



REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND REGULATORY SERVICES

TO: WEST CRAVEN COMMITTEE

DATE: 28th MARCH 2023

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO WEST CRAVEN COMMITTEE 28th MARCH 2023

Application Ref: 22/0044/FUL
Proposal: Full: Erection of 3 detached dwellings with access from Dotcliffe Road.
At: Dotcliffe Yard, Dotcliffe Road, Kelbrook
On behalf of: Mr P. Sanderson
Date Registered: 25/01/2022
Expiry Date: 22/03/2022
Case Officer: Laura Barnes

Site Description and Proposal

The application site comprises an existing yard located at the end of Dotcliffe Road.

The site measures circa 0.16ha in area and historically was part of Dotcliffe Mill to the north, which has also been redeveloped for housing in recent history. The site consists of open hard surfaced land currently used for caravan storage.

The site is within the settlement boundary of Kelbrook. Adjacent the eastern boundary are a group of trees that are protected under TPO No. 9, 2004. The site is also within a flood zone, which will be discussed in more detail below.

The proposed development is for a small cul-de-sac of 3 detached dwellings via a new vehicular access from Dotcliffe Road.

Relevant Planning History

13/04/0141P: Outline: Residential Development (0.16 ha)
Approved with conditions

13/08/0678P: Reserved Matters: Erection of three detached dwellings.
Approved with conditions

17/0077/FUL: Full: Erection of 3 detached dwellings with access from Dotcliffe Road.
Approved with conditions

18/0347/CND: Approval of Details Reserved by Condition: Discharge Condition 3 (Materials), 5 (Drainage), 6 (Protective Tree Fencing), 7 (Construction Method Statement), 8 (Landscaping) and 12 (Site Excavations) of Planning Permission 17/0077/FUL.
Conditions Discharged – Split Decision

Consultee Response

LCC Highways

Having considered the information submitted, together with site observations, the Highways Development Control Section does not have any objections regarding the proposed development at the above location, subject to the following comments being noted, and conditions

and informative note being applied to any formal planning approval granted. Planning permission has been granted previously for the erection of three dwellings on site and so the principle of development has already been established.

Proposal

The proposal is for the erection of three detached five, bedroomed dwellings with associated off-road parking, together with a new site access from Dotcliffe Road.

Site planning history

There have been several applications to develop the site, with the most recent ones being: 17/0077/FUL - erection of 3 detached dwellings with access from Dotcliffe Road
Planning permission granted in April 2017.

13/16/0013P - erection of 3 dwellings

Invalid Application.

15/0116P - erection of 3 detached dwellings with access off Dotcliffe Road, estate road and landscaping

Withdrawn prior to determination in April 2015.

Site Access & off-site highways works

The formation of the new vehicle access from Dotcliffe Road to the development site, together with the off-site highways works, would need to be carried out under a legal agreement (Section 278) with Lancashire County Council as the highway authority. Works should include, but not be exclusive to:

- the construction of the access to an appropriate standard, including a minimum width of 4.5m with radius kerbs
- buff coloured tactile paved dropped pedestrian crossings on both sides of the access, and on both sides of the junction of Millbeck Lane
- re-location of any highway gully within the new access
- a street lighting assessment
- construction of a new section of footway, a minimum of 1.8m wide, extending from the end of the existing footway leading from the junction of Dotcliffe Road with Millbeck Lane to the site access – a length of approximately 16m.

If planning approval is granted the developer is advised to contact Lancashire County Council as soon as possible to start the Section 278 process. 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 written agreement first being in place in order to prevent legal action from being taken against the developer.

It should be noted that the construction of the proposed new section of footway may obstruct access to the landscaped area on third party land behind the footway.

As the development site is towards the upper section of Dotcliffe Road and provides the only means of access for other residential properties, the general lack of off-road parking and consequent high demand for on-road parking in the vicinity, the site access should be constructed and completed prior to any other works commencing to allow construction traffic to use the site in line with the submitted Construction

Method Statement. This is to ensure that the development does not have a negative impact on highway capacity, safety and residential amenity during its construction.

Visibility splays

Dotcliffe Road is subject to a maximum speed limit of 20mph outside the development site. A minimum Stopping Sight Distance of 25m should be provided for a road with the above speed limit (Manual for Streets). Notwithstanding the information submitted visibility splays of 2.4m measured back from the centre line of the new site access from Dotcliffe Road into the site and extending 25m to the nearside carriageway edge in both directions shall have been provided. Nothing over 0.9m in height above the nearside carriageway level should be allowed within visibility splays which would obstruct them.

Site layout

As the refuse wagon would not enter the site the applicant should provide a bin collection point at entrance in the area to the front of the pedestrian gate, where a new tree is currently proposed. This would allow easy access for the refuse collectors and would also keep bins off the highway.

An amended plan showing the above bin collection area has been requested previously but has not been received to date. Such an amended site plan should now be submitted.

Car & Cycle Parking

Given the site's distance from local amenities and facilities, and the consequent reliance on the use of private motor vehicles, maximum parking standards should be applied to this site. Three adequately sized off-road parking spaces should be provided for dwellings with four or above bedrooms.

The single integral garages proposed are of adequate internal dimensions to count as one parking space. They can also provide secure cycle storage for at least two cycles, together with electric vehicle charging points; both these facilities would improve the site's sustainability. Two further adequately sized off-road parking spaces have been provided on the driveway at each dwelling. An adequate level of car parking has therefore been provided.

General

A Construction Method Statement has been submitted as part of the supporting information for this application. The details contained within this statement, together with the wheel washing facility plan submitted by the agent on 9 February 2022, are considered acceptable. Any development of the site should be carried out in strict accordance with the details contained within the statement and plan.

The following conditions and informative note should be applied to any formal planning approval granted.

Conditions

1. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement, including, but not exclusive to, the construction of a new section of footway, dropped pedestrian crossings, street lighting assessment, has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.
2. No part of the development hereby approved shall be commenced until all the highway works to form the site access have been constructed and completed in accordance with the scheme approved under Condition 1. Reason: To enable all construction traffic to enter and leave the site in a safe manner without causing a hazard to other road users.
3. No part of the development hereby approved shall be occupied until all the highway improvement works have been constructed and completed in accordance with the scheme approved under Condition 1. Reason: 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.

4. Prior to the first occupation of any dwelling hereby approved visibility splays measuring 2.4m back from the centre line of the access and extending 25m to the nearside carriageway edge in both directions on Dotcliffe Road shall have been provided at the site access. Nothing shall be erected, retained, planted and/or allowed to grow at or above a height of 0.9m above the nearside carriageway level which would obstruct the visibility splays. The visibility splays shall be maintained free from obstruction at all times thereafter for the lifetime of the development. Reason: To ensure adequate inter-visibility between highway users at the site access, in the interests of highway safety.

5. The gateposts as shown on approved drawing SA/02 – Dwg – 04a shall be set a minimum of 5m behind the nearside edge of the adjacent footway and shall open away from the highway. Reason: To allow vehicles to pull clear of the highway when entering the site.

6. Prior to the first occupation of any dwelling hereby approved, the parking spaces and manoeuvring areas as shown on drawing SA/02 – Dwg – 02B shall be laid out and provided for that property. The spaces shall be retained thereafter and available for the parking of vehicles and the manoeuvring areas kept free from obstruction in perpetuity. Reason: To ensure suitable parking and manoeuvring provision within the site.

Informative Note

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

- the construction of the access to an appropriate standard, including a minimum width of 4.5m and with radius kerbs
- buff coloured tactile paved dropped pedestrian crossings on both sides of the access, and on both sides of the junction of Millbeck Lane
- re-location of any highway gully within the new access
- a street lighting assessment
- construction of a new section of footway, a minimum 1.8m wide, extending from the end of the existing footway leading from the junction of Dotcliffe Road with Millbeck Lane to the site access – a length of approximately 16m.

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. No works should be undertaken within the adopted highway network without prior written authorisation from the county council.

Environmental Health

Suggested condition including a Construction Method Statement and Hours of Work

Lancashire Fire and Rescue Service

The planning application has been noted by the Fire Authority and advice given in respect of access for fire appliances and water supplies for firefighting purposes.

Recommendations are made to make the applicant aware of conditions which will have to be satisfied on a subsequent Building Regulation application. The conditions may affect the elevation

of the building and access to them. These recommendations must be included if this application passes to another party prior to Building Regulation submission.

Environment Agency

The previous use of the proposed development site as a mill and industrial premises presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is

- adjacent to a surface water course
- located upon a secondary aquifer B

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 183 of the National Planning Policy Framework.

Without this condition we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Condition

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified: all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those offsite.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reasons

- To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.

- To prevent deterioration of a water quality element to a lower status class in the underlying aquifer and adjacent surface water stream

Public Response

Nearest neighbours notified by letter, one response has been received, raising the following issues:

- Flood risk
- Traffic issues
- Not sufficient car parking on Dotcliffe Road
- There is protected woodland and some protected trees which the owner has tried to chop down previously. The proposed development could cause damage to these

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 SDP3 (Housing Distribution) sets out the location of new housing in the Borough in conjunction with SDP2 and LIV1.

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 ENV4 (Promoting Sustainable Travel) seeks to promote sustainable travel as well as development impacts and accessibility and travel plans for major developments to mitigate any negative impacts.

Policy ENV5 (Pollution and Unstable Land) concerns the risks of air, water, noise, odour and light pollution in addition to addressing the risks arising from contaminated land.

Policy ENV7 (Water Management) concerns the risk of flooding from flood or surface water. It requires flood risk to be assessed and sustainable drainage measures to be used.

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

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.

Kelbrook & Sough Neighbourhood Plan

Policy KS HPU 1: Allocation of Land at Dotcliffe Yard

The Neighbourhood Plan allocates land at Dotcliffe Road for residential development.

The policy states the following:

- 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 Millbeck Lane and Dotcliffe Road
- b) A sensitive external lighting scheme designed to minimise light pollution
- c) Use of a high quality pallet of external materials which have regard to the sensitive rural location
- d) A single point of vehicular access off Dotcliffe Road 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
- h) The design and layout take a flood-resilient approach
- i) The layout, construction details and phasing of the development should proceed in accordance with a schedule of archaeological investigations and any associated works for recording any identified features of historic importance

Principle of Development

The proposed development is located within the settlement boundary, it is identified as a site being suitable for housing within the Neighbourhood Plan and has previously had permission for 3 residential dwellings. As such, the principle of development is acceptable, subject to accordance with design and amenity policies.

Design

The proposed development comprises three detached dwellings which are three storey in height. Each of the dwellings is to have five bedrooms and an integral garage (with plot 2 having a double garage). The dwellings are to be constructed of coursed stone with natural slate roofs and timber window frames.

