



REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND REGULATORY SERVICES

TO: WEST CRAVEN COMMITTEE

DATE: 28th FEBRUARY 2023

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO WEST CRAVEN COMMITTEE 28TH FEBRUARY 2023

Application Ref: 22/0272/HHO

Proposal: Full: Erection of a two storey extension to the South East elevation.

At: 9 Earlesdon Avenue, Earby

On behalf of: Mr & Mrs John & Rachel McDermott

Date Registered: 15.11.2022

Expiry Date: 10.01.2023

Case Officer: Yvonne Smallwood

This report has been brought before Committee as it has been called in by a Councillor.

Site Description and Proposal

The application site is a two storey terraced dwelling, sited within the settlement boundary and amongst dwellings of similar scale and design.

The application seeks to erect a two storey rear extension, with a single storey element to the south west, which would be 4m in length and 3.56m in height with a flat roof. The two storey extension would project back 4m and would be circa 4.3m in width with a pitched roof and together they run the whole width of the rear elevation. The height of the two storey extension would be circa 4.8m to eaves and 6.5m to ridge height. There would be two additional windows to the north east elevation and a sun pipe would be inserted to the rear elevation.

Relevant Planning History

None relevant

Consultee Response

Highways LCC -

Having considered the information submitted, the Highway Development Control Section does not have any objections regarding the proposed development at the above location, subject to the following comments being noted, and condition being applied to any formal planning approval granted. The existing off-road parking at the rear of the property would not be affected by the proposed development. Although the existing bike storage may need to be re-located there is adequate space in the rear garden to accommodate it elsewhere. Additionally, due to the nature of the application, a charging point for electric vehicles should be included within the development to promote sustainable forms of transport. This shall be fitted in line with the Dept for Transport's guidance regarding Electric Vehicle Charging in Residential and Non-residential Buildings, which states that charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicles.

Condition

Prior to first use of the approved development an electric vehicle charging point shall be installed. Charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicle currently available.

Reason: To ensure that the development provides the infrastructure for sustainable forms of transport.

Earby Town Council

Public Response

Nearest neighbours notified by letter with a response from a neighbour objecting to the application and a reply from the applicant, summarised below:

- Right to light – loss of light to living room and bedroom
- Objection of the sedum roof garden would invade the neighbour's right to privacy.
- Neighbour relocated their extension window to preserve privacy
- Maintenance right of way granted that runs from the neighbour to under the applicant's window.
- A soil pipe that takes water from the roof and ground is where the foundations of the proposed extension would be and this needs to be taken into account.

Response from applicant

- The roof is natural, as it has been designed by an eco-company.
- The single storey at the adjoining side was to allow adequate light.
- Some comparisons were made with other extensions in the row and their effect on the light/shadows in relation to the trajectory of the sun.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 (Presumption in Favour of Sustainable Development) takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy 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. Replacement Pendle Local Plan

Saved Policy 31 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 of the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

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

Design and Materials

The Design Principles SPD states that two storey rear extensions will be acceptable only if they do not breach the 45 degree rule. In addition, where the properties are attached and the neighbouring property has no extension adjacent to the boundary, any first floor element of an extension should be set in from the party boundary by a minimum of 1m. Where the properties are attached (semi-detached and terraced) and there is already a single storey extension at the neighbouring property adjoining the boundary, a two storey extension may be allowed provided the 4m guide is respected for any first floor windows affected.

The proposed rear extension is subordinate to the main dwelling, the single storey element has a flat sedum covered roof, and the two storey extension has a pitched roof situated at circa 0.6m below the ridgeline of the dwelling.

There would be a sun pipe inserted to the roof of the rear elevation.

The materials would be brick and textured render with concrete tile roof and white UPVC fenestration. These materials would match existing. Additionally there would be a sedum covered flat roof with a dark grey rooflight. Whilst these materials would not match existing, they would not be out of keeping within the locality.

The proposed design and materials are acceptable and therefore accord with Policy ENV2 and the Design Principles SPD.

