

## **West Craven Committee Update Report 7<sup>th</sup> May 2024**

### **24/0087/FUL - Lower Greenhill Caravan Park**

#### **Consultee Comments**

Earby and Salterforth Internal Drainage Board - Its noted that the surface water is being intended to discharge to open watercourse within the Boards district on this basis under the Land Drainage Act 1991 (amended) Board consent is required.

LCC Highways – The agent has provided further information on the consented caravan pitches and pending appeal which reduces the number slightly to 202. However this still theoretically puts the number over the threshold for a right turn lane on Kelbrook Road

It has been agreed that a count on the site access to determine the actual numbers being generated currently, factored up for the consented pitches not completed or occupied and the appeal pitches, and peak periods could be taken into account to demonstrate whether a right hand turn lane is necessary to require as off-site highway works.

LCC Highway's objection is withdrawn subject to a condition to ensure that a junction assessment is undertaken and off-site highway works for right hand turn lane if necessary.

#### **Officer Comments**

A Flood Risk and Drainage Assessment has been received and the Lead Local Flood Authority reconsulted, their response is awaited. It is recommended that the approval of the application, and any additional or revised conditions necessary is delegated to the Assistant Director Planning, Building Control and Regulatory Services subject to the withdrawal of the Lead Local Flood Authority's objection.

#### **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: Delegate Grant Consent**

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: 2023-21-400 B, 2023-21-501, 23058-CO-LP-0-01-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 18 static caravans and 15 touring caravans only and there shall and they shall be laid out in accordance with the approved plans.

Reason: 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. All static caravans shall be finished/painted prior to being brought on to the caravan park in a colour to be first agreed in writing by the Local Planning Authority and thereafter maintained in accordance with the approved colour.

Reason: In the interest of visual amenity.

6. Prior to the commencement of the development a junction assessment of the site access and Kelbrook Road, including the existing and any consented development or development pending determination that would use the site access, and a scheme of any off-site highway works necessary in accordance with Design Manual for Roads and Bridges CD123 Geometric design of at-grade priority and signal controlled junctions, shall have been submitted to and approved in writing by the Local Planning Authority.

If off-site highway works are determined to be necessary by the approved junction assessment they shall be constructed in accordance with the approved off-site highway works scheme prior to the first use of any caravan pitch hereby permitted.

Reason: In the interest of highway safety.

7. 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.

8. 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.

9. 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.

10. The approved landscaping scheme 23058-CO-LP-0-01-REV 1, No caravans shall be sited on the approved application site unless and until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

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

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

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

11. The development shall be carried out and operated in full accordance with the mitigation and compensation recommendations of the Preliminary Ecological Appraisal Report Dated 23/02/2024.

Reason: To ensure protection of ecology and wildlife.

12. 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.

#### **24/0213/VAR – Site of Former Brook Shed, New Road, Earby**

Conservation Consultants - There is insufficient detail in the submission to reach a detailed view on the suitability of the proposed changes. Further details including samples and images are required, however use of PVC and artificial building materials is contrary to the Councils own Conservation Area Design and Development Guidance, which seeks to ensure new development preserves conservation areas.

The proposed materials do not preserve or enhance the character or appearance of the Earby Conservation Area and thus remain at odds with local and national policy requirements. The proposed changes in materials do not alter our previous stance on this point and would likely cause some low level less than substantial harm to the Earby Conservation Area.

It is down to the LPA to consider this harm in the context of the wider benefits to be delivered by the scheme and the case put forward by the applicant under its P.208 weighted balance. If in undertaking that weighing exercise a positive balance cannot be achieved, then the scheme would remain contrary to Policy ENV1 and Chapter 16 of the NPPF. However, if on balance the LPA consider this to be a suitable compromise re materials then I would recommend that full details of the materials including sample panels are provided for inspection and approval.

#### **Officer Comments**

The conservation consultant's comments in-line with the officer's assessment of the heritage impact in the Committee Report, however, when balanced against the impact on the viability of the development and benefits of the development coming forward it is concluded that the harm is outweighed.

The recommendation remains to approval of the application is delegated to the Assistant Director Planning, Building Control and Regulatory Services subject to the withdrawal of Yorkshire Water's objection and the expiry of the publicity period. A small correction to condition 1 is also made below to correct an error in the Materials Schedule revision from E to F.

### **Reason for Decision**

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

### **RECOMMENDATION: Delegate Grant Consent**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 01 Rev P, 05 Rev F, 06 Rev C, Materials Schedule Rev F, P22- 1812\_01K, P22-1812\_02K, P22-1812\_03K, P22-1812\_04K, 201-S-0001 Rev C03, 201-S-0301 Rev C04, 301-S-0001 Rev C05, 301-S-0301 Rev C04, 304-S-0001 Rev C03, 304-S-0301 Rev C04, 311-S-0001 Rev C04, 311-S-0301 Rev C04, 313-S-0001 Rev C04, 313-S-0301 Rev C03, 314-S-0001 Rev C04, 314-S-0301 Rev C03 , 337-S-0001 Rev C06, 337-S-0301 Rev C06, 401-S-0001 Rev C05, 401-S-0301 Rev C05, 403-S-0001 Rev C02, 403-S-0301 Rev C02, BT\_01, NSD251 Rev B, SD103 Rev C, SD125 Rev P01, SD1700 Rev C, SD1701 Rev C.

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

2. The materials of external walls and roofs of the development shall be in accordance with the Materials Schedule F.

Reason: To allow the Local Planning Authority to control the external appearance of the development to protect the significance of the Conservation Area.