Policy KSHOU1 of the Kelbrook Neighbourhood Plan sets out that dwellings on this site should respond positively to the character of the adjacent built environment and landscape. The surrounding character is made up of a mix of terraced and semi-detached dwellings. The proposal is for three five bedroom dwellings with integral garages. Although there are no detached dwellings within the immediate vicinity, the proposed massing and scale is not out of keeping with the area.

The policy in the Neighbourhood Plan also sets out that views into and from the site are important. In this case the applicant intends to retain the high stone wall which surrounds the southern edge of the site. The stone wall is a feature of the local area and the retention of this assists in assimilating the proposed dwellings into the existing context. Views into and out of the site would be possible from both Dotcliffe Road and Millbeck.

The proposed development is for the erection of three dwellings which are in keeping with the surrounding character and appearance. The materials proposed are appropriate for the area and the design of the dwelling on this site has previously been approved. The proposed development accords with Policy ENV2 of the Local Plan: Part 1 Core Strategy and Policy KSHOU1 of the Kelbrook Neighbourhood Plan.

Residential Amenity

The Design Principles SPD sets out that proposed dwellings should be sited so that any habitable room windows are at least 21m from neighbouring habitable room windows. The proposed site plan indicates that there is a separation distance of 22m between plots 1 and 3, within the site, which is acceptable. Plot 2 is positioned such that it is perpendicular to the other two plots which again would assist in ensuring there would be no unacceptable neighbouring amenity issue. In terms of the relationship to existing properties, No. 59 Dotcliffe Road is positioned 18m from plot 2, however plot 2 and No. 59 are off set at an angle such that the front / rear of the corresponding dwelling would not be directly opposite each other, such that it would not result in an unacceptable neighbouring amenity issue. Although No. 69 Dotcliffe Road is 12m from the rear of plot 2, No. 69 is positioned to have the principle windows perpendicular to the principle windows of plot 2. As such, there would be no unacceptable neighbouring amenity issue.

In terms of the proposed height of the dwelling, although they are to be three storey in height, the surrounding properties to the south take a higher natural ground level, such that the proposed dwelling would not result in an overbearing impact. Although the dwellings in Millbeck are two storey in height they are set back by 37m from the closest proposed dwelling, such that it would not result in an unacceptable overbearing impact upon the neighbouring dwellings.

The proposed development will require a Construction Method Statement to be submitted, in order to control the construction phase of the proposed development in relation to nearby residents. This can be controlled by an appropriate condition.

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

Archaeology

The applicant has entered into pre-application advice with the Lancashire Archaeological Advisory Service which have commented the application based upon the previously approved 3 dwellings.

Looking at the scale of the proposed development and what we would learn from the site, we would consider that the most appropriate archaeological response to the proposals would be to

recommend that a watching brief is held during all excavation works required (foundations, services, landscaping, roads and courtyards, etc.). This work should be undertaken by an appropriately experienced and qualified professional archaeological contractor, to the standards and guidance of the Chartered Institute for Archaeologists (CIfA). Such a contractor is likely to be able to provide you with a "programme of archaeological investigation and recording" as specified in the planning condition [in application reference 17/0077/FUL].

As such, the proposed development would be acceptable, subject to a condition relating to a watching brief being undertaken.

Highways

The proposed development is to have three off-street car parking spaces associated with each property. The Highways Authority have not raised any objection in this regard. The Highways Authority sought an amended plan indicating the collection of refuse on collection days. This has been provided and is acceptable. Subject to conditions relation to the construction of the site access and visibility splays, the proposed development is acceptable in highway safety terms.

Flood Risk & Drainage

Given the previous use of the site and the proximity to the water course north east of the site the Environment Agency have requested a remediation strategy, this is to control the risks associated with contaminants getting into the water course.

In terms of flood risk, the Environment Agency response also sets out that their flood risk mapping data has been greatly improved since the flood risk map was created in 2004. It is understood that the mapping is due to be updated in 2024. As a result, the watercourse is not identified correctly and as a result flood risk has been misaligned rather than following the natural line of the watercourse. The applicant is advised that should any works be required within 8m of the Kelbrook Beck, an Environmental Permit is required.

The proposed development would not result in an increased risk of flooding to land elsewhere and accords with Policy ENV7 in this regard.

Trees

The applicant has submitted a report outlining tree protection measures which makes reference to the previously undertaken Arboricultural Impact Assessment. The Council's Tree Officer has reviewed the information and is satisfied that the trees which are to be retained are upon a banking and would not require additional tree protection fencing. This view is concurred with.

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 with conditions

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: SA/02 Dwg 00 Location Plan, SA/02 Dwg 04 Proposed Site Plan, SA/02 Dwg 01 House Type 1 Proposed Elevations and Floor Plans, SA/02 Dwg 02 House Type 2 Proposed Elevations and Floor Plans, SA/02 Dwg 03 House Type 3 Proposed Elevation and Floor Plans

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

3. The development hereby permitted shall not be commenced unless and until samples of the external materials to be used in the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter at all times be carried out in strict accordance with the approved details.

Reason: In order that the Local Planning Authority can assess the materials in the interest of the visual amenity of the area.

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

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

5. A scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority within two weeks of the commencement of development. The scheme shall provide for separate systems for foul and surface waters and be constructed and completed in accordance with the approved plans before the first dwelling is occupied.

Reason: In order to control foul and surface water disposal and to prevent pollution and flooding.

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

- i) the parking and access of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- iv) Wheel-washing facilities

v) Measures to control the emission of dust and dirt during construction.

Reason: In the interests of amenity and highway safety.

7. The development hereby permitted shall not be commenced until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and 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 approved form 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.

8. Prior to the commencement of development, a written scheme and methodology regarding site excavations shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme of archaeological investigation and recording in the event that remains are uncovered during the excavation process. The subsequent archaeological record shall then be submitted to the Council prior to the first occupation of the dwellings hereby approved.

Reason: To record the features of archaeological importance.

9. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement, including, but not exclusive to, the construction of a new section of footway, dropped pedestrian crossings, street lighting assessment, has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.

10. No part of the development hereby approved shall be commenced until all the highway works to form the site access have been constructed and completed in accordance with the scheme approved under Condition 9.

Reason: To enable all construction traffic to enter and leave the site in a safe manner without causing a hazard to other road users.

11. No part of the development hereby approved shall be occupied until all the highway improvement works have been constructed and completed in accordance with the scheme approved under Condition 9.

Reason: 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.

12. Prior to the first occupation of any dwelling hereby approved visibility splays measuring 2.4m back from the centre line of the access and extending 25m to the nearside carriageway edge in both directions on Dotcliffe Road shall have been provided at the site access. Nothing shall be erected, retained, planted and/or allowed to grow at or above a height of 0.9m above the nearside carriageway level which would obstruct the visibility splays. The visibility splays shall be maintained free from obstruction at all times thereafter for the lifetime of the development.

Reason: To ensure adequate inter-visibility between highway users at the site access, in the interests of highway safety.

13. The gateposts as shown on approved drawing SA/02 – Dwg – 04a shall be set a minimum of 5m behind the nearside edge of the adjacent footway and shall open away from the highway. Reason: To allow vehicles to pull clear of the highway when entering the site.

14. Prior to the first occupation of any dwelling hereby approved, the parking spaces and manoeuvring areas as shown on drawing SA/02 – Dwg – 02B shall be laid out and provided for that property. The spaces shall be retained thereafter and available for the parking of vehicles and the manoeuvring areas kept free from obstruction in perpetuity. Reason: To ensure suitable parking and manoeuvring provision within the site.

Informative Note

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

- the construction of the access to an appropriate standard, including a minimum width of 4.5m and with radius kerbs
- buff coloured tactile paved dropped pedestrian crossings on both sides of the access, and on both sides of the junction of Millbeck Lane
- re-location of any highway gully within the new access
- a street lighting assessment
- construction of a new section of footway, a minimum 1.8m wide, extending from the end of the existing footway leading from the junction of Dotcliffe Road with Millbeck Lane to the site access – a length of approximately 16m.

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. No works should be undertaken within the adopted highway network without prior written authorisation from the county council.

Application Ref: 22/0044/FUL

Proposal: Full: Erection of 3 detached dwellings with access from Dotcliffe Road.

At: Dotcliffe Yard, Dotcliffe Road, Kelbrook

On behalf of: Mr P. Sanderson

REPORT TO WEST CRAVEN COMMITTEE ON 28 MARCH 2023

Application Ref: 22/0413/FUL

Proposal: Full: Major: Change of use of land from agricultural and engineering operations to form 44 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

West Craven Committee resolved to refuse the application in January, amended plans and details have been submitted for further consideration.

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 44 touring caravan pitches (reduced from the 61 originally proposed) as an extension to the existing caravan park and erection of a amenity and shower block. The works include cut and 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.

PBC Environment Officer - This a well thought landscaping scheme that will , once established have the desired effect of breaking up views into and out of the site. Obviously, that will take some time.

In terms of the planting, the scheme uses mostly native trees, shrubs and hedging on the outside boundaries and occasional ornamental varieties immediately within close proximity to the caravans, which is typical for a site such as this.

The details on maintenance and management make the scheme suitable for approval.

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.

Following the Committee meeting in January the plans have been amended to remove 15 caravan plots at the north western end of the site, the Landscape and Visual Impact Assessment (LVIA)

has been updated to reflect the amendments and to further address the Committee's concerns in relation to visibility of the development from Salterforth and a detailed landscaping scheme provided.

The LVIA concludes that there would be a slight adverse effects on 9 of the 25 viewpoints assessed in the opening year of the development which would then become an overall neutral impact with a slight beneficial impact from one viewpoint (14 from the A56) once the landscaping matures and I agree with that assessment.

The revised and additional details adequately demonstrate that with a condition to control the 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.

An Elsan point for the disposal of waste water from chemical toilets has been added to the amended plans, proposed to be connected to the foul water drainage for the amenity block has also been added in response to concerns raised at the previous Committee meeting.

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, 2022-29-1255 D, 7325/020 P3, 7325/021 P4, 7325/030 P4,

7325/032 P3, 7325/033 P4, 7325/034 P3, LN-0-01 Rev 1, LP-0-01 Rev 1, PP-0-01 Rev 1, PP-0-02 Rev 1, PP-0-03 Rev 1, PP-0-04 Rev 1.

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. The approved landscaping scheme LN-0-01 Rev 1, LP-0-01 Rev 1, PP-0-01 Rev 1, PP-0-02 Rev 1, PP-0-03 Rev 1, PP-0-04 Rev 1, or an alternative landscaping scheme that has been submitted to and approved in writing by the Local Planning Authority 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 44 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 28TH MARCH 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

This application was deferred from the February committee, in order for Members to undertake a site visit.

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
- 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. Comments have been received from a member of the public removing their objection to the wall following the committee meeting in February 2023. However, there is still a highway safety reason for the developer to remove the wall, this is the justification for it needing to be removed.

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.

