at the site access can be ensured by condition, however, the potential highway safety impact resulting from conflict of the large vehicles with pedestrians and cyclists on and adjacent to Salterforth Canal Bridge remains.

As detailed above this is not a sustainable location for the proposed residential element and the proposed use would be likely to result in unacceptable highway safety impacts contrary to policy ENV4.

Drainage and Flood Risk

A Flood Risk Assessment (FRA) has been submitted and this acceptably demonstrated that the identified surface water flow through the site would not result in an unacceptable flood risk impact. The development is therefore acceptable in terms of flood risk in accordance with policy ENV7.

RECOMMENDATION: Refuse

For the following reasons:

1. The site is located in an unsustainable location which would result in an unacceptable reliance on private motor vehicles to access essential services and facilities contrary to Policies SDP2, LIV1, LIV3 and ENV4 of the Local Plan Part 1: Core Strategy and the guidance of the national Planning and Travellers Policy.
2. The proposed mixed use would result in an unacceptable living environment for its residents contrary to Policies LIV3 and ENV5 of the Local Plan Part 1: Core Strategy and the guidance of the national Planning and Travellers Policy.
3. The Applicant has failed to demonstrate that safe and suitable access to and from the site could be achieved for the proposed use, from the details provided the development would result in unacceptable highway safety impacts contrary to Policy ENV4 of the Local Plan Part 1: Core Strategy and the guidance of Section 9 of the National Planning Policy Framework.

Application Ref: 22/0551/FUL

Proposal: Full (Major): Change of use of land from storage and dismantling of vehicles to a mixed use of storage and dismantling of vehicles and a 5 plot Travelling Showpeople's Site comprising the siting of 5 static residential caravans, 5 touring residential caravans, equipment and associated vehicle storage, vehicle and equipment maintenance and gated access alterations on Moor Lane.

At: Salterforth Quarry, Moor Lane, Salterforth

REPORT TO WEST CRAVEN AREA COMMITTEE ON 31 JANUARY 2023

Application Ref: 22/0633/FUL

Proposal: Full: Major: Erection of 10 Dwellings with associated landscaping and infrastructure works.

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

On behalf of: YLBD Ltd

Date Registered: 22/09/2022

Expiry Date: 13/02/2023

Case Officer: Alex Cameron

This application has been brought before Committee as it is a major application.

Site Description and Proposal

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

An outline planning permission (access only) was allowed on appeal in 2018 however the reserved matters was subsequently refused.

The proposal is for 8 four bedroom detached houses and 2 three bedroom semi-detached houses. The houses would be two storeys and finished in natural stone with concrete tile roofing and uPVC fenestration.

Relevant Planning History

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

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

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

21/0399/PIP - Permission in Principle: Erection of up to 9 No. Dwellings – Undetermined.

21/0571/REM - Reserved Matters: Major: Erection of 10 dwellings (Appearance, Landscaping, Layout and Scale) of Outline Planning Permission 17/0691/OUT. Refused

Consultee Response

PBC Environment Officer - a well thought out and designed landscaping scheme with a mix of native and typical garden species of vegetation. All the relevant maintenance and management details are also there that make it suitable for approval.

PBC Environmental Health – Please attach construction management condition and contaminated land note.

LCC Highways – No objection subject to the following conditions: construction method statement, off-site highway works, visibility splays, estate road management and maintenance, estate road construction details, parking, cycle storage and electric vehicle charging.

LCC Schools Planning – Initial response that a contribution for one secondary school place was required, however, a revised response was received on 14th December stating that an education contribution is not required.

Lead Local Flood Authority – No objection subject to conditions.

Yorkshire Water – No objection subject to a condition for compliance with the drainage strategy.

Ease Lancashire NHS Trust – Request a contribution to accommodate the impact of the development on its services.

Kelbrook and Sough Parish Council – objects to the above application for the following reasons:

1. Much is made in this application of previous approvals which were granted for development on this land. The recently approved 21/0399/PIP states, as its final comment, "The circumstances of the application site have not changed since the approval on appeal of outline planning permission in 2018". However, it is alarming to see that in this application, unlike all others which have provided detail, the buffer zone around the water course has been reduced from 5 metres to 2 metres. We do not believe that a decrease of 3 metres in the water course corridor buffer zone, stretching the entire length of the development, can be mitigated by hedgehog friendly features and bat boxes. The 5 metre buffer zone has been a constant in all previous detailed applications and pertinent to the appeals which have been adjudicated. It is fundamental to the well being of the wildlife which use the water course corridor. The objection is, therefore, that the wildlife corridor buffer zone has been reduced from 5 metres to 2 metres.

2. As this is a FULL planning application, it was expected that details of the proposed maintenance arrangements for the private road, landscaped areas, SuDS, and buffer zone would be available for consideration, as was the case in previous applications. The objection is, therefore, that maintenance arrangements for the above have not been included in the application.

The parish council makes comment on possible conditions, should the application be approved:

3. Changes to the position of the entrance should not be allowed as this application has based its 85th centile speeds of 18 mph on the discredited report from 2016 (taken over a bank holiday period with the speed measuring device not close to the planned entrance).

4. For reasons of well being for wildlife using the corridor, we would prefer a solid board fence or full stock fencing, rather than any open type which would permit dogs and other pets to disturb and discourage wildlife and its movement.

5. For reasons of well being for wildlife we would request there is no gated access to the buffer zone from gardens.

6. We would encourage both the solid fence and gate prohibition to be covenanted within the deeds to the dwellings, as well as the "garden creep", etc., as stated in the Design & Access, Planning, Heritage & Affordable Housing Statement.