Residential Amenity

The Design Principles SPD advises single storey rear extensions located on, or immediately adjacent to, the party boundary with a neighbouring property will normally be acceptable if it does not project more than 4m from the rear elevation of the existing dwellinghouse. In this case the proposed single storey element of the rear extension is to project out by 4m from the existing rear wall of the dwelling. As such, it would not result in an unacceptable neighbouring amenity issue. Windows in extensions should not directly and inappropriately overlook adjacent property. In general windows in side elevations overlooking a neighbour's property (in close proximity) should be avoided.

The two storey extension would be set back to the north east, so that it would not break the 45 degree guidance for the adjoining neighbour at number 11. The single storey extension would be 4m in length and would therefore be acceptable in relation to the adjoining neighbour. There are no windows proposed to the side elevations of the extension, therefore the development would not result in any unacceptable adverse impacts for the adjoining neighbour.

The Design Principles SPD states that windows in extensions should not directly and inappropriately overlook adjacent property. In general windows in side elevations overlooking a neighbour's property (in close proximity) should be avoided. The neighbour adjacent to the application site to the north east of the site is number 7, which is circa 8m distance. There are two windows proposed to the existing side elevation, one to the first storey serving a bedroom and one to the ground floor serving a kitchen/sitting room. Whilst they are in close proximity to the neighbour at number 7, the proposed windows would be acceptable with obscure glazing.

To the rear of the site is a playground and a community centre, therefore there would be no impact to residential amenity to the rear of the site.

Therefore, the proposed development is acceptable in terms of residential amenity and accords with Policy ENV2 and the Design Principles SPD.

Highways

Highways LCC raised no objection to the proposed extension, as the existing off-road parking to the rear of the site is unaffected. The rear garden has adequate space for bicycle storage. The development would be acceptable and accords with Saved Policy 31 Parking Standards.

Other Matters

Objections have been raised by a neighbour relating to a potential loss of light. The proposal has a single storey element that is 4m in length where it adjoins the neighbour at number 7, which is an acceptable length at single storey height. The two storey element is to the north east and as such would not result in an unacceptable loss of light amenity for the adjoining neighbour. An objection was raised relating to the sedum roof possibly being used as a balcony/garden. This is not what is proposed, however this could be ensured by condition. A soil pipe located at the proposal site was requested to be taken into account during development phase. This would be overseen by Building Control. An access arrangement for maintenance was also mentioned: this is a civil matter between neighbours.

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 would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

1. 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: 1.2.100A, 1.2.201, 1.2.202, 1.2.301.

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

3. All the external materials to be used in the elevations and roof of the development hereby permitted shall be as stated on the application form and approved plans, there shall be no variation without the prior consent 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. The ground floor and first storey windows to the north east elevation shall at all times be fitted with obscure glazing to at least level 4 or above unless otherwise agreed in writing by the Local Planning Authority. Any replacement glazing shall be of an equal degree or above. The windows shall be hung in such a way as to prevent the effect of the obscure glazing being negated by way of opening.

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

5. The sedum covered flat roof hereby approved shall not be at any time be used as a balcony.

Reason: To protect the amenity of neighbours from overlooking.

Application Ref: 22/0272/HHO

Proposal: Full: Erection of a two storey extension to the South East elevation.

At: 9 Earlesdon Avenue, Earby

On behalf of: Mr & Mrs John & Rachel McDermott

REPORT TO WEST CRAVEN COMMITTEE ON 28 FEBRUARY 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 was deferred from the previous Committee meeting.

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 – Updated comments 10/02/2023: Further highway authority comments are made following the submission of additional information regarding traffic generation and highway impact regarding the above proposed development. These documents are:

- Additional Highway Comments from MAT Design Ltd dated 9/1/2023
- Proposed Site Plan – Drawing 3 Rev B
- Highways Operational Statement Rev A dated 5/1/23 (received 31 January 2023)

The above documents indicate that the area for commercial activities would be reduced by 0.25ha by the introduction of the proposed residential area. The highway authority acknowledges the previously authorised use of the site for storage and dismantling of vehicles and parts (planning permission ref 13/75/0365P).