Other Matters

Comments from a member of the public have been received relating to the developer not having built the development in accordance with the plans which were approved as part of the appeal decision, dating from 2016. However, this appears to relate solely to a private legal matter between the developer and the owner of No. 17 Brogden View regarding their driveway. There was an indication on the previous iterations of plan ADM/16/26/01 that the driveway at No. 17 was to be widened. However, this was done by the developer as a good will gesture. This offer has now been withdrawn and the developer no longer wishes to offer up this triangle of land.

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. There is no unacceptable impact resulting from this land either being a tarmacked driveway or a landscaped area belonging to plot 6. As such, the proposed plan ADM/16/26/01 Rev F is 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 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 for 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

REPORT TO WEST CRAVEN COMMITTEE 28th MARCH 2023

Application Ref: 22/0848/FUL

Proposal: Full (Major): Site clearance, demolition of existing buildings and erection of 53 new dwellings with associated access road, car parking and landscaping.

At: Spring Mill, Stoney Bank Road, Earby

On behalf of: Pearl Together Limited

Date Registered: 15/12/2022

Expiry Date: 16/03/2023

Case Officer: Laura Barnes

Site Description and Proposal

The application site relates to a former mill building which is located on Stoney Bank Road in Earby. The application site is not within a Conservation Area but it within the settlement boundary.

The proposal is for the demolition of the existing building and erection of 53 dwellings, these dwellings are to comprise 21 x 2 bed dwellings, 24 3 bed dwellings 4 x 4 bed dwellings and 4 x 1 bed bungalows. Of these dwellings, 13 would be affordable, which represents 25%.

Relevant Planning History

None relevant

Consultee Response

LCC Highways

Dated 10/02/2023

The submitted plans and documents have been viewed including the btp Architects 'Proposed site plan' drawing reference SM-BTP-00-SP-DR-A-3817_105 Rev B, Ashley Helme Transport Statement dated February 2023, Ashley Helme 'Proposed access arrangements' 1797/01, Adept 'S38 highway layout' 110.21002-ACE-00-ZZ-DR-C-2000-P2 and the following comments are made.

History

The site is currently occupied by Spring Mill. The application seeks the demolition of the Mill and the erection of 53 houses. The Mill has a large car park circa 223 spaces with two accesses on Bailey Street and smaller car park with an access on Chapel Street.

Sustainability

The site is located within close walking distance of Earby Springfield Primary School. The nearest bus stops are located at Earby Bus Station which is located circa 500m from the site. This distance is further than the guidance on walking distances. The station is served by a number of bus services which could support sustainable travel.

Earby Bus Station has been identified as a key site which would benefit from Real Time Bus Information – RTPI displays. The cost of installing this at the Station is estimated at £25,000. To support the sustainable travel modes at the development at this site we would seek a contribution to progress the installation of RTPI displays at the Station.

Earby Town Council maintain the existing infrastructure at the Station, and we would work closely with the Town Council on the design.

Traffic Impact

The surrounding highways are subject to a 20mph speed limit, Stoney Bank Road is classified C684, Chapel Street and Bailey Street are both unclassified roads. Stoney Bank Road and Bailey Street have physical traffic calming measures.

There are no collisions recorded on the surrounding highway network.

TRICs has been used to estimate the number of vehicle trips generated by the extant use which is offices based upon the floor area of 3,985sqm. The office was previously occupied by cottages.com and have parking for circa 250 vehicles.

The trip rates utilised within the Transport Statement (TS) are not disputed. Vehicular traffic generation of 111 two-way trips during the weekday AM peak hour and 124 two-way trips during the weekday PM peak hour are accepted.

The proposed residential use is estimated to generate 31 two-way trips during the weekday AM peak hour and 28 two-way trips during the weekday PM peak hour are accepted.

Based upon the data, the residential development will result in a reduction in vehicles movements on the immediate highway network. Wider junction testing is not considered necessary.

Site access

A new access will be formed on Bailey Street to serve 46 new dwellings and the remaining 7 dwellings (plots 47-53) have direct driveway accesses onto Bailey Street.

The visibility splays on Bailey Street at the site access and direct driveways, measuring X2.4m by Y25m lie within the adopted highway. Bailey Street is covered by parking restrictions prohibiting parking at all times on the west side (development side) and between Mon-Fri 8am-6pm on the east side (school side). This is considered acceptable.

Off-site highway works

There are two existing accesses on Stoney Bank Road and one on Bailey Street which will require closing and reinstating to footway.

The alignment of the existing retaining wall on the Chapel Street elevation results in the footway being disconnected. We would seek the realignment of the existing retaining wall to provide a new continuous footway along the Chapel Street elevation.

The existing road hump on Bailey Street outside plot 51-52 will require relocating.

Dropped kerbs with tactile paving on Bailey Street and a short section of cycle lane marked to allow cyclists using the link into and out of the development to enter and leave the carriageway of Bailey Street.

Dropped kerbs with tactile paving at the new site access on both sides of Bailey Street.

The highway works must be completed to adoptable standards under the S278 agreement with Lancashire County Council.

Layout

The layout requires amending to ensure that there is no encroachment onto the adopted highway on Bailey Street. The sett-paved embankment between the Mill and Bailey Street is recorded as adopted highway therefore any building over or enclosure of the highway would not be acceptable.

The estate road layout proposes a 5.5m wide carriageway with 2m footways on both sides which is acceptable. A swept path analysis is provided for a 10.5m long refuse vehicle for the site access and internal estate road, excluding the turning head to the southern section of the site.

This turning head is sub-standard and only large enough to accommodate a light goods vehicle. It will be excluded from the adoptable highway and should be amended to a shared private drive and delineated from the highway. The S38 Highway Layout drawing should be amended accordingly.

A pedestrian cycle link is proposed from the estate road between plots 26 and 27 linking to Bailey Street. The width is 2.5m and should be increased to 3m for a shared use. This should be built to adoptable standards including paving, lighting and drainage. Measures to all cyclists to re-enter the carriageway are required.

The surface water from the new estate road is proposed to be connected to the surface water drain in Stoney Bank Road. Please confirm if this is a public sewer maintained by Yorkshire Water.

Parking

The dwellings comprise of 21 x 2 bedroom, 24 x 3 bedroom, 4 x 4 bedroom and 4 x 1 bedroom bungalows.

The driveways to the front of plots 5 and 6 should be removed as they are accessed across the radius kerbs of the junctions which will result in insufficient visibility and poor manoeuvring. Off-street car parking should be relocated to the rear.

There are no garages on the development. Each dwelling will require an external secure, covered cycle store for at least 2 cycles. Each dwelling will require an electric vehicle charging point.

Subject to the cycle and electric vehicle parking being included, the overall parking provision across the development is considered acceptable and in accordance with the Pendle parking standards.

Conclusion

The layout needs amending to ensure that there is no encroachment of the adopted highway on Bailey Street. The adopted highway covers the land between the Mill and Bailey Street footway.

The internal layout requires amending to reflect the extents of the adoptable highway and the pedestrian/cycle link requires widening to 3m.

The parking at plots 5 and 6 requires amending.

Until these are amended Lancashire County Council, acting as the Highway Authority would raise an objection to the proposal.

LCC Highways

Dated 07/03/2023

The amended plans have been viewed including the btp Architects 'Proposed site plan' drawing reference SM-BTP-00-SP-DR-A-3817_105 Rev E and 'Indicative electrical charging points' drawing reference SM-BTP-00-SP-DR-A-3817_112 and the following comments are made.

Layout and parking

Further investigation of the adopted highway records have concluded that the ramp located between the footway of Bailey Street and Spring Mill is not adopted highway as first thought. Our records will be updated to rectify this error.

Matters raised previously have been amended and are considered acceptable.

The parking provision across the site is considered acceptable.

Drainage

The surface water from the new estate road is proposed to be connected to the surface water drain in Stoney Bank Road. The developer has an investigation in progress to determine the ownership responsibility of this connection. Details of this needs to be submitted as part of the drainage strategy.

Conclusion

There is no objection to the proposal. The following conditions are requested. A contribution of £25,000 is requested to support Real Time Bus Information at Earby Bus Station.

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

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) 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

2. Within 3 months of commencement a scheme for the site access and off-site highway works shall be submitted to and approved by the Local Planning Authority.

The works shall include the following and be implemented prior to the first occupation of any dwelling.

- a. Reinstatement of footways on Stoney Bank Road and Bailey Street across former points of access which have been permanently closed.
- b. New continuous footway on Chapel Street at realigned retaining wall.
- c. Dropped kerb and cycle lane for cyclists to enter and leave carriageway on Bailey Street at link into development.
- d. Dropped kerbs at site access and on both sides of Bailey Street
- e. Relocation of road hump on Bailey Street

3. 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 an agreement has been entered into with the Highway Authority or a private management and maintenance company has been established.

4. Within 3 months of commencement full engineering, drainage, street lighting and constructional details to adoptable standards (LCC specification) 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.

5. 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.

6. Prior to the occupation of each dwelling the driveways and parking areas shall be constructed in a bound porous material and made available for use and maintained for that purpose for as long as the development is occupied.

7. Prior to first occupation each dwelling shall have a secure cycle store for at a ratio of 1 cycle space per bedroom.

8. Prior to the first occupation each dwelling shall have an electric vehicle charging point. 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.

Notes

The grant of planning permission will require the applicant to enter into a S278 Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact Lancashire County Council for further information by emailing the Highway Development Control Section at developeras@lancashire.gov.uk.

Earby & Salterforth Drainage Board

Thank you for your consultation in relation to the above proposed development. It is noted that the surface water has been designed to discharge via an open watercourse south of the proposed development which lies east of the IDB district.

Surface Water entering the Board's catchment under the Land Drainage Act 1991 (amended) requires Board consent.

Environmental Health

Concerns raised around nuisance during the construction phase and contaminated land. A Construction Method Statement & Contaminated Land conditions are requested.

Cadent Gas

The proposed development is within close proximity to a low and medium pressure asset.

East Lancashire NHS Trust

Whilst the Trust will, in due course, be able to obtain funding to meet the needs of the population which arises from the development, this funding will not be in place for approximately three years.

Once in place, the funding will not be provided retrospectively, and as such the impact on the Trust for the initial period will not be met from any alternative source of funding.

A contribution of £90,445 is requested.

Lead Local Flood Authority

Response received 10th January 2023

The Lead Local Flood Authority objects to the above application on the basis of:

Objection 1 – Inadequate Surface Water Sustainable Drainage Strategy

In the absence of an acceptable surface water sustainable drainage strategy to assess the principle of surface water sustainable drainage associated with the proposed development, we object to this application and recommend refusal of planning permission until further information has been submitted to the Local Planning Authority.

Reason

Paragraphs 167 and 169 of the National Planning Policy Framework require major developments to incorporate sustainable drainage systems that:

- take account of advice from the Lead Local Flood Authority;
- have appropriate proposed minimum operational standards;
- have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- where possible, provide multifunctional benefits.