7. We have not seen any details of the proposed maintenance plans for the private road, landscaped areas, SuDS, or buffer zone and how this maintenance will be applied, to whom and at what cost. Our concern is that the eventual maintainer of last resort will be the owners of the dwellings, who at the time of purchase will not understand the ever increasing costs associated with such tasks. We would welcome a scheme whereby the developer and or owners of dwellings were required to annually lodge funds in escrow to facilitate this large maintenance burden and additionally insure with a major insurer against the failure of maintenance arrangements. We are looking for a high degree of certainty in the maintenance provision, as the failure of SuDS will have major impact on all of the dwellings from the development site to Kelbrook Beck; the lack of maintenance of the buffer zone could have a major impact on the well being of wildlife; and the lack of maintenance of the road and public areas will adversely impact any visual benefits derived from a well designed and well constructed development.

8. Specifically for SuDS, we are aware that the longevity of the tank is around 60 years. This is less than the expected life of the dwellings. We would ask that the replacement of the tank and associated components is conditioned separately to the maintenance requirements, and this replacement burden is identified and catered for by way of insurance for (say) 100 years.

9. We believe that there would be many challenges associated with access to the development site. As you are undoubtedly aware delivery via Old Stone Trough

Lane and delivery via Cob Lane from Foulridge is probably impossible.

Although it may prove difficult to enforce conditions regarding deliveries to site, we believe that these should nevertheless be applied. This would a) condition the developer should he decide to take on a delivery role and b) allow the developer, in the spirit of community engagement, to inform his suppliers of the conditions which exist.

These conditions should limit deliveries to periods when the school is in session,

i.e. after school has begun and before lunch, and after school has restarted following lunch up to 18:00 when the after school activities end. In addition we ask that the route of large vehicles attending and leaving the site be stipulated (incoming) A56 – Church Lane – Main Street – Waterloo Road. For outgoing vehicles, the reverse would be appropriate. Our reasons for requesting a route for large vehicles is the experience we have witnessed and suffered with vehicles attempting to turn up Waterloo Road having arrived A56 to Main Street.

Public Response

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

- Impact on Listed Buildings
- Increase traffic congestion
- Highway safety risk, including risk to school children
- Impact of construction traffic
- Increase in on-street parking
- Poor access visibility

- Loss of agricultural land
- Brownfield land should be developed first
- Unacceptable visual impact and impact of the character of the village
- Lack of public benefits
- Privacy impacts
- Increase risk of flooding
- Impact on local infrastructure and infrastructure provision
- A 5m buffer zone should be maintained to the stream and access to it restricted
- Permitted development rights should be removed
- Insufficient information about management and maintenance of drainage and SUDS. Would the local authority take over responsibility or would the residents have to pay very high fees?

Officer Comments

Policy

Local Plan Part 1: Core Strategy

The following Local Plan policies are relevant to this application:

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

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

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

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

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

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

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

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

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

Kelbrook and Sough Neighbourhood Plan

Policy KS DEV 1 states that all development should, by virtue of its design, siting, access, use, visual impact, layout, materials, height, scale and location, protect and respond positively to the character and heritage of the natural and built environment. To this end, all proposals will be considered against the Kelbrook and Sough Character Assessment.

Policy KS HER 1 states that proposals affecting any part of the historic environment should respond positively to the site's context and heritage significance.

Policy KS HOU 2 allocates this site for development of 9-10 houses. It states that The development of this site should incorporate the following requirements:

- a) The delivery of a high-quality design which incorporates urban design principles as set out in the National Design Guide and as outlined in the Kelbrook and Sough Character Assessment and responds positively to the character of the adjacent built environment and landscape, including views into and from the site. The design, siting and layout of housing should relate positively to nearby housing in the area particularly along Cob Lane and Waterloo Road and to the listed Yellow Hall to the west
- b) A sensitive external lighting scheme designed to minimise light pollution.
- c) Use of a high quality palette of external materials which have regard to the sensitive rural location.
- d) A single point of vehicular access off Cob Lane appropriately positioned so as to ensure safe access and egress from the local highway network.
- e) Alternatives to car-based travel are designed into the scheme and in particular green links to public transport and active travel (walking and cycling).
- f) A sensitive approach towards the integrity of the nearby watercourses.
- g) The design and layout of the proposal enhances or creates linkages to the wider green infrastructure network where practicable and creates greenspace for both amenity purposes and for biodiversity value.

KS HOU 3 states that proposals for new housing should be designed and arranged in a way such that they are tenure-blind.

Principle of the Development

Policy LIV1 states that until the Council adopts the Pendle Local Plan Part 2: Site Allocations and Development policies then sustainable sites outside but close to a Settlement Boundary, which make a positive contribution to the five year supply of housing land, will encourage significant and early delivery of the housing requirement.

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

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

Design and Heritage Impact

In allowing the outline permission the Inspector stated that:

“There are clear views of the rear elevation of Yellow Hall from Cob Lane, indeed for some distance along Cob Lane. These views would be significantly affected by the proposal although this impact could be reduced by setting the houses towards the back of the site, maintaining an open buffer area immediately to the rear of the boundary with Yellow Hall and retaining low boundary features along Cob Lane.”

Although the Inspector concluded that there would be less than substantial harm to the significance of Yellow Hall that would be outweighed by the public benefits of the development including contribution towards the provision of the Council’s five year housing supply and off-site affordable housing contribution.

To ensure that an open area is retained behind Yellow Hall, the Inspector imposed an additional condition such that the reserved matters have to be prepared to accord with the indicative layout shown on the plans submitted with the outline.

The proposed layout would maintain the same / greater distance back from yellow Hall and Cob Lane with a buffer of public open space to the frontage and area adjacent of Yellow Hall.

The design, scale and layout of the proposed dwellings is of high quality and would be in keeping with the character of the area and the recommendations of the Kelbrook and Sough Character Assessment. The walls would be natural stone and the proposed dwellings would be physically separated enough from Yellow Hall that the proposed use of upvc windows would not have a harmful impact, however, the proposed concrete roof tiles would result in some additional harm to the setting of Yellow Hall. With a condition to ensure that natural slate is used the less than substantial harm from the development would be outweighed by the public benefits of the development resulting from the social and economic benefits of the provision of housing, contributing to the delivering of the Council five year housing supply and the contribution towards affordable housing.

