

REPORT FROM: ASSISTANT DIRECTOR PLANNING, BUILDING CONTROL
AND REGULATORY SERVICES

TO: WEST CRAVEN COMMITTEE

DATE: 4TH JUNE 2024

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning application

REPORT FOR WEST CRAVEN COMMITTEE 10TH JUNE 2024

Application Ref: 24/0201/HHO

Proposal: Full: Erection of a single storey detached garage and workshop to replace detached store.

At Booth Bridge Cottage, Booth Bridge Lane, Thornton in Craven.

On behalf of: Mr C. Mitchell.

Date Registered: 19/03/2024

Expiry Date: 14/05/2024

Case Officer: Joanne Naylor

This application is going to Committee due to 3+ objecting, 3+ supporting and 1 neutral.

Site Description and Proposal

The application site is a two storey semi-detached dwelling house with natural stone walls and a pitched roof of natural stone tiles to the front roof slope. The application site has a rear and front garden. It is located within a rural area with traditional dwelling house buildings and converted traditional agricultural buildings. The site is located outside of a defined settlement boundary, to the South and to the West it is open land. Opposite the site is a converted barn forming two dwellings with semi-detached garage of natural stone walls and natural slate pitched roof to the rear of the properties. At the time of the site visit the two storey rear extension approved under 23/0723/HHO was being built.

The proposal seeks to erect a detached garage to the rear garden, it would be 10.5m long, 4.75m wide, circa 3m to eaves height and circa 4.5m to ridge height. The proposed garage would have three obscure glazed windows to the roadside and three roof lights to the side elevation facing to the garden.

Relevant Planning History

24/0202/HHO: Full: Erection of a single storey porch extension. Pending Consideration.

23/0853/HHO: Full: Erection of a detached single storey garage with workshop and the erection of a front porch. Refused (16th February 2024).

23/0723/HHO: Full: Erection of a two storey rear extension to provide additional accommodation. Approved with conditions (19th December 2023).

23/0418/HHO: Full: Erection of two storey rear extension to provide additional accommodation. Approved with Conditions (17th August 2023).

Consultee Response

LCC Highways

Proposal

This application seeks to erect a garage with workshop on the same footprint as the previous application 23/0853. This was previously considered acceptable subject to conditions.

Access and parking

The highway authority considers that two car parking spaces can be provided with one in the garage and one in front. The installation of a roller shutter or sectional style door will allow a vehicle to park right up to the garage door whilst this is opened or closed. Given the tapering layout of the hardstanding area along the gable end of the cottage this should also allow a vehicle to park wholly off-road and not project into or over the public highway, particularly as there is a pinch point at this section of Booth Bridge Lane.

The section of Booth Bridge Lane (U50242) along the side of Booth Bridge Cottage is part of the highway network maintained at public expense under the administration of Lancashire County Council as the highway authority. The garage/workshop outer wall must be built on the line of the existing site boundary following the removal of the stone boundary wall and hedge. This is to ensure that no part of the public highway network, including the narrow grass strip, is built on nor enclosed by any development.

In addition, the area of hardstanding/parking area along the gable end and in front of the garage shall be surfaced in a bound material so that loose material is not carried onto the public highway network. The hardstanding/parking area would need to be properly tied into the carriageway edge of Booth Bridge Lane to protect the structural integrity of the public highway network. Details will need to be submitted to ensure these are adequate.

Conclusion

Lancashire County Council acting as the Highway Authority would raise no objection to the proposal. Should the application be considered for approval, we would request that the following conditions are applied.

1. Prior to first use of the approved garage/workshop details of appropriate measures to construct a flush set, kerbed edge tied into the back of the carriageway on Booth Bridge Lane shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and completed in accordance with the approved scheme.

Reason: In the interest of highway safety to protect the structural integrity of the highway network maintained at public expense.

2. The approved garage/workshop shall not be brought into use unless and until the parking area shown on the approved plan has been constructed, laid out and surfaced in bound porous materials. The garage and parking area 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.

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

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

4. The garage door shall be of a type that enables a car to pull clear of the carriageway whilst it is opened/closed. The garage door shall be installed and maintained thereafter in accordance with the approved plans.

Reason: In the interest of highway safety to ensure that a vehicle parked in front of the garage is parked wholly off Booth Bridge Lane.

Informative note

The grant of planning permission will require the applicant to provide kerbing and tie-in details along the rear edge of the carriageway on Booth Bridge Lane to ensure that any works carried out are not to the detriment of the highway network maintained at public expense. The necessary details can be obtained from the highways authority by e-mailing developeras@lancashire.gov.uk , quoting the planning application number.

Parish/Town Council

No comment.

Environment Officer (Trees)

It appears that the development of the new garage structure will require the removal of a short section of mature hedge. In principle I have no objection to that, if the recommendation is for approval then a condition for a replacement landscape planting scheme is required to replace the hedging that would be lost.