The submission of basic information on how surface water is intended to be managed is vital if the Local Planning Authority is to make informed planning decisions. In the absence of acceptable information regarding surface water sustainable drainage, the Lead Local Flood Authority cannot assess whether the development proposed meets the requirements of Paragraph 169 of the National Planning Policy Framework or the Planning Practice Guidance in principle. This is sufficient reason in itself for a refusal of planning permission.

In particular, the submitted surface water sustainable drainage strategy fails to:

1. Provide appropriate minimum operational standards for peak flow control, therefore, is contrary to paragraph 169 of the National Planning Policy Framework.

Currently, the applicant has stated that the site is to be classed as a brownfield site and will therefore be discharging surface water at associated previously developed runoff rates with corresponding attenuation volumes. However, although the applicant has provided evidence of a site layout pre-development in Figure 3.1 that depicts the applicants understanding of the existing surface water drainage system, as well as stating that CCTV surveys have been undertaken that show the system is in good condition, the applicant has failed to provide sufficient and full evidence that the suggested previously developed runoff rate of 180l/s is appropriate, in line with methodology set out in option 1 of section 24.5 of the CIRIA SuDS Manual (C753). For the avoidance of doubt the evidence required is a simulation model that includes an accurate representation of the existing operational drainage system and site area contributions – thus allowing derivation of an appropriate head discharge relationship at the outfall.

Alternatively, if the applicant is unable to provide the evidence required under option 1, the applicant is expected to provide the necessary evidence in line with options 2a or 2b of the CIRIA SuDS Manual (C753).

Notwithstanding this, the preferred position should be to aspire to meet greenfield run off rates in line with standard S3 of the DEFRA Technical Standards for SuDS and Policy ENV7 of the

Adopted Pendle Local Plan. The Lead Local Flood Authorities expectation is that any deviation from this is sufficiently justified in the surface water sustainable drainage strategy.

2. Provide appropriate minimum operational standards for volume control, in line with the Defra Technical Standards for Sustainable Drainage Systems, therefore, is contrary to paragraph 169 of the National Planning Policy Framework. Standard S5 of the DEFRA Technical Standards for Sustainable Drainage Systems requires the runoff volume from the development to any highway drain, sewer or surface water body in the 1 in 100 year, 6 hour rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield runoff volume for the same event, but should never exceed the runoff volume from the development site prior to redevelopment for that event.

S6 of the Defra Technical Standards for Sustainable Drainage Systems requires where it is not reasonably practicable to constrain the volume of runoff to any drain, sewer or surface water body in accordance with S4 or S5 above, the runoff volume must be discharged at a rate that does not adversely affect flood risk.

The applicant has provided no evidence of the existing or proposed run off volume for the 100 year 6 hour rainfall event. In the absence of this information the Lead Local Flood Authority cannot assess whether the development proposed meets the requirements of Paragraph 169 of the National Planning Policy Framework or the Planning Practice Guidance in principle. This is sufficient reason in itself for a refusal of planning permission.

Response received 21st February 2023

Lead Local Flood Authority Position

The Lead Local Flood Authority wishes to withdraw its objection to the above application of an inadequate surface water sustainable drainage strategy for peak flow and volume controls as the applicant has submitted evidence in line with the approved methodologies to demonstrate that the previously developed discharge rate and volume is appropriate.

The above application will be acceptable subject to the inclusion of the below conditions, in consultation with the Lead Local Flood Authority.

Conditions

Condition 1 – Development is in accordance with the submitted Flood Risk

Assessment

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 (25th October 2022/ 110.21002-ACE-ZZ-ZZ-RP-C-0001 / Adept) and existing network calculations (7th February 2023 / 10.21002-ACE-00-ZZ-CA-C-0002 / Adept).

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 in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems and Policy ENV 7 of the adopted Core Strategy 2011-2030, Pendle Local Plan Part 1.

Condition 2 – Final Surface Water Sustainable Drainage Strategy to be submitted

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 sitespecific flood risk assessment and indicative surface water sustainable drainage strategy submitted (25th October 2022 / 110.21002-ACE-ZZ-ZZ-RP-C-0001 / Adept), existing network calculations (7th February 2023 / 10.21002-ACE-00-ZZ-CA-C-0002 / Adept) 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 creepCalculations 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.
- e) Evidence of an agreement in principle with the third party asset owner to connect to the off-site surface water sewer.

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 in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems and Policy ENV 7 of the adopted Core Strategy 2011-2030, Pendle Local Plan Part 1.

Condition 3 – Construction Surface Water Management Plan

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 runoff rate from the site prior to redevelopment or the proposed post development discharge rate.
- b) Measures taken to prevent siltation and pollutants from the site entering 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.

Reasons

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 in accordance with Paragraph 167 of the National Planning Policy Framework.

Condition 4 – Sustainable Drainage System Operation and Maintenance Manual

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 pursuant to the requirements of Paragraph 169 of the National Planning Policy Framework.

Condition 5 – Verification Report of Constructed Sustainable Drainage System

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, and to ensure that the development as constructed is compliant with the requirements of Paragraphs 167 and 169 of the National Planning Policy Framework.

Reason for Pre-Commencement Conditions

Drainage is not only a material consideration but an early and fundamental activity in the ground construction phase of any development and it is likely to be physically inaccessible at a later stage by being buried or built over. It is of concern to all flood risk management authorities that an agreed approach is approved before development commences to avoid putting existing and new communities at risk.

The National Planning Policy Framework considers sustainable drainage systems to be important and states that they should be incorporated unless there is clear evidence that this would be inappropriate and, as such the Lead Local Flood Authority needs to be confident that flood risk is being adequately considered, designed for and that any residual risk is being safely managed. To be able to do this the Lead Local Flood Authority requires an amount of certainty either by upfront detail or secured by way of appropriate planning condition(s).

The proposed pre-commencement condition(s) allows for the principle of development to be granted and full detailed drainage designs to be conditioned for approval via a discharge of condition application which could be more favourable to developers in terms of less delay and less financial outlay early in the process. Non-acceptance of the pre-commencement condition could lead the Lead Local Flood Authority to object to the principle of development until all residual risk issues are safely managed.

The Lead Local Flood Authority asks to be consulted on the details submitted for approval to your authority to discharge these conditions and on any subsequent amendments/alterations.

Informative

Informative 01 – Connection to Public Sewer

The applicant will require an agreement with the appropriate Water and Sewerage Undertaker to connect to the public sewerage system, alongside any Section 104 agreements for the adoption of the proposed surface water sustainable drainage system.

Lead Local Flood Authority - Site-Specific Advice

The following advice is provided to inform the applicant and the Local Planning Authority of our expectations:

The applicant has submitted evidence to support a previously developed discharge rate with a betterment, the Lead Local Flood Authority recognises this and its acceptability but makes reference to the preference that all developments mimic greenfield characteristics as close as is reasonably practicable.

As is stated in the Pendle Local Plan a betterment of 30% on the existing discharge rate is the minimum required for previously developed sites and therefore acceptable to the Lead Local Flood Authority, although as stated above would encourage the development to mimic greenfield as close as is reasonable practicable.

The Lead Local Flood Authority makes the applicant aware of the requirement to include an allowance for urban creep.

The Lead Local Flood Authority make reference to the location of several manhole chambers within the curtilage of properties 8, 11, 12 and 24 and the potential for these locations to provide management and maintenance limitations due to the access points for the drainage system being within the private ownership of the future property owner and therefore their responsibility to manage and maintain that section of drainage which is important for the drainage of the site.

If the applicant wishes to discuss any aspects of this response with the Lead Local Flood Authority, they can do so through our planning advice service.

Lead Local Flood Authority – General Advice The Lead Local Flood Authority's general advice is provided through the Lancashire SuDS Pro-forma and accompanying guidance. All applications for major development are expected to follow this guidance and submit a completed SuDS pro-forma.

Earby & Salterforth Drainage Board

Its noted that the surface water has been designed to discharge via an open watercourse south of the proposed development which lies east of the IDB district.

Surface Water entering the Boards catchment under the Land Drainage Act 1991 (amended) requires Board consent.

Yorkshire Water

Thank you for consulting Yorkshire Water regarding the above proposed development. We have the following comments:

Water Supply

A water supply can be provided under the terms of the Water Industry Act, 1991.

- 1.) This site can be supplied subject to property height and demand, expected pressures are approx. 44m - 56m at ground floor level.
- 2.) A 6 inch live water main runs along outside of redline boundary. We would not allow any permanent structures to be built 3m either side of the centre line of this pipe.
- 3.) There may be private water mains crossing the site for which the Company holds no records.
- 4.) Some off-site mainlaying may be required at Developer's cost.

Waste Water

If planning permission is to be granted, the following conditions should be attached in order to protect the local aquatic environment and Yorkshire Water infrastructure:

The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

(In the interest of satisfactory and sustainable drainage)

There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-

- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
- b) evidence of existing positive drainage to public sewer and the current points of connection; and
- c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

(To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage)

1.) The submitted 'Outline Drainage Proposal' 110.21002-ACE-ZZ-ZZ-RP-C-0001 prepared by Adept, dated 07/07/2021 requires amendments, but if planning permission is granted, the matter can be dealt with via condition.

In summary, the report states that

- a.) Foul water will discharge to public combined water sewer
- b.) On site land drains were found to connect to public sewer network. As per point 3.5.4 - "All existing culverts/land-drains within the green site should be located, replaced and directed into the southern drainage ditch. All new runs should have suitable access points for cleaning and maintenance." - would it not be suitable for all site surface water drainage to be connected into this culvert network to lower the hydraulic load on the public sewer network?
- c.) Surface water will discharge to public surface water sewer via storage with restricted discharge of 60 litres/second - more information on the existing site drainage will be required before the existing impermeable from which this rate of discharge is derived, can be proven. A full and detailed on site drainage survey, including, topography, downpipes, pipe diameter gradients will be required.

d.) The means of surface water management has not been properly considered within the FRA/drainage report. Yorkshire Water requires further information regarding the means of draining surface water from the development

2.) The developer is proposing to discharge surface water to public sewer however, sustainable development requires appropriate surface water disposal.

- a.) Yorkshire Water promote the surface water disposal hierarchy and the developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer.
- b.) The developer and LPA are strongly advised to seek comments on surface water disposal from other drainage bodies as further restrictions may be imposed.
- c.) As a last resort, and upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal, curtilage surface water may discharge to public surface water sewer. Surface water discharges to the public sewer must have a minimum of 30% reduction based on the existing peak discharge rate during a 1 in 1 year storm event.
- d.) The developer will be required to provide evidence of existing positive drainage to a public sewer from the site to the satisfaction of Yorkshire Water and the Local Planning Authority by means of physical investigation. On-site attenuation, taking into account climate change, will be required before any discharge to the public sewer network is permitted.