The proposed layout of the development provides adequate amenity space and space for bin storage for every plot. The previous need for a 5m buffer to the stream has been addressed by the ecology report and, which now recommends a 2m buffer which allows for additional amenity space for the proposed dwellings addressing the reason for refusal of the previous reserved matters application.

Residential Amenity

The proposed development would provide an acceptable level of privacy both the neighbouring properties and the residents of the proposed dwellings and would not result in any overbearing impacts or unacceptable loss of light. The proposed development is therefore acceptable in terms of residential amenity.

Landscaping

A proposed landscaping scheme has been submitted with the application and is acceptable.

Ecology

The ecology survey submitted with the previous outline permission recommended that a buffer of 5m be maintained to the stream running to the rear of the site and that vegetation is maintained in that area unless a bat survey assessing the impact on bat foraging of the loss of that vegetation was undertaken. That buffer was only required because the potential impact on bats in that area had not been fully assessed.

The proposed layout of the reserved matters application allowed for 5m buffer but it was determined that the resulting gardens of the properties were too small to allow for adequate amenity space and the application was refused for that reason.

An updated ecology report has been submitted with this application which includes a bat survey assesses the potential impacts on bats around the stream. Following this assessment the ecology survey recommends a reduced a buffer of 2m to the stream and the following ecological enhancement measures:

- The incorporation of opportunities for roosting bats at the new properties as, although the habitats are suitable for use by foraging bat species such as Pipistrellus species, there are no significant opportunities for roosting bats (particularly maternity roosts) at the site currently;
- The incorporation of opportunities for use by nesting birds at the developed site including in both the public open space by landscape planting and at the new properties; and
- Preparation and implementation of a Landscape and Ecological Management Plan (or similar) to secure long-term management of the retained and created habitats in accordance with conservation targets and objectives.

Since this application was discussed at Committee in December the landscaping scheme has been amended to include 28 additional trees, with the majority positioned along the brook and a revised biodiversity net gain (BNG) report has been submitted taking into account this additional planting and concludes that the proposals would now achieve a net gain of 0.01 units on site.

There is no statutory requirement at present for biodiversity net gain to be achieved, current policy requires that biodiversity is enhanced or preserved. It has been acceptably demonstrated that the development would preserve the biodiversity on the site and lead to a marginal net gain.

Subject to conditions to ensure that the recommendations of the ecology and BNG reports the proposed development is acceptable in terms of its ecological impacts.

Open Space

The development proposes a buffer of public open space to the front and side adjacent to Yellow Hall, this together with the green infrastructure of the tree lined stream to the rear of the site would meet the requirements of policy LIV5 for the provision of public open space and/or green infrastructure.

Highways

The principle of the acceptability of the development in terms of highway impacts has been established by the previous outline approval on the site. The proposed development remains acceptable in terms of highway safety.

The proposed layout would provide adequate parking and internal road layout. LCC Highways have requested a condition for off-site highway works for a footway to the front of the site, this was not required of the previous approved development, however, it would meet the requirement of the Neighbourhood Plan to enhance pedestrian links to the site.

Concerns have been raised regarding construction traffic and timing of deliveries to the site, this can be acceptably controlled by a construction management condition.

The development is acceptable in highway terms.

Drainage

A Flood Risk Assessment and drainage strategy have been submitted with the application and acceptably demonstrate that the development would not be at unacceptable risk of flooding and would not result in an increase in the risk of off-site flooding. The proposed development is therefore acceptable in terms of drainage and flood risk.

Contributions

Affordable Housing

Policy LIV4 requires an affordable housing contribution of 20% in Rural Pendle, this can be met by a contribution for off-site provision. This meets the CIL Regulations tests and can be ensured by a condition requiring a s106 agreement.

Education

A contribution towards one secondary school place was initially required by LCC Schools Planning, however, a revised response has been received that this is no longer required.

Health

Section 106 contributions were set by the outline permission and a unilateral undertaking was entered into for a contribution for the provision two off-site affordable housing units and an education contribution for one secondary school place.

A request has been made from East Lancashire Hospitals NHS Trust for a contribution towards the cost of healthcare interventions it calculates will be generated by the residents of the 10 dwellings in the first three years of their occupation, for which there is a funding gap.

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

Section 106 of the 1990 Act provides as follows:

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

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

(2) A planning obligation may—

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

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

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

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

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

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

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

“infrastructure” includes—

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

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

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

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

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

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

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

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

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

Committee are therefore recommended not to require a contribution to the NHS as the evidence is not robust enough to confirm that the funding is directly enough related to the development and is fairly and reasonably related in scale and kind to the development.

Other Matters

Numerous comments have been received regarding traffic and highway safety impacts, impacts on ecology and protected species, flooding and drainage issues. These are matters that were considered in the outline application and the principle of the development and access was found to be acceptable by the Planning Inspectorate.

Conclusion

The proposed development fully resolves the reason for refusal of the previous reserved matters application and meets the requirements of Policy KS HOU 2 of the Neighbourhood Plan and the Development Plan as a whole, it is therefore acceptable.

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 all relevant regards. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: 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: Site Location Plan, SL 1.0, HTA 1.0, HTB 1.0, HTC 1.0, HTD 1.0, SD-F1, SD K1, BT 1.0, 6982.01 Rev E

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

3. Prior to the commencement of above ground works involved in the erection of the external walls of the development samples of external materials / finishes of the walls and roofs shall be submitted to and approved in writing by the Local Planning Authority, notwithstanding any induction on the approved plans, forms and documentation the materials of the roof shall be natural slate. The development shall thereafter be carried out in strict accordance with the approved materials.