Public Response

The nearest neighbours have been notified by letter, three objections, one neutral and three supporting responses have been received relating to:

Objections:

- The proposed garage is the same footprint with only minor alterations made to the design, proposal would result in unacceptable harm to character and visual amenity of the area.
- It will overshadow the ground floor of the Shippon and the Milking Laithe
- Removing the hedgerow and erecting a blank wall with the Shippon and Milking Laithe will create a tunnelling and urbanising effect.
- The proposed garage is an over dominant feature on a rural lane in the open countryside.
- The proposed garage would have windows overlooking the Milking Laithe and the Shippon.
- Concerned that there would not be enough parking spaces for the size of the house.
- Very little has changed with the new application except for the windows to the garage.
- The original house has significantly changed from a two bed to a four bedroom property, and has two off-road parking spaces, the proposal would occupy the only space available to park vehicles and would have possibly lead to illegal parking on the privately owned lane.
- The proposed garage has included windows to the side elevation, concerned that this may be turned into habitable space in the future, the garage now overlooks other properties which adds more concerns.
- The large nature of the garage compared to its site on plan and height has not been resolved.

Neutral

- The proposed garage would not restrict our access to and from our property.

Supports:

- The proposed garage would not impact in any way when undertaking their journey.
- The proposal would not restrict access and would not narrow the lane.
- Family visit the site regularly and pass the proposed garage, it does not obstruct their journey.

Relevant Planning Policy

Pendle Local Plan Part 1: Core Strategy

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

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

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

National Planning Policy Framework

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

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

Development in the Open Countryside SPG sets out criteria for new development in the countryside areas of Pendle.

Officer Comments

Design and Materials

The proposal seeks to erect a garage with workshop area to the rear garden located on the boundary with Booth Bridge Lane.

The applicant has submitted a supporting planning justification statement to accompany the planning application for the proposed development. Planning application 23/0853/HHO was refused due to the unacceptable harm to the character and visual amenity of the area. For this application, the applicant has made alterations to the proposed garage by reducing the height of the proposed garage by 0.5m and the addition of three tall windows which would be obscure glazed and non-opening to the south-west elevation facing to Booth Bridge Lane. The proposed side windows seek to break up the side elevation and soften the visual impact of the garage by inserting three windows which would break up the relatively blank wall along Booth Bridge Lane, it is proposed that the three windows would then remove the tunnel effect and urbanising effect created by the proposed garage and the traditional barn building on the opposite side of Booth

Bridge Cottage. The applicant has also revised the scheme with stone walling to three sides of the proposed garage, with the north-east wall to be white smooth K-render.

The application site is located within the Open Countryside with open fields, dry stone walls and hedgerows to the lane. The dwellings in this location are of farm buildings either cottages or farmhouses, with agricultural buildings converted into dwelling houses.

The Development in the Open Countryside SPG identifies that the application site is located within the Rural Valleys/Eastern Industrial Foothills of Pendle, which has strong linear features in the form of the canal, old railway and main road between the motorway and Skipton. Within the rural valleys development should 'round off' existing settlements or significant grouping of buildings, be contained within valleys avoiding prominent locations visible from surrounding countryside, walls should be in natural colours, roofs in dark grey or blue or stone coloured, simple details to openings and roof edges, with boundaries to have substantial hedges of locally native species or dry stone walls, and garden areas should be sited to avoid screen fencing, decorative planting, sheds, conservatories and other ancillary domestic uses that are prominent in views from the surrounding countryside.

To the rear of The Shippon and The Milking Laith there are semi-detached garages with natural stone walls and natural slate tiles to the pitched roof, these garages are set behind the converted barn and towards the rear of the curtilage of the two properties, the garages are single storey and have an eaves height of 2.8m and a ridge height of 4.6m, they appear as a piggery or stone stable block of traditional form, and are not visible from the highway due to the Shippon and the Milking Laith screening the rear garages and are therefore not prominent in the street scene.

The Design Principles SPD states that for proposals of garages and car ports that are over dominant in relation to the existing and surrounding properties will not be approved, particularly in prominent locations. Garage and car port extensions should respect the design and materials of the original building and should ideally be set back by at least one metre from the front wall of the house so as to appear as an ancillary addition.

The proposed garage would be set back from the two storey rear extension by more than 1m and would be an ancillary addition. The proposed garage would remove the existing dry stone wall and hedging and build the side elevation wall on the side boundary of Booth Bridge Lane. The proposed garage would be 10.5m in length and have an eaves height of circa 3m to 3.6m depending on the changes in land levels to Booth Bridge Lane.