3.) If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), he/she should contact our Developer Services Team (telephone 03451 208 482, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Code for Adoption - a design and construction guide for developers' as supplemented by Yorkshire Water's requirements

Lancashire Constabulary

We would advocate that the installation be designed and constructed using the security principles and security rated products as stated in the attached SBD 'Homes 2019' Design Guide. Further details about Secured By Design, including application forms and security specifications can be found at www.securedbydesign.com

Lancashire School Planning Team

This consultation response seeks to draw the Council's attention to impacts associated with the above development and propose mitigation for these impacts through a developer contribution.

If the education contribution assessment identifies the need for a contribution and/or land to be provided Lancashire County Council is, in effect, objecting to the application. A developer contribution to deliver school places and/or land meeting the school site requirements as detailed in the assessments, including indexation will, in most cases, overcome the objection. If a developer does not agree to payment of the requested education contribution or the local planning authority does not pursue Lancashire County Council's, Lancashire County Council cannot guarantee that children yielded by the development will be able to access a school place within reasonable distance from their home, so the development could be considered to be unsustainable. Furthermore, if the planning application is approved without the required education contribution LCC would request that the local planning authority confirm how the shortfall of school places, resulting from the development, will be addressed. (Please see page 10 of the Education Contribution Methodology).

An education contribution is not required at this stage in regards to this development.

This response is based on the latest information available at the time of writing. Circumstances may change over time as other applications come forward. Consequently this response may require re-evaluation.

The final position assessment of the impact of the development on school places including infrastructure details should be provided as part of your development control committee process. The local planning authority will need to notify the School Planning Team of the final decision date to enable the final position, including the school infrastructure project, to be provided if required. Please could you provide feedback in terms of the decision to:
Schools.Planning@Lancashire.gov.uk

Pendle Borough Council – Environment Officer (Trees)

The applicant has submitted a partial 'Arboricultural Report' that grades the trees on the site in accordance with the relevant BS 5837 'Trees in relation to design, demolition and construction – Recommendations'.

As part of the development proposals, the intention is to remove all of the trees on the site which amounts to 18 trees in total. Of these totals, according to the report, there is one A category tree, a tree of high quality, seven B category, trees of moderate quality, eight C category, trees of relatively low quality, three U category, trees in poor condition that cannot be retained, and one Group of two trees that are off site and graded as B category. The species of trees on the site are a mix of Birch, Maple, Sycamore, Lime, Horse Chestnut and a Cedar.

When designing the layout of new development it is desirable to retain existing trees wherever possible, especially ones of moderate – good quality. By including existing trees this will enhance biodiversity, provide amenity, add landscape maturity and importantly, add to the screening potential of any new development when viewed from both inside and outside. However, with this

site, proposals to remove all the trees on site regardless of their grading is a worry and certainly not in-line with the comments above. Sadly, with this design layout I see no effort at all to incorporate any of the better quality trees on the site.

The idea BS 5837 quality grading system is to allow informed decisions about the trees on site in terms of which to retain and remove. In this case the report submitted showing at least eight trees that could be potentially considered for retention has been ignored by design layout.

Finally, if you are minded to approve this application in principle, I would suggest an Arboricultural Method Statement (AMS) is submitted upfront prior to approval. This would detail how a precautionary approach towards tree protection would be adopted and any operations, including access, proposed within the RPA (or crown spread where this is greater) should be described that demonstrates that operations can be undertaken with minimal risk of adverse impact on trees to be retained. The AMS would also include a Tree Protection Plan that show methods of tree protection in accordance with BS5837:2012. The aim here is to show how the trees off site in G1 are to be protected during the development.

Also, a fully detailed compensatory landscaping scheme should be conditioned that covers in detail all aspects of how the loss of trees on the site are to be mitigated.

Public Response

Nearest neighbours notified, a site & press notice have been displayed. Multiple representations have been received, raising the following comments:

- Could residents of Earby who are having to rent be given priority for these homes?
- Problems with flooding on Wentcliffe Drive
- The pavement is always flooded and in winter this is icy and dangerous
- There are not a sufficient bungalows on this scheme to accommodate the percentage of people in this country who are disabled
- Concern raised over construction vehicles using nearby streets for parking
- Category C trees should not be removed as part of the British Standard BS5837:2012
- The developer has decided to remove Category A & B Trees without considering a design around the trees, which would result in their retention
- Drainage has been cited as a reason to remove some boundary trees but a design should have been considered to work around these, which may have resulted in the loss of some plots

Officer Comments

Policy

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 SDP3 (Housing Distribution) sets out the location of new housing in the Borough in conjunction with SDP2 and LIV1.

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 ENV4 (Promoting Sustainable Travel) seeks to promote sustainable travel as well as development impacts and accessibility and travel plans for major developments to mitigate any negative impacts.

Policy ENV5 (Pollution and Unstable Land) concerns the risks of air, water, noise, odour and light pollution in addition to addressing the risks arising from contaminated land.

Policy ENV7 (Water Management) concerns the risk of flooding from flood or surface water. It requires flood risk to be assessed and sustainable drainage measures to be used.

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

Policy LIV3 (Housing Needs) encourages the support and provision of a range of residential accommodation.

Policy LIV4 (Affordable Housing) sets out the targets and thresholds to contribute towards the provision of affordable housing. Where the relevant target cannot be met a financial viability assessment should be provided to allow for negotiation and adjustment accordingly.

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

Replacement Pendle Local Plan

Saved Policy 31 sets out the 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.

Principle of Development

The application site is located within the settlement boundary and as such the principle of development is acceptable in accordance with Policy SDP2, subject to compliance with design and amenity policies.

Design

The proposed development comprises 49 two storey dwellings arranged in terraced blocks and semi-detached dwellings. There are also four bungalows. The total is 53 dwellings, 21 of which are to be 2 bedroom, 24 are to be three bedroom, 4 are to be 4 bedroom and 4 (bungalows) are to be 1 bedroom. The dwellings have been laid out to follow the shape of the site with a single point of vehicular access off Bailey Street with a turning head at each end of the estate road. The layout follows the linear form of the site.

The proposed dwellings are to be similar in scale and density to the existing properties on Stoney Bank Road and Wentcliffe Drive. The design of the properties which has been put forward is a simple form, to be constructed of reconstituted stone walls. There is no details on the roofing material but a sample material condition could be added in order to control this. The designs of each dwelling includes detailing such as stone heads and cills to the windows. The dwellings are to have off-street car parking on driveways. The plots which front onto Bailey Street mostly have a small front garden area, with the exception of plots 47-53 (inclusive) which are to have driveways directly onto the existing street. Internally the layout is to have parking to the front of the dwellings which are on the western side of the street whilst the eastern side of the street is to have parking with rear gardens to this frontage. There is an area of communal land to the north of the site, which is to create an area of open space fronting onto Stoney Bank Road.

The proposed dwellings are reflective of other dwellings in the surrounding area in terms of scale and form. The materials can be controlled by planning condition. As such, in terms of design the proposed development is acceptable in this location and complies with Policies ENV1, ENV2 and the Design Principles SPD.

Residential Amenity

The Design Principles SPD advises that proposed dwelling should be sited so that any habitable room windows are at least 21m from neighbouring habitable room windows. In terms of privacy the dwellings have been positioned so that they are at least 21m from the rear of dwellings on Wentcliffe Drive. It is noted that there is a level change between the dwellings on Wentcliffe Drive, which take a lower ground level than the application site. However, a distance of 21m minimum would ensure there is no unacceptable impact upon neighbouring amenity.

In terms of the residential amenity within the proposed dwellings, the dwellings are set a minimum of 23m either side of the estate road. This is an acceptable distance in terms of separation between principle windows. There are some first floor side elevation windows to the three bedroom semi-detached dwellings. However, these are to serve landings which would not be habitable rooms. As such, this would not result in an unacceptable neighbouring amenity issue. Plots 1 and 25 have a different fenestration so that there are more windows facing out onto Stoney Bank Road. These are the two northern most properties on the site. Given the distance to the existing dwellings on the other side of Stone Bank Road and the presence of the highway running in between this would not result in an unacceptable neighbouring amenity issue. Plots 4, 5, 6, and 7 also have side elevation windows. However, these plots are at the turning head of the estate road, as such although they are positioned just 11m from each other it must be noted that these are secondary sources of light to the living rooms that they serve coupled with the fact that there would

be public access onto the turning head. As such, this would not result in an unacceptable level of amenity.

Overall, the proposals accord with Policy ENV2 of the Local Plan Part 1: Core Strategy or with paragraph 130 of the Framework in this regard.

Highways

The proposed development provides an adequate level of off-street parking, in accordance with Policy 31 of the Replacement Pendle Local Plan. Initially there was concern over part of the footway off Bailey Street but it has been established that this is not adopted highway land and this error has been rectified in the County Highway's records.

The developer is investigating the surface water drain in Stoney Bank Road.

A contribution of £25,000 has been requested in relation to providing Real Time Bus Information at Earby Bus Station.

Ecology & Trees

The proposed development would result in the loss of eighteen trees in total. The communal space to the northern end of the application site would provide some scope for replacement planting. The landscaping plan also indicates trees within the internal layout which would assist in breaking up the driveways to create interest in the street scene.

A landscaping scheme has been submitted which includes a mix of typical ornamental trees and shrubs as well as some native species proposed across the site. The required specification and schedule has been submitted as well information on maintenance and management. This level of detail is acceptable. The applicant has provided an arboricultural impact assessment and a method statement which indicates how the trees off-site in G1 are to be protected during the construction phase.

Although the loss of trees would weigh negatively in the planning balance due to the loss of habitat, it would be outweighed by the public benefit which would result from the increase in housing land supply of 53 dwellings. It is also possible to mitigate this loss through the introduction of a replacement planting scheme. Therefore, the proposed development does not conflict with Policy ENV1 of the Local Plan: Part 1 Core Strategy.

In terms of ecology, the applicant has prepared a Bat Scoping Survey and a Presence / Absence Report. No bats were found to be roosting within the buildings on site. Therefore, no further survey or mitigation work is required for the development to proceed, with regards to bats.

Due to the presence of breeding birds in the building on site, it is recommended that the initial site clearance (including vegetation removal) and demolition works take place outside of the breeding bird season and should not be undertaken from March to August inclusive. This is something which can be secured by a suitably worded planning condition.

Drainage

The applicant has submitted a surface water drainage strategy which has been reviewed by the Lead Local Flood Authority. Initially there was an objection but this has since been resolved because applicant has submitted evidence in line with the approved methodologies to demonstrate that the previously developed discharge rate and volume is appropriate. A final drainage strategy

for surface water is required to be submitted and approved in writing by planning condition, this would follow the principles set out in the Flood Risk Assessment and Indicative surface water drainage strategy. Conditions for a construction surface water management plan, sustainable drainage system operation and maintenance plan and a verification report of constructed sustainable drainage system have all been requested by condition. These conditions are necessary and reasonable in order to facilitate the development.

Contributions

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 53 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.

A contribution of £25,000 towards Real Time Information at Earby Bus Station was initially requested. However, the developer has put forward evidence that there is an existing bus shelter at the bus station which could simply be upgraded, rather than being replaced. As such, there is an agreement between the parties that the contribution requested should be £10,000.