Reason: To allow the Local Planning Authority to control the external appearance of the development to protect the significance of the adjacent Listed Building.

4. The window openings shall be set back from the external face of the wall. Unless otherwise agreed in writing by the Local Planning Authority the depth of reveal shall be at least 70mm.

Reason: To ensure the continuation of a satisfactory appearance to the development.

5. Prior to the commencement of the development plans of existing and proposed levels and/or sections of the site and immediately adjoining land shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: To ensure the continuation of a satisfactory appearance to the development.

6. Prior to the occupation of the first dwelling details of the long term management and maintenance of the areas of public open space shall have been submitted to and approved in writing by the Local Planning Authority. The open space shall thereafter at all times be managed and maintained as such in accordance with the approved details.

Reason: To ensure the open space is adequately managed and maintained in the interest of the visual amenity of the area and to protect the significance of the adjacent Listed Building.

7. The development shall be carried out in and thereafter maintained in strict accordance with the recommendations of the submitted Ecology Survey and Assessment and Assessment of Biodiversity Net Gain received 11/01/2023. A Habitat Management Plan and ecological enhancement scheme, including details of timing of implementation, shall be submitted to the Local Planning Authority prior to the occupation of the first dwelling and shall thereafter be implemented and maintained in strict accordance with the approved details.

Reason: to ensure that the biodiversity of the site is preserved and protected species are not harmed by the development.

8. The landscaping scheme hereby approved (Drawing No. 6982.01 Rev E) shall be implemented in its entirety within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

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

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

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

Reason: To ensure that trees to be preserved are not damaged during construction.

10. Prior to the occupation of each dwelling the car parking area for that dwelling shall be laid out and surfaced in accordance with the approved plans, the car parking area shall at all times thereafter remain free from obstruction and available for car parking purposes.

Reason: to ensure adequate off-street car parking provision is provided and maintained in the interest of highway safety.

11. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the site-specific flood risk assessment (5th August 2022 / Flood Risk Assessment for development at Cob Lane, Kelbrook Rev.2 (FD0040) / YLBD Limited).

The measures shall be fully implemented prior to occupation of the development and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority in consultation with the Lead Local Flood Authority.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site.

12. No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the Local Planning Authority.

The detailed surface water sustainable drainage strategy shall be based upon the site-specific flood risk assessment and indicative surface water sustainable drainage strategy submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

The details of the drainage strategy to be submitted for approval shall include, as a minimum;

a) Sustainable drainage calculations for peak flow control and volume control for the:

- i. 100% (1 in 1-year) annual exceedance probability event;
 - ii. 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep;
 - iii. 1% (1 in 100-year) annual exceedance probability event + 45% climate change allowance, with an allowance for urban creep
- Calculations must be provided for the whole site, including all proposed surface water drainage systems.
- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:

- i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
 - ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels; to include proposed surface water drainage systems up to and including the final outfall;
 - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
 - iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
 - v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;
 - vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
 - vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;
- c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with BRE 365.

- d) Evidence of an assessment of the existing on-site watercourse to be used, to confirm that these systems are in sufficient condition and have sufficient capacity to accept surface water runoff generated from the development.
- e) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site.

13. No development shall commence until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority.
The details of the plan to be submitted for approval shall include for each phase, as a minimum:

a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.

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

The plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue surface water flood risk on-site or elsewhere during any construction phase.

The occupation of the development shall not be permitted until a site-specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The details of the manual to be submitted for approval shall include, as a minimum:

- a) A timetable for its implementation;
 - b) Details of SuDS components and connecting drainage structures, including watercourses and their ownership, and maintenance, operational and access requirement for each component;
 - c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
 - d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
 - e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
 - f) Details of whom to contact if pollution is seen in the system or if it is not working correctly;
- and

g) Means of access for maintenance and easements.

Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

Reason: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the sustainable drainage system is subsequently maintained.

14. The occupation of the development shall not be permitted until a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems.

15. No development shall commence unless and until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:
- i) The parking of vehicles of site operatives and visitors
 - ii) The loading and unloading of plant and materials
 - iii) The storage of plant and materials used in constructing the development
 - iv) The erection and maintenance of security hoarding
 - v) Wheel washing facilities
 - vi) Measures to control the emission of dust and dirt during construction
 - vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
 - viii) Details of working hours
 - ix) Routing of delivery vehicles to/from site

Reason: In the interest of highway safety and residential amenity.

16. No development shall commence unless and until a scheme for the site access and off-site highway works has been submitted to and approved in writing by the Local Planning Authority. The works shall include the following and be implemented prior to the first occupation of any dwelling.
- a) New site access on Cob Lane
 - b) New footway at the site access on Cob Lane with dropped kerb crossing points on the south and north side of Cob Lane to tie the new footway into the existing footway network.

Reason: In the interest of highway safety.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 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 2.4 m measured along the centre line of the site access from the continuation of the nearer edge of the carriageway of Cob Lane to points measured 23m in both directions along the carriageway of Cob Lane, from the centre line of the access, in accordance with a scheme to be agreed by the Local Planning Authority in conjunction with the Highway Authority.

Reason: To ensure adequate visibility at the street junction or site access.

18. Within 3 months of commencement details of the proposed arrangements for future management and maintenance of the estate road within the development shall be submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and maintenance company has been established.

Reason: To ensure that the estate road is adequately maintained in the interest of highway safety.

19. Within 3 months of commencement full engineering, drainage, street lighting and constructional details of the internal estate roads have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

The internal estate roads shall be constructed in accordance with the approved engineering details and to at least base course level prior to first occupation of any dwelling, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the estate road is adequately constructed in the interest of highway safety.

20. Prior to first occupation each dwelling without a garage shall be provided with a secure cycle store for at a ratio of 2 cycle spaces per dwelling in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate provision for sustainable transport.