Amended site access:

The construction of an amended site access would need to be carried out under a legal agreement (Section 278) with Lancashire County Council as the highway authority. Works should include, but not be exclusive to:

- Construction of access to an appropriate standard including radius kerbs
- Re-location of any highway gullies out of the amended access
- Tie-in details to the adopted highway network
- Measures to prevent surface water flowing from the adopted highway into the site or discharging from the site onto the adopted highway.
- Street lighting assessment

If planning approval is granted the developer is advised to contact Lancashire County Council as soon as possible to start the Section 278 process and should not wait until condition discharge stage. Due to the high volume of agreement submissions currently being received by the county council this process can take at least six months to complete. No works should be undertaken within, or which affects, the adopted highway network without the necessary agreement first being in place in order to prevent legal action from being taken against the developer.

Visibility splays:

As stated in the highway authority's response dated 16 December 2022 the rationale is acceptable for the provision of the visibility splays as outlined in Section 3 of the Access Assessment, in particular points 3.6 and 3.7. However, as there are two access points, rather than a single access point, and as information submitted shows that both access points would be used, the X measurement of 2.4m should be taken from the centre line of each access point and not from the centre line of the access as a whole as vehicles exiting would not be waiting to exit in this position, as demonstrated by the swept path plans. Vegetation within the visibility splays should also be cleared for a minimum height of 2m above the carriageway level of Moor Lane. This is to ensure that the visibility of HGV drivers is not obscured or obstructed by overhanging branches/vegetation. For clarity, visibility splays measuring 2.4m back from the carriageway edge of Moor Lane into the site at each access point, and measuring 43m to the East and 160m to the West, and 2m in height above the carriageway level of Moor Lane should be provided.

Traffic generation/movements:

Section 7 of the Highway Operational Statement document states that there would be a reduction in employee trips, by a minimum of 120 per week, from those generated by the previous scrap yard use as the applicants would live on site; the highway authority does not refute this reduction. However, there would be vehicle movements associated with the residential element of the proposed development, together with the catering unit business which would operate out of the site. Section 7 also states that there would be a maximum of eight fairground ride vehicle movements per year, with the rides being off site between late February/early March to the beginning of November. Whilst there would still be potential for conflict between large vehicles and vulnerable highway users as highlighted in the highway authority's previous response, the infrequent movements of these vehicles reduces the likelihood of conflict. However, consideration should be given to limiting the number of fairground rides to that submitted to ensure that any future increase in large vehicle movements does not then increase the risk to vulnerable highway users.

Public Right of Way:

The highway authority has noted the borough council's Countryside Access Officer's responses dated 27 September and 2 December 2022 regarding Public Right of Way reference 13-18-FP 2 (Salterforth).

General:

Given the site's distance from local amenities and facilities, including public transport, the consequent reliance on the use of private motor vehicles, and to ensure that the development provides sustainable transport options, an electric vehicle charging point should be provided to improve the site's sustainability. This shall be fitted in line with the Dept for Transport's guidance regarding Electric Vehicle Charging in Residential and Non-residential Buildings, which states that charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicles. Secure, covered cycle storage should also be provided in line with the borough council's parking standards to replace potential short journeys by car. The site access between the carriageway edge on Moor Lane and the site gates should be surfaced in a bound porous material to prevent loose surface material from being carried onto the adopted highway network. Given the level differences between Moor Lane and the site, physical measures should also be provided to prevent surface water flowing from Moor Lane into the site and vice versa. No internal drainage should connect into, nor surface water be allowed to discharge to, the adopted highways surface water drainage system.

Conclusion:

Having reviewed the additional information submitted, including that contained with the Highways Operational Statement received on 31 January 2023, the highway authority withdraws its previous objection. This is subject to the uses of the site being carried out in line with the information submitted, and subject to conditions and informative notes being applied to any formal planning approval granted.