Other Matters

Some local residents have expressed concerns about an existing issue with surface water run-off and this being dangerous particularly in winter conditions when this can become icy. The applicant has prepared a surface water drainage strategy and this is acceptable. The proposed development cannot be expected to mitigate an issue which is existing.

In terms of whether there are sufficient number of bungalows on the site, the proposed development provides a range of one, two, three and four bedroom dwellings. There is no issue with the proposed mix on this development.

A request has been made that these properties would go to people who already live in Earby. It is not within the gift of the planning authority to control this.

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 garden extension would be acceptable in this location subject to appropriate 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 SM-BTP-00-LP-DR-A-3817_100, Proposed Site Plan SM-BTP-00-SP-DR-A-3817_105.E, Electric Car Charging Points SM-BTP-00-SP-DR-A-3817_112, Landscaping Layout 4314-101-Rev A, Planting Plan 1 of 2 4314-201-Rev A, Planting Plan 2 of 2 4314-202-Rev A, Highway Layout Access Plan 110.21002-ACE-00-ZZ-DR-C-2000 P2, Highway Contour Layout 110.21002-ACE-00-ZZ-DR-C-2040 P2, Boundary Plan SM-BTP-00-ZZ-DR-A-3817_108 Rev A, Proposed Access Arrangements 1797/01, Drainage Layout 110.21002-ACE-00-ZZ-DR-C-01000 P03, Standard House Type Elevation & Floor Plan BF-BTP-06-ZZ-DR-A-3817_114, 4B6P House Type Elevation & Floor Plans SM-BTP-10-ZZ-DR-A-3817_130, 3B5P House End Bay SM-BTP-11-ZZ-DR-A-3817_126, 1B Bungalow Elevation & Floor Plan SM-BTP-22-ZZ-DR-A-3817_135, Street Elevation & Sections SM-BTP-00-ZZ-DR-A-3817_110.B, Site Clearance Plan SM-BTP-00-SP-DR-A-3817_103

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

3. Samples of materials including descriptions, name of source/quarry shall be submitted to the Local Planning Authority for written approval prior to commencement of work on the site. The development shall be carried out using only the agreed materials.

Reason: In order that the Local Planning Authority can assess the materials in the interest of the visual amenity of the area.

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

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) 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
- x) Demolition Management Plan / Programme

Reason: In the interests of highway safety

5. Within 3 months of commencement a scheme for the site access and off-site highway works shall be submitted to and approved by the Local Planning Authority. The works shall include the following and be implemented prior to the first occupation of any dwelling.

- a. Reinstatement of footways on Stoney Bank Road and Bailey Street across former points of access which have been permanently closed.
- b. New continuous footway on Chapel Street at realigned retaining wall.
- c. Dropped kerb and cycle lane for cyclists to enter and leave carriageway on Bailey Street at link into development.
- d. Dropped kerbs at site access and on both sides of Bailey Street
- e. Relocation of road hump on Bailey Street

Reason: In the interests of highway safety

6. 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 an agreement has been entered into with the Highway Authority or a private management and maintenance company has been established.

Reason: In order to ensure a satisfactory maintenance strategy for the development site

7. Within 3 months of commencement full engineering, drainage, street lighting and constructional details to adoptable standards (LCC specification) 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.

Reason: In the interests of highway safety

8. 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: In the interests of highway safety

9. Prior to the occupation of each dwelling the driveways and parking areas shall be constructed in a bound porous material and made available for use and maintained for that purpose for as long as the development is occupied.

Reason: In the interests of highway safety

10. Prior to first occupation each dwelling shall have a secure cycle store for at a ratio of 1 cycle space per bedroom.

Reason: In order to promote sustainable methods of transport

11. Prior to the first occupation each dwelling shall have an electric vehicle charging point. 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: In order to promote sustainable modes of transport

12. All windows shall be set back from the external face of the walls by a minimum of 70mm.

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

13. 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 and D of Part 1 shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: To enable the Local Planning Authority to control any future development on the site in order to safeguard the residential amenity.

14. The development hereby approved shall be carried out in strict accordance with the Bat Presence / Absence Survey NGR: SD 91031 46575, dated 21/07/2022.

Reason: In order to adequately safeguard protected species.

15. Prior to the commencement of development, the applicant shall have submitted to and have agreed in writing by the local planning authority, a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site.

The method statement shall detail how:-

i. an investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional

(in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the local planning authority; and
ii. A comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the local planning authority.

All agreed remediation measures shall thereafter be carried out in accordance with the approved implementation timetable 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 and 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 monitoring proposals for the site.

17. Works to remove the trees in accordance with Arboricultural plan reference TPP/4582/Y/300 shall be carried out outside of the bird nesting season.

Reason: In the interests of protected species.

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

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

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

19. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

Reason: In the interest of satisfactory and sustainable drainage

20. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-

a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;

- b) evidence of existing positive drainage to public sewer and the current points of connection; and
- c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage

21. 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 (25th October 2022/ 110.21002-ACE-ZZ-ZZ-RP-C-0001 / Adept) and existing network calculations (7th February 2023 / 10.21002-ACE-00-ZZ-CA-C-0002 / Adept).

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 in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems and Policy ENV 7 of the adopted Core Strategy 2011-2030, Pendle Local Plan Part 1.

22. 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 (25th October 2022 / 110.21002-ACE-ZZ-ZZ-RP-C-0001 / Adept), existing network calculations (7th February 2023 / 10.21002-ACE-00-ZZ-CA-C-0002 / Adept) 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 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.
- e) Evidence of an agreement in principle with the third party asset owner to connect to the off-site surface water sewer.

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 in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems and Policy ENV 7 of the adopted Core Strategy 2011-2030, Pendle Local Plan Part 1.

23. 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 runoff rate from the site prior to redevelopment or the proposed post development discharge rate.
- b) Measures taken to prevent siltation and pollutants from the site entering 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 in accordance with Paragraph 167 of the National Planning Policy Framework.

24. 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 pursuant to the requirements of Paragraph 169 of the National Planning Policy Framework.

25. 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, and to ensure that the development as constructed is compliant with the requirements of Paragraphs 167 and 169 of the National Planning Policy Framework.

26. 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 Real Time Information at Earby Bus Station.

Reason: To ensure that the proposed development makes provision to encourage sustainable modes of transport.

Informative

1. Connection to Public Sewer

The applicant will require an agreement with the appropriate Water and Sewerage Undertaker to connect to the public sewerage system, alongside any Section 104 agreements for the adoption of the proposed surface water sustainable drainage system.

2. The grant of planning permission will require the applicant to enter into a S278 Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision

of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact Lancashire County Council for further information by emailing the Highway Development Control Section at developeras@lancashire.gov.uk .

Application Ref: 22/0848/FUL

Proposal: Full (Major): Site clearance, demolition of existing buildings and erection of 53 new dwellings with associated access road, car parking and landscaping.

At: Spring Mill, Stoney Bank Road, Earby

On behalf of: Pearl Together Limited

Date Registered: 15/12/2022

REPORT TO WEST CRAVEN COMMITTEE 28TH MARCH 2023

Application Ref: 23/0049/VAR

Proposal: Variation of Condition- Remove Condition 18 (s106 for improvements to 2 bus stops on Earby Road) of Planning Permission 16/0630/OUT.

At: Land at Field Number 0087, Earby Road, Salterforth

On behalf of: Cross Construction Ltd

Date Registered: 24/01/2023

Expiry Date: 25/04/2023

Case Officer: Laura Barnes

This application is before the committee for determination because it relates to a major development.

Site Description and Proposal

The application site relates to a triangular shaped area of land measuring 1.3ha with one boundary forming Earby Road, another forming the rear of properties on Kenilworth Drive and the southern boundary abutting open countryside.

The proposed development is for the variation of a previously approved application for 34 dwellings to remove the condition relating to the s106 agreement. The s06 agreement relates to 2 bus stops which have been upgraded by Lancashire County Council.

Relevant Planning History

16/0329/OUT: Outline: Major: Erection of 34 dwelling houses (1.26ha) (Access and Layout only).
Refused

16/0630/OUT: Outline: Major: Erection of 34 dwelling houses and creation of new access (Re-Submission).
Approved with conditions

16/0020/AP/REFUSE: Outline: Major: Erection of 34 dwelling houses (1.26ha) (Access and Layout only).
Withdrawn

19/0863/REM: Reserved Matters: Major: Erection of 34 dwellinghouses (access; appearance; layout; scale and landscaping).
Approved with conditions

20/0445/CND: Approval of Details Reserved by Condition: Discharge of Condition 4 (Materials), Condition 5 (Ground Levels), Condition 6 (Construction Code of Practice), Condition 7 (Car Park), Condition 8 (Highway Works), Condition 9 (Off-Site Highway Works), Condition 12 (Drainage), Condition 13 (Drainage), Condition 15 (Surface Water Pollution), Condition 17 (Management Plan), Condition 19 (Affordable Housing) and Condition 20 (Off-Site Highway Works) of Planning Permission 16/0630/OUT.
Condition Discharged

Consultee Response

LCC Highways

There is no objection to the removal of condition 18. The nearest bus stops have been upgraded to quality bus stop standard since the decision notice and associated conditions were issued.

Public Response

Nearest neighbours notified by letter, three responses have been received raising the following issues:

- Objection to the principle of development
- Concern regarding fatalities in the area with dangerous roads
- Objection to developer not having to pay £22,000
- Drainage problems in the area

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 SDP3 (Housing Distribution) sets out the location of new housing in the Borough in conjunction with SDP2 and LIV1.

Policy ENV1 (Protecting and Enhancing our Natural and Historic Environments) sets out that proposed development should make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

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 ENV4 (Promoting Sustainable Travel) seeks to promote sustainable travel as well as development impacts and accessibility and travel plans for major developments to mitigate any negative impacts.

Policy ENV5 (Pollution and Unstable Land) concerns the risks of air, water, noise, odour and light pollution in addition to addressing the risks arising from contaminated land.

Policy ENV7 (Water Management) concerns the risk of flooding from flood or surface water. It requires flood risk to be assessed and sustainable drainage measures to be used.

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

Policy LIV3 (Housing Needs) encourages the support and provision of a range of residential accommodation.

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

Replacement Pendle Local Plan

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.

Principle of Development

The principle of development of a residential housing estate for 34 dwellings has been established through the planning history. An Outline application was approved which has been followed up with a Reserved Matters approval and a discharge of the planning conditions. The principle of development is not in question in this application.

Design, Residential Amenity & Landscaping

The proposed development to remove condition 18 from the original Outline decision notice does not involve any changes to the remaining issues regarding this development. The only consideration here is the highways matter which will be discussed in the following section.

Highways

The proposed development does not involve any amendment to the highway access or car parking arrangements. Therefore, there are no new issues raised in this regard. However, it does request the removal of condition 18 which relates to a s106 agreement between the developer and LCC Highways regarding the funding of two bus stops to quality standard.