21. Prior to the first occupation each dwelling shall have an electric vehicle charging. Charge points must have a minimum power rating output of 7kW, be fitted with a universal socket that can charge all types of electric vehicle currently.

Reason: To ensure adequate provision for sustainable transport.

22. No part of the development commence unless and until a Planning Obligation pursuant to section 106 of the Town & Country Planning Act, 1990 (or any subsequent provision equivalent to that section) has been made with the Local Planning Authority. The said obligation shall provide for two affordable houses.

Reason: To contribute towards the identified need for affordable housing provision in the area.

Notes:

Under the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010), you need consent from the Lead Local Flood Authority if you want to carry out works within the banks of any ordinary watercourse which may alter or impede the flow of water, regardless of whether the watercourse is culverted or not.

- Consent must be obtained before starting any works on site. It cannot be issued retrospectively.
- Sites may be inspected prior to the issuing of consent.
- Unconsented works within the Highway or Sustainable Drainage System may prevent adoption.
- Applications to culvert an existing open ordinary watercourse will generally be refused.
- Enforcement action may be taken against unconsented work.

For the avoidance of doubt, once planning permission has been obtained it does not mean that Ordinary Watercourse Consent will be given. It is strongly advised that you obtain any required consent before or concurrently as you apply for planning permission to avoid delays. You should contact the Flood Risk Management Team at Lancashire County Council to obtain Ordinary Watercourse Consent. Information on the application process and relevant forms can be found here:

<https://www.lancashire.gov.uk/flooding/drains-and-sewers/alterations-to-a-watercourse/>

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: 22/0633/FUL

Proposal: Full: Major: Erection of 10 Dwellings with associated landscaping and infrastructure works.

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

On behalf of: YLBD Ltd

REPORT TO WEST CRAVEN COMMITTEE 31ST JANUARY 2023

Application Ref: 22/0652/FUL

Proposal: Full: Major: Erection of a vertical concrete panel circular slurry storage tower with a UPVC membrane conical cover.

At: New House Farm, Bracewell Lane, Bracewell

On behalf of: DW & BL Mattinson T/a T C Mattinson

Date Registered: 05/12/2022

Expiry Date: 06/03/2023

Case Officer: Laura Barnes

Site Description and Proposal

The application site relates to a piece of land which forms part of the land holding relating to New House Farm. New House Farmhouse itself is a Grade II Listed Building, this is over 450m from the proposed development site.

The application seeks planning permission for an agricultural slurry store which is to measure 38.3m in diameter, a wall height of 5m with a conical cover extending to a height of 10m. The store is to have a cubic capacity of 5,544 cubic metres. It is to be constructed of a pre-cast concrete panel wall structure with UPVC membrane cover stretched over a central pole. The proposed slurry store is located to the west of the existing farm complex and central to the land holding, to facilitate the umbilical spreading process. The store is to be dug into the ground by 0.5m and planted screening to be erected around it.

Relevant Planning History

18/0078/FUL: Full: Erection of agricultural building for housing of dairy cattle (54.86m x 15.85m x 6.77m high to ridge).

Approved with conditions

18/0079/FUL: Full: Erection of agricultural building for housing dairy cattle (54.86m x 15.85m x 6.77m high to ridge).

Approved with conditions

19/0466/FUL: Full: Erection of steel portal frame agricultural building to house a collecting yard, milking parlour, dairy and plant rooms (Floor Space 869.5 SQMs).

Approved with conditions

Consultee Response

LCC Highways

No objection

Environment Agency

We have no objection to the development as proposed but we wish to make the following comments on pollution prevention.

The proposed development must fully comply with the terms of The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSAFO) Regulations 2010 and as amended 2013. Environmental good practice advice is available in The Code of Good Agricultural Practice (COGAP) for the protection of water, soil and air (produced by DEFRA). The applicant is advised to review the existing on-farm slurry and manure storage and ensure compliance with the SSAFO Regulations.

Any agricultural development that will result in an increase in cattle numbers or water usage may adversely impact the storage of waste waters, slurry and other polluting matter.

The applicant is advised to review the existing on-farm slurry and manure storage and ensure compliance with the SSAFO Regulations. You must inform the Environment Agency of a new, reconstructed or enlarged slurry store, silage clamp or fuel store at least 14 days before starting any construction work. The notification must include the type of structure, the proposed design and construction. Please note the Environment Agency must be informed of your proposals in addition to any application for planning permission.

Any proposals for earth-banked slurry lagoons will require an impermeable clay base to a minimum depth of one metre. To ensure compliance with SSAFO, applicants will need to provide us with details of permeability tests to demonstrate that the ground conditions at the base of the lagoon are appropriate. Where permeability tests show that the soil or underlying ground is not suitable, it will be necessary to use a synthetic material or import impermeable soils to act as a liner for the lagoon. The earth banked walls will also need sampling as sufficient clay soils (not less than 20% and no more than 30% clay content) are required to make the banks stable. The lagoon should be sited sufficiently far away from any watercourses and land drains.

Further guidance is available:

- Storing silage, slurry and agricultural fuel oil

<https://www.gov.uk/guidance/storing-silage-slurry-and-agricultural-fuel-oil>

- Protecting our Water, Soil and Air: A Code of Good Agricultural Practice for farmers, growers and land managers

<https://www.gov.uk/government/publications/protecting-our-water-soil-and-air>

Lead Local Flood Authority

No objection

Public Response

Nearest neighbours have been notified, a site and press notice have been displayed, without response.

Officer Comments

Policy

Policy ENV1 (Protecting and enhancing Our Natural & Historic Environments) seeks to ensure that development makes a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environment.

Policy ENV2 (Achieving Quality in Design and Conservation) identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Policy SDP1 (Presumption in Favour of sustainable Development) echoes the approach in National Policy which seeks to use a positive approach and find solutions towards achieving sustainable 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. Part 6 of the Framework concerns supporting a prosperous rural economy. It supports sustainable growth and expansion of all types of businesses. The encouragement of growth is predicated on the conversion of existing buildings and well-designed new buildings.