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.

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 scrap yard use ceasing while residents are travelling between late February and early March would result in the proposed use having a lesser sustainability impact than the lawful use.

Further information has been provided detailing the number of employee journeys to and from the site resulting from the previous use of the site and that there would be a reduction of at least 120 journeys per week in employee trips.

The proposed use would cut that number of journeys due to the operators living on-site, however, the residential presence would also generate journeys to essential facilities and services and schools etc. Taking into account that it is proposed the scrap yard use would cease when the residents are travelling the overall number of journeys to and from the site would be reduced. The proposed use is therefore acceptable in terms of sustainability.

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.

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. However, given the nature of the need for both residential accommodation and storage / maintenance facilities for fairground rides etc. suitable sites such as this are likely to be limited.

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. 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, other than having an established site for accommodation. Balanced against unsustainable nature of the location, limiting access to essential services and facilities there would be no benefit in terms of personal circumstances.

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. However, as detailed in the sustainability section above, this is outweighed by the overall reduction in journeys.

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. However, this application is not being considered as a rural exception site.

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.

Therefore, subject to conditions to control the uses, the proposed Travelling Showpeople's site is acceptable in principle in accordance with. 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 harmful to the amenity of residents of accommodation on the site.

An assessment of noise and dust impacts is required in order to assess the impact of the scrap yard use on residents of the site. That assessment is being undertaken.

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, and

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.

Summary

It is recommended that the approval of the application, and any necessary conditions, is delegated to the Planning, Economic Development and Regulatory Services Manager subject to the receipt of an acceptable noise and dust survey.

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: Delegate Grant Consent

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: 1 – received 19/09/2022, 2A, 3B.

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

3. The site shall not be occupied by any persons other than travelling showpeople as defined in planning Policy for Traveller Sites, August 2015, August 2015 - Annex 1: Glossary of Planning Policy for Traveller Sites (or its equivalent in any replacement national policy).

Reason: In order to control the occupation of the in the interest of sustainability.

4. No more than 10 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended (or any subsequent amending or replacement legislation), (of which no more than 5 shall be a static caravan) shall be stationed on the site at any time.

Reason: In order to control the occupation of the in the interest of sustainability.

5. The vehicle dismantling use and activity related to the storage of vehicles shall cease between 1st April and 1st November every year, or an alternative timescale that has been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to offset the sustainability impact of the residential use in this location and to control the highway safety impact of the proposed use.

6. There shall be no storage in connection with the vehicle dismantling and storage use, including but not exclusively of vehicles, machinery, materials and waste, outside of the area defined for vehicle storage on the approved plan (TBC) and external storage within that area shall not exceed 3m above ground level.

Reason: In the interest of visual amenity and to control the scale of the vehicle storage use in the interest of highway safety and sustainability.

7. No part of the development hereby approved shall be occupied until all the highway works for the amended access onto Moor Lane have been constructed and completed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority. Works shall include, but not be exclusive to, construction of the access to an appropriate standard including radius kerbs; re-location of any highway gullies out of the amended access; tie-in details to the adopted highway network; measures to prevent water flowing from the adopted highway into the site or discharging from the site onto the adopted highway and a street lighting assessment.

Reason: In the interest of highway safety in order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

8. Prior to occupation of the approved development visibility splays measuring 2.4m back from the centre line of each access point and extending 30m to the East and 160m to the West offset 1m from the nearside carriageway edge on Moor Lane shall be provided. The existing vegetation along the site frontage shall be cleared to a height greater than 2m above the carriageway level of Moor Lane. The visibility splays shall be maintained free from obstruction at all times thereafter for the lifetime of the development.

Reason: In the interest of highway safety to ensure adequate inter-visibility between highway users at the site access.

9. Prior to first occupation of the approved development the access between the carriageway edge of Moor Lane and the site gates shall be surfaced in a bound porous material.

Reason: In the interest of highway safety to prevent loose surface material from being carried on to the public highway where it could pose a hazard to other highway users.