The requirement for the Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 is no longer valid in respect of the fact that the sole purpose of the obligation was to secure a capital contribution of £22,000 to be payable to Lancashire County Council as a contribution to the upgrade of two local bus stops in order to address the highlighted concerns of the Highway Authority in their formal response dated 18th October 2016 which stated "The

Highway Development Control Section was of the opinion that the site has a low to medium accessibility score and to support sustainable transport and improve social inclusion within the vicinity of the site, the Highway Development Control Section recommends a Section 106 highway contribution of £22,000 to upgrade the two bus stops near the site to quality bus stops." Between the issue of the grant of Outline Planning Permission on the 8th December 2016 and the lodging of the Reserved Matters planning application on the 20th November 2019 works were implemented by Lancashire County Council to fully implement not only the upgrade to the identified bus stops but a raft of other bus stops within the locality. A draft of the proposed Planning Obligation was lodged with the Reserved Matters application although this was not engrossed. In conclusion given the timeline of events then it is considered no longer appropriate to secure this capital contribution by way of a Planning Obligation and therefore the condition is no longer necessary and it would be unreasonable to request the payment.

Other Matters

Although some resident have objected to the principle of development this is not a consideration in this case. The application requests a variation of the condition.

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. An application for approval of the reserved matters (namely the access, appearance, layout, scale and landscaping of the site) shall be submitted in writing to the Local Planning Authority before the expiration of three years from 8th December 2016 and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Details of the access, appearance, landscaping, layout and scale (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: In order to comply with the requirements of Section 92 of the Town & Country Planning Act 1990.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: CROS/19 – Dwg 00 A & CROS/19/Dwg 02 E.

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

4. Development shall be carried out in accordance with the approved material sample details agreed in application reference 20/0445/CND, dated 01/07/2022.

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

5. The development shall be carried out in strict accordance with the details of the ground levels agreed under application reference 20/0445/CND, dated 01/07/2022.

Reason: To ensure how the development will accommodate the varied land levels and control the final form.

6. The development shall be carried out in strict accordance with the Construction Method Statement approved under application reference 20/0445/CND, dated 01/07/2022.

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

7. The car parking areas shall be surfaced in accordance with the scheme submitted as part of 20/0445/CND, dated 01/07/2022 and the car parking spaces and manoeuvring areas shall be marked out in accordance with the approved plan, before the use of the premises hereby permitted becomes operative.

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

8. The development shall be carried out in strict accordance with the details agreed for the highway works to facilitate construction traffic access, agreed as part of application reference 20/0445/CND dated 01/07/2022.

Reason: To enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

9. No part of the development hereby approved shall be occupied until all the off-site highway works have been constructed in accordance with the scheme approved by the Local Planning Authority as part of application reference 20/0445/CND dated 01/07/2022.

Reason: 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.

10. The new estate road for the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any development takes place within the site and shall be further extend before any development commences fronting the new access road.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

11. The access shall be so constructed that there is clear visibility from a point 1.05m above ground level at the centre of the access road and 2.4m distant from the adjoining edge of the carriageway, to points 1.05m above ground level at the edge of the carriageway and 52m distant in each direction measured from the centre of the access along the nearside adjoin edge of carriageway prior to the commencement of any other works on site and thereafter be permanently retained.

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

12. As part of any reserved matters application and prior to the commencement of any development, the following details shall be submitted to, and approved in writing by, the local planning authority, in consultation with the Lead Local Flood Authority. As a minimum, the surface water drainage scheme shall include:

- a) Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in AOD;

- b) The drainage scheme should demonstrate that the surface water run-off must not exceed 14.72 litres/second. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

- c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include the refurbishment of any existing culverts and headwalls, the removal of any unused culverts where relevant and the construction of any new surface water drainage systems off-site);

- d) Flood water exceedance routes, both on and off site;

- e) A timetable for implementation, including phasing where applicable;

- f) Site investigation and test results to confirm infiltrations rates;

- g) Details of water quality controls, where applicable.

- h) Details of finished floor levels.

The scheme shall be fully implemented and subsequently maintained, 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.

Reasons: 1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. 2. To reduce the risk of flooding to the proposed development, elsewhere and to future users. 3. To ensure that water quality is not detrimentally impacted by the development proposal. 4. To ensure a satisfactory standard of development.

13. The development shall be carried out in strict accordance with the details of the management and maintenance plan for the sustainable drainage system for the lifetime of the development agreed as part of 20/445/CND on 01/07/2022.

Reasons: 1. To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development 2. To reduce the flood risk to the development as a result of inadequate maintenance 3. To identify the responsible organisation/body/company/undertaker for the sustainable drainage system.

14. No development hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reasons: 1. To ensure that the drainage for the proposed development can be adequately maintained. 2. To ensure that there is no flood risk on- or off-the site resulting from the proposed development or resulting from inadequate the maintenance of the sustainable drainage system.

15. The development shall be carried out in strict accordance with the details of how surface water and pollution prevention will be managed during each construction phase, agreed on 01/07/2022 as part of 20/0445/CND.

Reasons: 1. To ensure that the construction phase(s) of development does not pose an undue flood risk on site or elsewhere; 2. To ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies.

16. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network

17. The development shall commence in accordance with the details of the proposed maintenance plan for the green zone, footpaths and hedges agreed as part of 20/0445/CND on 01/07/2022

Reasons: To ensure that the communal areas continue to be maintained after the development has been completed.

18. The development shall be carried out in accordance with the scheme for the provision of six affordable housing units and in accordance with the details agreed as part of 20/0445/CND on 01/07/2022.

Reason: In order for the development to contribute to the supply of affordable housing needed in the Borough

19. Development shall commence in accordance with the details of a scheme for off-site highway works which have been approved in writing by the Local Planning Authority on 01/07/2022 as part of 20/0445/CND.

Reason: In order that the site is served by a safe highway network

Application Ref: 23/0049/VAR

Proposal: Variation of Condition- Remove Condition 18 (s106 for improvements to 2 bus stops on Earby Road) of Planning Permission 16/0630/OUT.

At: Land at Field Number 0087, Earby Road, Salterforth

On behalf of: Cross Construction Ltd

REPORT TO WEST CRAVEN COMMITTEE ON 28 MARCH 2023

Application Ref: 23/0121/FUL

Proposal: Full: Change of Use of agricultural Land to tourist accommodation and the Installation of four glamping pods with associated parking and infrastructure.

At: Land Off Dotcliffe Road, Dotcliffe Road, Kelbrook

On behalf of: Mr Adrian Duke

Date Registered: 22/02/2023

Expiry Date: 29/04/2023

Case Officer: Alex Cameron

The application has been brought before Committee at the request of a Councillor.

Site Description and Proposal

The application site is an agricultural field located to the south of the settlement of Kelbrook accessed from Dotcliffe Road.

The proposed development is the change of use of the land and associated works for the siting of four glamping pods for tourist accommodation.

Relevant Planning History

None

Consultee Response

PBC Countryside Access - The proposed layout plan shows the public footpath (footpath 13-5-FP 61) crossing from a proposed footway on one side, then crossing to a footway on the other. The line of the public footpath is in fact on the proposed access road, as described in the design and access statement. Would it be possible to ask the applicant to re-submit the plan with the line of the footpath shown correctly?

The public footpath passes through the proposed new vehicular gates, not through the site of the proposed new pedestrian timber gate. If the proposal is that the vehicle access gates should be locked at any time then the applicant will need to apply to divert the footpath. The gates across the line of the footpath must be maintained so that they are safe and do not unreasonably interfere with pedestrian access, i.e. kept unlocked, until a diversion order has been made and come into operation.

Kelbrook Parish Council – Object for the following reasons:

1. The proposed development is on a greenfield site currently used for agricultural purposes. An application (22/0004/FUL) to build a holiday home at the southern end of this site in a quarry was refused in 2022 for the following reasons:

- The development is served by an inadequate highway arrangement with poor forward visibility and lack of passing places. The increase in movements generated by this development via the substandard highway leading to the site would result in a danger to users of the highway contrary to policy ENV 4 of the adopted Pendle Local Plan Part 1 and to paragraph 111 of the National Planning Policy Framework.
- The development is in a visually isolated location in the open countryside and would be highly visible in the landscape. The detrimental impact on the landscape would not be mitigated by planting and the development would thus be harmful to the visual amenity and character of the area contrary to policy ENV 1 of the adopted Pendle Local Plan Part 1 and paragraph 84 of the National Planning Policy Framework.

As this proposal would have a greater impact on the site, it should also be refused.

2. The proposed development would have major issues with access.

The application states that the entrance would be widened, but the plan shows that the widening occurs within the field and as such the choke point remains the same. As the residents on the access route must park their cars outside of their properties, there is no opportunity to widen the access.

3. The plan shows that there are only parking places for 4 cars however, there may be more cars needing to park as each pod will house two people. In these instances parking would of necessity be at another place in an already congested village.

4. The expansion of the track and on-site parking increases significantly the area of hardstanding on the site.

5. The proposed development would impact the Green Infrastructure policy in the Kelbrook and Sough Neighbourhood Plan 2022. Policy KSENV1 states that Improvements to the green infrastructure of the Parish will be supported.

This proposed development would conflict with this policy by removing the current green infrastructure and landscape supported by agricultural use. The siting of 5 buildings would have a significant impact on the landscape even though it is proposed that additional tree planting and screening is done, there is a significant built area that would impact the landscape.

6. The proposed site plan shows 4 pods with toilets; cooking facilities; and waste drainage to a treatment plant. This would indicate that services to each pod, such as water and electricity would be required and there is no indication that such services could be provided.

7. The proposed development would be noisy. The application states that noise would be managed. However, the owner of the site does not live on the site, thus any action would be retrospective. It would, therefore, fall to the nearby residents to manage the impact. Similarly, any issues such irresponsible parking, pet animal threats to walkers, etc., would not be managed onsite.

8. The "glamping pods" are of a size, weight and attachment to the ground surface that they can not be considered as caravans. If they were to be considered as such, there is a a surfeit of sites within the area to satisfy any need. These pods, we believe, must be considered as dwellings because of their physical attachment to the ground; their size and weight; and the way in which they would have to be moved should there be any desire to relocate them. There is in fact, little reason why an individual could not take up permanent residence. We believe that as dwellings they would require planning permission rather than a change of use.

9. The area of the field in which the development would be sited, was the tip for the village. It is believed that it was a tip from Victorian times until the 1940's.

Public Response

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

- The site is outside of the settlement boundary
- The development does not accord with the Neighbourhood Plan
- The construction would be more in line with permanent dwellings
- The site was previously used as a village tip, excavation could have a serious environmental impact
- Landscape impact
- Noise impacts from visitors
- Inadequate access and highway safety impacts
- Inadequate on site car parking and displacement of car parking from the widening of the access
- Loss of green space
- No requirement for additional holiday accommodation in the area
- The site is at risk of flooding
- Impact on public right of way running through the field
- Impact on wildlife from noise and light pollution
- No indication that services could be provided

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.