Development in the Open Countryside Supplementary Planning Guidance (SPG)

Principle of Development

The land is already within agricultural use and the proposed development would assist in meeting some of the objectives set out in The Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018, by providing 6 months of slurry storage. The farm business itself is a long established, which currently has 300 high yielding milk cows plus an additional 150 head of young stock being reared as replacements to the dairy herd. The land holding involved in this operation exceeds 286 acres.

The proposal is for an agricultural building, upon agricultural land. The principle of this is acceptable subject to design, heritage, amenity and landscape / visual impact.

Landscape Impact and Visual Amenity

The site is located on a currently open area of land to the west of the existing cluster of buildings. Immediately to the north is Public Footpath 13-10-FP8 which runs part way along the driveway which provides access directly off Bracewell Road to the agricultural buildings. To the north of the Public Footpath is the Grade II Listed Farmhouse, New House Farmhouse. Existing screening from the plantations which already screen the farm are noted here. Crookber Plantation is to the east, Audsber Hill Plantation is to the North and Bawden Plantation to the South, each of these plantations provides dense, mature tree cover.

The proposed store would be viewed in the context of the existing cluster of buildings when viewed from public rights of way from the west, although these are a significant distance away. The character of the land in this area is a drumlin field, which naturally has hummocks and depressions creating natural screening in long range views. As such, the proposed development would be read in the context of the existing structures within the farm cluster. Although there are public rights of way to the north and south of the farm. 13-10-FP8 runs 120m north of the existing agricultural buildings whilst 13-10-FP5 runs 250m to the south of the proposed development site. There is a woodland in the form of Calf House Plantation, running along the Flush Beck immediately to the south of the proposed site, providing some screening to views from 13-10-FP5. Due to the particular set of circumstances specific to the location which has been chosen for the proposed

development and the amount of existing surrounding plantations, in this particular case there is no need for an additional landscaping screen.

The proposed use is acceptable in landscape and visual amenity terms in accordance with Policy ENV2 of the Local Plan: Part 1 Core Strategy.

Design & Heritage

Views of the proposed development from the Listed Farmhouse Building would be in the context of the existing agricultural buildings which are approximately 7m in height. Although the apex of the proposed store would be at 10m in height this is also in the context of another structure in this area of the farm which is significantly taller than the agricultural buildings, in the form of a feed store tower. The existing Collinson Steel Feed bin is 11m in height, the panicle of the proposed conical cover will therefore sit below this.

The proposed building is to be constructed of a concrete block base wall with a UPVC cover. The cover would serve to prevent rain water getting into the store and would also trap ammonia from getting into the atmosphere. The footprint of the store is circular, with a conical roof having its apex to the centre of the structure.

In terms of the impact upon the Listed Building, the proposed development would be read in the context of the existing agricultural structures. Therefore the impact upon the Listed Building would be neutral. As such, the proposed development accords with paragraph 202 of the Framework and Section 66 of the Planning (Listed Building & Conservation Areas) Act 1990.

Residential Amenity

The proposed development is to be sited to the south west of the farmhouse by circa 450m and further from the dwelling than the existing agricultural buildings. This is due to the nature of the store and the material it is to contain. The proposed development would not come within an unacceptable distance of any other residential properties which are not associated with the farming operation at Greenberfield Farm. It is noted that there is another residential dwelling circa 420m to the North East of the application site, again the proposed slurry store is no closer to the residential dwelling than the existing agricultural buildings.

As such, the proposed building would not result in an unacceptable neighbouring amenity issue.

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 scale and visual amenity, thereby complying with Local Plan policies. 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: Location Plan: TS392-4, Proposed Site Plan: TS392-3, Proposed Elevation Plan, Roof Plan & Floor Plan: TS392-1

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: 22/0652/FUL

Proposal: Full: Major: Erection of a vertical concrete panel circular slurry storage tower with a UPVC membrane conical cover.

At: New House Farm, Bracewell Lane, Bracewell

On behalf of: DW & BL Mattinson T/a T C Mattinson

REPORT TO WEST CRAVEN COMMITTEE ON 31 JANUARY 2023

Application Ref: 22/0800/REM

Proposal: Reserved Matters: Appearance, landscaping and layout for the erection of 14 houses.

At: Land Opposite The Barn, Ben Lane, Barnoldswick

On behalf of: Simpson Homes Limited

Date Registered: 23/11/2022

Expiry Date: 23/02/2023

Case Officer: Alex Cameron

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

Site Description and Proposal

The application site is a 0.62ha area of agricultural land adjacent to the settlement of Barnoldswick. To the north are dwellings on Skipton Road, to the west is a recent residential development of four houses and the access to Ben Lane and there is open land to the south and east. The site contains mature trees some of which have Tree Preservation Orders.

This is a Reserved Matters application for appearance, landscaping and layout for the erection of fourteen dwellinghouses following the grant of outline Planning Permission for access and layout.

The application follows the refusal and dismissal at appeal of the previous Reserved Matters application. That appeal was dismissed due to the impact of plots 13 and 14 on the living conditions of 152 to 154 Skipton Road, specifically the distance of windows from the boundary of the rear gardens of those properties and resulting unacceptable overlooking of the rear gardens. The development was found to be acceptable in all other regards by the Inspector and full costs awarded against the Council.

Relevant Planning History

13/15/0546P – Outline: Erection of 4 dwellings with garages (Access, Layout and Scale) – Refused and Appeal Allowed

17/0244/REM – Reserved Matters: Erection of 4 dwellings with garages (Appearance and Landscaping) – Invalid. 17/0313/REM – Reserved Matters: Erection of 4 dwellings with garages (Appearance and Landscaping) – Approved

18/0821/RES: Outline: Erection of 14 dwellings with garages, (Access, Layout and Scale) – Refused and Appeal Allowed

21/0676/REM - Reserved Matters: Erection of 14 no. dwellinghouses (Appearance, Landscaping and Layout) for Outline Permission 18/0821/RES - Refused and Appeal Dismissed

Consultee Response

LCC Highways – No objection subject to the following comments:

The layout is to an adoptable standard. Construction specification, surface water drainage and street lighting details were conditioned on the appeal decision for application 18/0821/RES to be submitted at a later date.