10. Prior to first occupation of the approved development an electric vehicle charging point shall be provided in accordance with a scheme to be approved by the Local Planning Authority.

Charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicle currently available.

Reason: To ensure that the development provides the infrastructure for sustainable forms of transport.

11. Prior to first occupation of the approved development secure, covered cycle storage for at least two cycles shall be provided in accordance with a scheme that has been submitted to approved by the Local Planning Authority. The cycle storage shall be permanently maintained thereafter.

Reason: To ensure that the development provides the infrastructure for sustainable forms of transport.

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 (1st December 2022 / QFRA 2269 / UK Flood Risk – Flood Risk Consultants) and surface water sustainable drainage strategy (1st December 2022 / QFRA 2269 / UK Flood Risk – Flood Risk Consultants). 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.

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

13. The use hereby approved shall not commence 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. 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.

Notes:

1. The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as the Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to:

- Construction of access to an appropriate standard including radius kerbs

- Re-location of any highway gullies out of the amended access
- Tie-in details to the adopted highway network
- Measures to prevent water flowing from the adopted highway into the site or discharging from the site onto the adopted highway.
- Street lighting assessment.

The applicant should contact the county council for further information by telephoning the Development Control Section (Area East) on 0300 123 6780 or by email on developeras@lancashire.gov.uk , in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.

2. The grant of planning permission does not give approval to a connection being made to Lancashire County Council's highway drainage system.

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

REPORT TO WEST CRAVEN COMMITTEE 28TH FEBRUARY 2023

Application Ref: 22/0829/VAR

Proposal: Variation of Condition: Variation of Condition 2 and Condition 10 (Approved Plans) of Planning Permission 21/0412/VAR.

At: Site of Former Ambulance Station, Brogden View, Barnoldswick

On behalf of: Mr Graham Harker

Date Registered: 12/12/2022

Expiry Date: 06/02/2023

Case Officer: Laura Barnes

Site Description and Proposal

The application site is a development of nine dwellings located between Brogden Lane and Brogden View. The application was allowed on appeal in September 2017.

The applicant seeks a variation to conditions 2 and 10. These involve the approved plans and the parking layout. The footpath across plots 8 & 9 has been removed, the driveways to plots 6 & 7 have been widened and bin storage to plots 6, 7, 8 and 9 have been included.

Relevant Planning History

16/0617/FUL – Full: Demolition of ambulance station and erection of nine dwelling house, four semi-detached with access of Brogden View and five detached with access of Brogden Lane – Appeal Allowed September 2017

20/0825/FUL – Erection of four detached dwelling house – Approved April 2021

Consultee Response

LCC Highways

Initial comments:

The submitted documents and plans have been reviewed and the following comments are made.

The variation is to replace the approved plan ADM/16/26/01 Rev C – site layout plan with the amended plan ADM/16/26/01 Rev E – site layout plan.

The amendments include the removal of the footway across plots 8 & 9 with a wall across the footway where the adopted highway terminates.

The reason given for this is that the existing Telegraph Pole cannot be moved and this would have been in the middle of the footpath and since the footpath would have remained in private ownership this would have created a risk of injury to pedestrians and the possibility of a claim against the owner.

We would dispute this reason as there was previously a footway at this location with the telegraph pole located at the back of the footway without causing an obstruction to

pedestrians. We do not support the removal of the footway from the scheme or the introduction of the wall as it is detrimental to pedestrian movements. The wall also reduces the ease of manoeuvring for vehicles at the neighbouring driveway which we do not support.

The amended plan also removes the widening to the driveway at no. 17, please provide further information to explain the reasoning for this.

Final comments:

Satisfied with the removal of the wall and the making good of the surface beneath will be acceptable. The removal of the wall will allow the driveway at No. 4 to operate as it previously did. Matters relating to the driveway widening at No. 17 are accepted.