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

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

4. The landscaping scheme (P22-1812\_01K, P22-1812\_02K, P22-1812\_03K, P22-1812\_04K), shall be implemented in its entirety within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be

replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

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

5. The landscaped areas shall be managed and maintained in accordance with Landscape and Ecological Management Plan (Pegasus Group, November 2023).

Reason: To ensure the landscaped areas are adequately managed and maintained in the interest of the visual amenity of the area and to protect the significance of the Conservation Area.

6. The Construction Management Plan (Gleeson, 28.02.2024) shall be adhered to throughout the construction period.

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

7. The development shall be carried out in strict accordance with the recommendations of the Preliminary Ecological Appraisal May 2022, the Bat Activity Survey Results Report June 2022, and bat and bird boxes shall be installed as shown on the landscaping scheme prior to the occupation of each dwelling they are installed to (P22-1812\_01K, P22-1812\_02K, P22-1812\_03K, P22-1812\_04K).

Reason: To ensure that the development acceptably preserves or enhances the ecology of the site and does not result in unacceptable harm to protected species.

8. All agreed remediation measures shall be carried out in accordance with the Remedial Options Appraisal, Remediation Strategy and Verification Plan (Ground Risk, September 2023).

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.

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

9. The flood mitigation measures provided in the Flood Risk and Drainage Assessment Rev B and shown on 30581\_102C\_Proposed Flood Mitigation and 30581\_104C\_Flood Mitigation Detailed Sections shall be fully implemented prior to occupation and shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons: To reduce the risk of flooding to the proposed development and future occupants and prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided

10. The proposed development shall be carried out in accordance with 30581 Flood Mitigation Maintenance Schedule Rev A.

Reason To prevent flooding elsewhere by ensuring that compensatory storage of flood water is maintained.

11. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the site-specific flood risk assessment ("Flood Risk and Drainage Assessment – New Road, Earby" ref "30581/FRA/SRG" Rev B, dated August 2023, compiled by Gleeson).

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

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

12. The final surface water sustainable drainage strategy, based on the Flood Risk and Drainage Assessment Rev B, shall be implemented in accordance with:
  - 30581 Proposed SW New Road Earby 1to30yr RP Rev C
  - 30581 Proposed SW New Road Earby 100yr Rev C
  - 30581\_25\_Drainage Layout with Flood Levels & Depths
  - 30581\_1A\_Highways and Drainage Layout
  - 30581\_3\_1A\_Longitudinal Sections
  - 30581\_3\_2A\_Longitudinal Sections,
  - 30581\_7A\_Control Manhole Details
  - 30581\_11\_1A\_Offline Private Attenuation Tank Details
  - 30581\_11\_2A\_Offline Private Attenuation Tank Details
  - 30581\_11\_3A\_Offline Private Attenuation Tank Details
  - 30581\_12\_A\_Single & Shared Private Drive Details
  - 30581\_22\_Emergency Flood Route Plan
  - 30581\_8A\_External Levels Layout
  - 30581\_17A\_Impermeable Area Layout
  - 30581\_102C\_Proposed Flood Mitigation
  - 30581\_104C\_Flood Mitigation Detailed Sections

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

13. The proposed development shall be carried out in accordance with the 30581\_23A\_Construction Phase Surface Water Management Plan. 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.

14. The drainage system shall be retained, managed, and maintained in accordance with the 30581 SUDS Operation & Maintenance Plan dated Dec 2023.

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.

15. 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.

16. The development shall be constructed in accordance with 30581\_200D\_S278 Agreement General Arrangement and 30581\_202A\_Typical Bus Stop Details.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site in the interests of highway safety and pedestrian and cycle accessibility.

17. The development shall be constructed in accordance with the following details:
  - 24725-D-01 – Proposed Lighting Layout
  - 30581\_1A\_Highways & Drainage Layout
  - 30581\_2A\_Road Setting Out Details
  - 30581\_3\_1A\_Longitudinal Sections
  - 30581\_3\_2A\_Longitudinal Sections
  - 30581\_8A\_External Levels Layout
  - 30581\_8A\_External Levels Layout
  - 30581\_10A\_Proposed Road Contours Layout
  - 30581\_16A\_Section 38 Agreement Layout – PLAN 1



Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

18. The estate road and footways shall be maintained in accordance with 30581\_16A\_Section 38 Agreement Layout – PLAN 1 until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the users of the highway and the visual amenities of the locality.

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

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

20. Prior to occupation of the first dwelling visibility splays measuring 2.4m back from the centre line of the access and extending 48.8m Eastbound and 47.9m Westbound on the nearside carriageway edge shall be provided at the new access onto New Road, as shown on the approved plans. 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 splay. The visibility splays shall be maintained free from obstruction at all times thereafter for the lifetime of the development.

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

21. Prior to first occupation of any dwelling the driveways shall be constructed in a porous bound material and the garages constructed and shall thereafter always remain available for the parking of domestic vehicles associated with the dwelling.

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

22. Prior to first occupation of each dwelling secure, covered cycle storage shall be provided at a ratio of two cycle spaces per dwelling in accordance with the approved plans and maintained thereafter.

Reason: To ensure adequate provision for sustainable transport.

23. 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 available.

Reason: To ensure adequate provision for sustainable transport.

24. Prior to the occupation of the first dwelling details of the proposed on-site feature to be provided and the timing of the provision shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details and timing.

Reason: In order to provide an appropriate record of the chimney and engine house as an archaeological record.