Garage types A, C, D, and E are adequately sized internally to provide one parking spaces, with type B providing two spaces.

All the garages are adequately sized to provide secure storage for at least two cycles, in line with the borough council's Parking Standards.

There is also a condition on the appeal decision for all dwellings to have an electric vehicle charge point.

For Plots 6 and 12 roller shutter style garage doors, instead of up and over types, should be fitted due to the shorter drives. These will allow the doors to be opened and closed whilst a vehicle is parked in front and prevent it from projecting into the turning area or over the footway.

Separate pedestrian paths from the footway or shared private driveway should be provided for Plots 1 and 7-12 as the driveways shown are not the minimum 5.8m width to provide joint vehicular and pedestrian access whilst also provide two off-road parking spaces.

Lead Local Flood Authority – No objection subject to conditions for sustainable drainage system operation and maintenance and verification report.

United Utilities – No objection subject to a drainage condition.

Lancashire Fire and Rescue – Comments relating to Building Regulations.

PBC Environment Officer - Much improved landscaping scheme that is suitable for approval as well as the information relating to tree protection fencing. No further objections.

Barnoldswick Town Council -

Public Response

Press and site notices has been posted and nearest neighbours notified – Responses received objecting to the development on the following grounds:

- Loss of privacy to adjacent properties
- The proposed plans have a greater privacy impact than the previous application
- A site visit should be carried out
- Flood risk
- Highway safety impact of additional traffic using Ben Lane
- Lack of infrastructure including school and doctors places

Officer Comments

The principle of the development of this site for 14 dwellings, including its access, layout and scale has been set by the outline planning permission. The only matters for consideration in this application are the proposed layout, appearance and landscaping of the development.

Furthermore, the Inspector in dismissing the appeal of the previous reserved matters refusal determined that the development is acceptable in all other regards other than the impact of plots 13 and 14 on the living conditions of 152 to 154 Skipton Road in relation to overlooking of the rear gardens.

Policy

Pendle Local Plan Part 1: Core Strategy

Policy ENV1 of the Replacement Pendle Local Plan 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 of the Pendle Local Plan Part 1 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

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

Policy LIV5 states that layout and design should reflect the site surroundings, and provide a quality environment for its residents, whilst protecting the amenity of neighbouring properties.

Replacement Pendle Local Plan

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

Principle of Development

The site is located in a sustainable location outside of but adjacent to the settlement boundary of Barnoldswick. Outline planning permission was granted on appeal and therefore the principle of the development of the site for 14 houses has been established as acceptable.

Visual Amenity

The housing type would have a mix of dwelling types with three 5 bed and three 4 bed detached, four 4 bed semi-detached and four 3 bed semi-detached.

In terms of materials the dwellinghouses and garages would be finished in random reclaimed stone and grey artificial stone roofs, window and doors would be timber effect in a heritage colour and rainwater goods in black aluminium gutters and black upvc downpipes. Samples of materials can be controlled by an appropriate condition. Bin stores to accommodate 2 bins are also proposed to each plot.

The proposed development is acceptable in terms of design and would not result in an unacceptable impact upon the visual amenity of the area and is in accordance with policies ENV1, ENV2 and LIV5.

Residential Amenity

In terms of land levels the finished floor levels would be approximately 1m higher than the existing land levels at 156, 155 and 154 as the ground slopes from south west to

The proposed layout shows that the proposed dwellings can achieve distances of between 24 and 26m from the rear elevation to the rear of existing properties on Skipton Road. A distance of approximately 15.6m would be retained between Plot 1 and the approved dwellings units 2 and 3 on the recently approved adjacent site to the south west given that these properties would have rear habitable rooms and that Plot 1 would be a blank gable the distance between these properties is acceptable.

The rear elevations of the properties on Skipton Road numbers 1 and 2 'The Elms' would be at a distance of approximately 40m from the site at an oblique angle there is existing vegetation and 2m stone wall along the rear boundary. Therefore this development would not have any unacceptable impacts on these properties.

The Design Principles SPD advises that a minimum distance of 12m should be provided between principle windows and side elevations and 21m between habitable room windows which face each other.

There would be less than 21m between the rear elevations plots 10-12 of and the ground floor windows of single storey rear extensions at 156 and 158 Skipton Road. The angle of view from plot 10 would result in there being no unacceptable privacy impact, the ground floor impact of plots 11 and 12 can be mitigated by appropriate boundary fencing at a minimum of 1.8m high and the first floor layout proposes bathroom windows in the rear elevations, which can be obscure glazed. This relationship is identical to that of the previous application and was not identified as being unacceptable by the Inspector.

The previous appeal was dismissed due to the distance of first floor bedroom windows in the rear of plots 13 and 14 from the boundary of the gardens of 152 to 154 Skipton Road. The first floor rear windows of those plots were separated from the boundary by 6-6.5m.

The revised layout in this application alters the design and layout of plots 13 and 14 so that now the rear windows would be 8-10m from the rear boundary of 1 The Elms and 152 to 154 Skipton Road.

There is no specific local or national guidance on acceptable distance between a window and a garden boundary, however, similar relationships (circa 8m) are commonly approved. It is also of note that permitted development rights for dwellings can allow two storey extensions provided that they are not closer than 7m to a rear boundary. Taking these factors into account the distance from the rear boundary would provide an acceptable degree of privacy to the gardens of 1 The Elms and 152 to 154 Skipton Road.