Public Response

Nearest neighbours have been notified by letter, the following issues have been raised in objection to the scheme:

- The work has already been carried out
- A wall has been built across a footpath which impedes access to the driveway at No. 4
- Access to No. 17 has been blocked
- There is no street lighting making this area dangerous
- The applicant states that the telegraph pole cannot be moved, but it was in a different place previously
- Highlighting an issue with some planters being placed on a private access drive
- Damage to road surface on Brogden View
- There was a condition recommended by LCC Highways which required a photographic survey to determine whether any damage had occurred to the road surface as a result of the development

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy ENV1 (Protecting and enhancing our Natural and Historic Environments) seeks to ensure that the natural and historic assets of the borough are protected, conserved and enhanced over the plan period.

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

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

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

delivered.

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

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

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

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

National Planning Policy Framework

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

Design

The minor changes in the design of the layout would not result in a major change to the overall design of the scheme. The removal of a footpath in front of plots 8 & 9 in addition to widening the driveways to plots 6 & 7 and creating a bin storage area to four of the plots would not result in a fundamentally different design to that which has previously been approved.

Therefore, in terms of design, these conditions can be varied.

Residential Amenity

The proposed changes would not result in any different impact upon the neighbouring amenity than what has previously been approved under planning permission 21/0412/VAR.

Highways

The proposed access would remain the same as previously approved under application reference 21/0412/VAR. However, there are some amendments to the layout on Brogden View, including the removal of a footpath in front of plots 8 & 9. Although a footway fronting these plots would improve pedestrian safety, in this particular area the vehicles speeds and number of vehicles would be so low that it would not result in an unacceptable highway safety issue. Removing the wall which has been constructed across the footway would be beneficial as it would allow the driveway at no. 4 to operate as it previously did.

In relation to the matters which have been raised regarding the existing driveway at No. 17, it is noted that access to the garage has always been restricted. Widening the driveway would require a considerable undertaking from the applicant including legal costs and various covenants that would need to be created. This is not something which could reasonably be expected of the applicant. The Highways Authority have accepted this point.

The creation of bin storage to four of the plots would not have an unacceptable impact upon highway safety. These are to be located either in the rear gardens or to the side of the dwellings. As such, the introduction of these areas would be acceptable in highway safety terms.

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 would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

1. The proposed development hereby permitted shall be begun before the 28th September 2020 or as extended by the Business and Planning Act 2020 to the 1st May 2021.

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: ADM/16/26/04 Rev. A, ADM/16/26/05 Rev B and ADM/16/26/07 Rev B, ADM/16/26/01 Rev F.

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

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

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

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

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

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

5. The Construction Code-of-Practice should be compiled in a coherent and integrated document and should be accessible to the site manager(s), all contractors and sub-contractors working on the site. As a single point of reference for site environmental management the CCP should incorporate all agreed method statements, such as the Site Waste Management Plan and Demolition Method Statement. All works agreed as part of the plan shall be implemented during an agreed timescale and where appropriate maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate measures are in place to protect the environment during the construction phase(s).

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

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

7. The access to plots 1, 2, 3, 4 and 5 shall be so constructed to allow clear visibility from a point 1.05m above ground level at the centre of the access and 2.4m distance from the adjoining edge of the carriageway, to points 1.05m above ground level at the edge of the carriageway and 43m distant in each direction measured from the centre of the access along the nearside adjoining edge of the carriageway of Brogden Lane prior to the commencement of dwellings on plots 1, 2, 3, 4 and 5.

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

8. The development shall be constructed in strict accordance with the materials submitted and approved on 5th February 2020 unless otherwise agreed in writing by the Local Planning Authority. The development shall then be completed in strict accordance with the approved details.

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

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

Reason: To ensure a satisfactory form of development

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

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

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

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

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

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

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

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

Application Ref: 22/0829/VAR

Proposal: Variation of Condition: Variation of Condition 2 and Condition 10 (Approved Plans) of Planning Permission 21/0412/VAR.

At: Site of Former Ambulance Station, Brogden View, Barnoldswick

On behalf of: Mr Graham Harker

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 11th January 2023