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.

KS HER 1 identifies buildings that should be regarded as Non-designated Heritage Assets including 61–63, 65-67 & 69 Dotcliffe Road.

KS TOUR states that Proposals for tourism development will be supported where they are in a location, and of a design and scale, that is in keeping with, and protects, the rural character of the settlement and the wider landscape setting as defined in the Kelbrook and Sough Character Assessment.

Principle of the development

The site is adjacent to the settlement of Kelbrook in an acceptable accessible location for a tourist accommodation use.

Whilst new housing development beyond the settlement boundary and allocated sites is restricted by policy KS DEV 1 of the Neighbourhood Plan and Policy LIV1, tourist accommodation is acceptable in accessible locations beyond settlement boundaries in accordance with policies KS TOUR and WRK5.

Therefore, with a condition to ensure that the use is restricted to tourist accommodation only the proposed development is acceptable in principle.

Visual Amenity, Landscape and Heritage Impacts

The site is adjacent to the settlement it would be a compact arrangement within the centre of the site surrounded by landscaping and the scale, design and materials of the units would not result in unacceptable visual amenity or landscape impacts or unacceptable impacts upon the adjacent non-designated heritage assets.

Residential Amenity

With a condition to ensure that any windows facing the 63 Dotcliffe Road within 21m are obscure glazed and non-opening the proposed development would not result in any unacceptable loss of privacy.

Concerns have been raised regarding noise, holiday accommodation is a residential use that does not fundamentally result in a greater noise impact than other residential use. Furthermore, the units are proposed a minimum of 15m from the nearest dwelling which would provide acceptable separation.

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

Highways

The highway arrangements in the upper area of Dotcliffe Road is substandard. There are inadequate opportunities for vehicles to pass and there is in places poor forward visibility. The development is likely to lead to a conflict of movements and a danger to users of the highway.

Ecology

An ecology survey and biodiversity assessment has been submitted with the application, these demonstrate that the development would not lead to unacceptable ecology impacts or loss of biodiversity.

Drainage and Flood Risk

The area of the site where the accommodation is proposed is not identified as being at risk from flooding and adequate drainage to ensure the development does not result in an increase risk of off-site flooding can be ensured by condition.

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

Contamination

An investigation of the site to ensure that any contamination is identified and appropriate remediation undertaken can be controlled by condition.

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: Refuse

For the following reasons:

1. The development is served by an inadequate highway arrangement with poor forward visibility and lack of passing places. The increase in movements generated by this development via the substandard highway leading to the site would result in a danger to users of the highway contrary to policy ENV 4 of the adopted Pendle Local Plan Part 1 and to paragraph 111 of the National Planning Policy Framework.

Application Ref: 23/0121/FUL

Proposal: Full: Change of Use of agricultural Land to tourist accommodation and the Installation of four glamping pods with associated parking and infrastructure.

At: Land Off Dotcliffe Road, Dotcliffe Road, Kelbrook

On behalf of: Mr Adrian Duke

REPORT TO WEST CRAVEN COMMITTEE 28TH MARCH 2023

Application Ref: 23/0140/PIP
Proposal: Permission in Principle: Erection of a single detached dwelling.
At: The Stables, Old Stone Trough Lane, Kelbrook
On behalf of: Mrs Kathleen Pedder
Date Registered: 03/03/2023
Expiry Date: 07/04/2023
Case Officer: Laura Barnes

This application has been called in by a Councillor.

Site Description and Proposal

The application site relates to an area of land outside the settlement boundary, within the Open Countryside.

The proposal is for the erection of one dwelling. The principle of residential development in this location is the only aspect to be considered as part of this application.

Relevant Planning History

None relevant

Consultee Response

Kelbrook & Sough Parish Council

At the meeting of the Parish Council on 14th March 2023, it was resolved to object to the application below.

23/0140/PIP - OBJECTION

- The Kelbrook and Sough Neighbourhood Plan identified this site as an isolated site, greenfield and unsuitable for development. (Page 60 ref: P297)
- The site falls outside the settlement boundary of Kelbrook identified in the Kelbrook and Sough Neighbourhood Plan 2022 and is within open countryside and a designated greenfield site.
- The access road Old Stone Trough Lane from Kelbrook is in part a single narrow lane and not able to support additional vehicular usage associated with new residential buildings. It would increase the traffic through Kelbrook village.
- The original Grant for Planning for a stable block on this site (13/08/0064P) listed several conditions which are in direct conflict with this proposal. They all refer to protection of the area and visual amenity including:

1) If the stables are unused for the stabling of horses for a period of twelve consecutive months, the land is to be returned to pastureland. This is to safeguard the amenities of the area.

2) No equipment, vehicles or other items shall be stored/placed on the site. This is in the interests of visual amenity.

- It would begin a ribbon development along Old Stone Trough Lane impacting the local amenity.
- The Planning Statement mentions a similarity between this application and others, namely 18/0605/FUL, 18/0749/PIP, 21/0766/PIP and 22/0370/FUL. With the exception of 21/0766/PIP they are all infill developments which are adjacent to at least two other existing dwellings. 21/0766/PIP is similar in most respects, being in a greenfield without other dwellings and not adjacent to the settlement boundary. However, it was REFUSED by the Local Planning Authority. The applicant then appealed the decision and it was DISMISSED.
- The proposed development would impact the Green Infrastructure Policy in the Kelbrook and Sough Neighbourhood Plan 2022.

Policy KSENV1 - Improvements to the green infrastructure of the Parish will be supported. The proposed development would conflict with this policy by removing the current green infrastructure and landscape supported by agricultural use including the keeping of horses. Old Stone Trough Lane is used by walkers, cyclists and other tourists and the addition of any further buildings would impact this landscape.

- The proposed development would impact the Improvements to existing footpaths, bridleways and the Rights of Way policy in the Kelbrook and Sough Neighbourhood Plan 2022.

Policy KSPATH - The improvement of the network of footpaths, bridleways and cycleways, including signage and provision or upgrading of crossing points will be supported to improve the connections for residents to the village facilities and to the countryside. New developments should ensure preservation of parish footpaths, bridleways and open space. Where practicable, cycle routes and footpaths should be incorporated within new developments and link into wider existing networks. Development proposals which would involve the closure of a cycle route or footpath route will not be supported unless a satisfactory alternative route is provided.

The proposed development shows that the Right of Way would be retained and be 5m from the proposed dwelling. This would mean that the dwelling will be highly visible from the footpath with little opportunity to screen it.

LCC Highways

Yorkshire Water

Public Response

Multiple letters of objection have been received from members of the public, their comments can be summarised as follows:

- Outside the settlement boundary

- Kelbrook & Sough Neighbourhood Plan does not allocate this site for housing
- Within close proximity to two Listed Buildings (Stoops Farm & Yellow Hall)
- Access is narrow and unsuitable
- The application for the stable block in 2008 set out conditions that the land must be returned to agricultural pasture if it was not in use as a stable
- Increase in ribbon development
- Isolated site
- Impact upon a Public Footpath which is 5m from the proposed dwelling
- Impact upon landscape with associated parking areas, garden boundaries and residential paraphernalia
- Not an efficient use of land
- This may open up the possibility of larger developments
- The site is not connected to mains drains and could be a source of pollution
- Existing issues with water pressure in the area will be exacerbated
- Concerns about the polytunnel which is on the land currently

Officer Comments

This is an application for a Permission in Principle (“PiP”). This is a form of planning application that has been specifically allowed to come forward as an alternative to normal planning applications.

The scope of permission in principle is limited to location, land use and the amount of development. A decision must be made in accordance with relevant policies in the development plan but based around the three factors. There is no other specific guidance about the way a PiP should be considered other than considering it based on existing prevailing planning policies.

A site that benefits from a PiP would then be subject of a further application for approval of technical details. It is regrettable that there has been no adequate guidance on what this would entail but in basic terms a Council can require any necessary details to be considered at the technical stage. The principle could not however be revisited at that stage.

Policy

Local Plan Part 1: Core Strategy

Policy SDP1 (Presumption in Favour of Sustainable Development) sets out the presumption in favour of sustainable development which runs through the plan.

Policy SDP2 (Spatial Development Principles) states that new development within settlement boundaries will be acceptable, unless it is an exception outlined in the Framework or elsewhere in the LPP1.

Policy LIV1 (Housing Provision and Delivery) sets out the housing requirement for Pendle, on allocated sites within settlements.

Policy 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, and be designed to meet future demands whilst enhancing and conserving our heritage assets.

Replacement Pendle Local Plan

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.

Development in the Open Countryside SPG supplements policies of the Local Plan relating to development in the open countryside.

Principle of Development

Policy SDP2 sets out that proposals for new development should be within a settlement boundary as defined on the proposals map. Kelbrook is defined as a Rural Service Centre, one of four villages in Pendle which are the focus for growth in rural Pendle.

Policy LIV1 deals with housing provision and delivery. It states that non-allocated sites within a settlement boundary, where they are sustainable and make a positive contribution to the five year supply of housing land will be supported. It also states that until such a 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, including those identified in the Strategic Housing Land Availability Assessment (SHLAA) will be supported where they accord with other policies in the Core Strategy.

Therefore, the policy is clear that development beyond the settlement boundary but close to it would be acceptable until such a time as the Part 2 Local Plan is in place. The Kelbrook & Sough Neighbourhood Plan has been adopted in December 2022, this allocates sufficient sites for residential development to meet the housing need of the settlement. The Neighbourhood Plan has been through an examination and referendum before being adopted by the Council. Due to this Part 2 Plan being in place, the part of Policy LIV1 which concerns sites outside the settlement boundary is disengaged.

The application site is located beyond the settlement boundary, within the Open Countryside.

The adoption of the Kelbrook & Sough Neighbourhood Plan in December 2022 which allocated land for housing development is a Part 2 Development Plan which Policy LIV1 refers to. Therefore, the part of Policy LIV1 which refers to further encouraging housing delivers on non-allocated sites close to a settlement boundary is not engaged. The application site is outside of the settlement boundary and therefore conflicts with Policy LIV1 and the Kelbrook & Sough Neighbourhood Plan. As such the principle of development is not acceptable on this site.

RECOMMENDATION: Refuse

For the following reasons:

1. By virtue of its location, outside of the settlement boundary for Kelbrook and within the Open Countryside the proposed development is unacceptable. It is not in conformity with Policy SDP2 or LIV1 of the Local Plan: Part 1 Core Strategy or the Kelbrook & Sough Neighbourhood Plan.

Application Ref: 23/0140/PIP

Proposal: Permission in Principle: Erection of a single detached dwelling.

At: The Stables, Old Stone Trough Lane, Kelbrook

On behalf of: Mrs Kathleen Pedder

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 03rd March 2023