Concerns have been raised regarding impacts on privacy of habitable rooms, however, the rear windows of plots 13 and 14 would be a minimum of 22m from ground floor windows and 25m from upper floor windows in the rear of 1 The Elms and 152 to 154 Skipton Road. This would ensure an acceptable level of privacy in accordance with the guidance of the Design Principles SPD.

The gardens of the proposed properties would provide an acceptable level of outdoor amenity space for the dwellings.

The proposed development is acceptable in terms of residential amenity in accordance with policies ENV2 and LiV5.

Trees and landscaping

A revised landscaping scheme has been submitted, which proposed a suitable mix of native landscaping and is acceptable.

There are mature trees adjacent and on the site, a revised tree protection plan, including for the areas affected by the drainage connection, has been submitted and is acceptable.

Drainage and Flooding

The submitted drainage details are acceptable. There are no objections from the Lead Local Flood Authority or United Utilities, subject to conditions, and the Inspector for the appeal of the previous reserved matters determined that the foul and surface water raised no unacceptable flooding or pollution issues.

The proposed development is therefore acceptable in terms of drainage and flood risk in accordance with policy ENV7.

Parking Provision

The proposed layout would provide an adequate number of parking spaces for each dwelling.

LCC Highways have requested that pedestrian entrance paths are provided for plots 1 and 7-12, the layout of those plots is identical to that assessed in the appeal. It has also been requested that plots 6 and 12 have roller shutter style garage doors. The driveways to the front of those properties are at least 5.5m long and this is sufficient to allow a car to pull clear of the highway to open and up and over garage door. Therefore the proposed parking layout is acceptable in accordance with policy 31.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The details submitted for reserved matters of appearance, scale and landscaping are acceptable in all relevant regards. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

1. This notice constitutes an approval of matters reserved under Condition 1 of Planning Permission 18/0821/RES and does not by itself constitute a planning permission.

Reason: The application relates to matters reserved by Planning Permission 18/0821/RES.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 01, 14 Rev C, 15, 16, 17, 18, 19 Rev A, 20, 24, 26, 27, 28, 29, 30, 31, 21107-PWA-00-XX-DR-C-2000 P02, 21107-PWA-02-XX-DR-C-1000 P02, 21107-PWA-02-XX-DR-C-1001 P03, 21107-PWA-02-XX-DR-C-1002 P02, 21107-PWA-02-XX-DR-C-1003 P02, 21107-PWA-

00-XX-DR-C-6100 P02, 21107-PWA-00-XX-DR-C-6101 P02, 21107-PWA-00-XX-DR-C-6102 P01, 21107-PWA-00-XX-DR-C-6103 P01, GL 1675 01B, Tree Protection Plan Rev A.

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

3. Prior to the commencement of above ground works involved in the erection of the external walls of the development samples of all the external materials to be used in the construction of the roofs, walls, boundary/retaining walls and paving together with samples of the colour and finish of windows and doors of the development hereby approved, together with details of proposals for the reuse of existing materials, shall have been submitted to and approved in writing by the Local Planning Authority. The development shall 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 window openings shall be set back from the external face of the wall. Unless otherwise agreed in writing by the Local Planning Authority, the depth of reveal shall be at least 75mm.

Reason: To ensure a satisfactory appearance to the development in the interest of visual amenity.

5. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A, B & C of Part 1 and Class A of Part 2 of Schedule 2 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

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

6. Plots 11 and 12 shall not be occupied unless and until the upper floor windows in the rear elevations have been obscure glazed to a minimum of Pilkington Level 4 (or equivalent) and shall at all times be hung in such a way that prevents the obscure glazing being negated by opening. Any replacement glazing shall be of Pilkington Level 4 (or equivalent).

Reason: To preserve the privacy of adjacent properties.

6. Plots 10 and 11 shall not be occupied unless and until a solid fence with a minimum height of 1.8m has been erected to their rear boundary and maintained at all times thereafter.

Reason: To preserve the privacy of adjacent properties.

7. The car parking areas shall be surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan, before the dwellinghouses are occupied.

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

8. Notwithstanding the provisions of the Town and Country Planning (General Development Procedure) Order 2015 and the Town or any subsequent Orders or statutory provision re-enacting the provisions of these Orders, all garages shown on the approved plan shall be retained as such and shall not be used for any other purpose other than for the storage of motor vehicles 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.

9. The occupation of the development shall not be permitted until a site-specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The details of the manual to be submitted for approval shall include, as a minimum

- a) A timetable for its implementation;
- b) Details of SuDS components and connecting drainage structures, including watercourses and their ownership, and maintenance, operational and access requirement for each component;
- c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
- d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
- e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
- f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- g) Means of access for maintenance and easements.

Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

Reason: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the sustainable drainage system is subsequently maintained.

10. The occupation of the development shall not be permitted until a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems.

11. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing 21107 PWA P02 XX DR C 1001, Rev P03 - Dated 22/11/2022 which was prepared by PWA. No surface water will be permitted to drain directly or indirectly into the public sewer. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

12. The approved landscaping scheme shall be implemented in its entirety within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

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

13. No ground clearance, demolition, changes of level or development or development-related work shall commence until protective fencing, in full accordance with BS 5837 : 2012 has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land, in accordance with Tree Protection Plan Rev A and no work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with the Tree Protection Plan. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction. All works involving excavation of soil, including foundations and the laying of services, within the recommended distance calculated under the BS 5837 (2012) of the trees to be retained on the site, shall be dug by hand and in accordance with a scheme of works which has been submitted to and approved by the Local Planning Authority, prior to the commencement of works.

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

Application Ref: 22/0800/REM

Proposal: Reserved Matters: Appearance, landscaping and layout for the erection of 14 houses.

At: Land Opposite The Barn, Ben Lane, Barnoldswick

On behalf of: Simpson Homes Limited

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 11th January 2023