The proposed garage considered under this planning application would be the same length and width as that proposed under 23/0853/HHO which was refused. This application seeks changes to the garage with a reduction in the height of the proposed garage by 0.5m, the introduction of three non-opening casement windows with obscure glazing to the side elevation located on Booth Bridge Lane and a sectional or roller shutter garage door which would allow the door to be open or closed when a vehicle is parked in front of the proposed garage.

The stone walling would be re-used in the proposed garage along with a mix of new stone. The re-used and new stone would be used on three elevations including the side elevation to Booth Bridge Lane, whilst it would be white K-render to the north-east wall which would not be visible from the highway. The proposed pitched roof would have imitation stone slate tiles, although the proposed slate tiles would not match the roof materials of properties surrounding, under permitted development different roofing materials could be used, to ensure a satisfactory visual appearance for the proposed garage, a condition could be placed that details of the materials for the garage to be submitted.

The proposed garage would have three non-opening, obscure glazed windows to the side elevation on Booth Bridge Lane, neighbours have objected to the proposed windows and are concerned that the proposed windows would overlook neighbouring properties and that the proposed garage could potentially be used as habitable space. The proposed windows would break up the blank gable elevation, however the length and height of the proposed garage would still be a very prominent and dominant feature on a rural lane in the open countryside and could not be softened with any hedging or planting due to the proposed garage being located on the side boundary with Booth Bridge Lane. The proposed garage would be incongruous in this location and impact negatively on the visual appearance of the character of the area and of the rural nature of the open countryside. Therefore, the proposed development would be contrary to Policy ENV 2 and the Design Principles SPD and the Development in the Open Countryside SPG.

Residential Amenity

The side elevation of the proposed garage would have three non-opening obscure glazed windows to the side elevation facing towards the windows of the Milk Laithe front elevation, the proposed height of the garage would be circa 3m to circa 3.6m to the eaves due to the changes in land levels and have a length of 10.5m located on the side boundary to Booth Bridge Lane. The Milk Laithe has ground and first floor windows to the front elevation, the proposed garage would be circa 7.5m to 10m distance from the front elevation of the Milking Laithe, there is a barn window and a kitchen window to the front elevation and a side window, the proposed side window would provide secondary light to the lounge/kitchen space. The Milking Laithe has a bedroom window to the first floor formed by the arch of the barn window, the proposed garage would have a pitched roof which would not result in overshadowing to the bedroom window, however it would result in a loss of outlook to the only window of this bedroom. The proposed windows to the garage would be non-opening and obscure glazed which would have no unacceptable residential amenity impact with regards to loss of privacy or overlooking to the Milking Laithe front elevation windows and the Shippon front elevation windows. Therefore, the proposed development would have no unacceptable impact on the residential amenity of neighbouring properties and would comply with Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy and the Design Principles SPD.

Highways

Two parking spaces can be provided with one in the garage and one in front, the proposal would either install a roller shutter or sectional style door to allow a vehicle to park up to the garage door whilst this is open or closed, as indicated on Drawing 458/3K and drawing 458/. The tapering layout of hardstanding along the gable end allows a vehicle to park off-road. The area of hardstanding along the gable end and in front of the garage to be bound porous material, and would need to be properly tied into the carriageway edge of Booth Bridge Lane to protect the structural integrity of the highway and details submitted.

The proposed outer wall of the garage must be built on the line of the existing site boundary following removal of the stone boundary wall and hedge, that no part of the public highway network is built on or enclosed by development.

LCC Highways raise no objection to the proposal subject to conditions relating to the construct of a flush set, kerbed edge tied into the back of the carriageway, that the parking area to be constructed, laid out and surfaced in bound porous material prior to use of the garage and the parking and garage to be available for parking domestic vehicles. The proposal would confirm with Policy 31 of the Replacement Pendle Local Plan.

Environment Officer

The mature hedge would be removed along the boundary of the application site and Booth Bridge Lane, and in principle there is no objection to removing the hedgerow.

The length of the hedgerow to be removed would need to be replaced within the curtilage of the site, a hedge of the same length, or a landscaping scheme would be required to mitigate the loss of the hedgerow. Drawing 458/3H Proposed Site Plan indicates that a 4m high hedge circa 7m long would be planted to the rear of the garage, an additional circa 12m of hedging would be required. Plan 458/3H indicates that a 1m high timber fence to the rear and side boundary, which could be hedged to replace the lost hedging. A condition for the submission of a landscaping planting scheme with maintenance and management details to replace the lost hedging could be placed.

Subject to a condition for a landscaping scheme with maintenance and management, the proposed development would be acceptable in terms of replacing the hedging and would conform with Policy ENV 1 and Policy ENV 2 of the Pendle Local Plan Part 1: Core Strategy.

RECOMMENDATION: Refuse

The proposed garage would result in unacceptable harm to the character and visual amenity the area contrary to Policy ENV 2 of the Pendle Local Plan Part 1: Core Strategy, the Design Principles Supplementary Planning Document and the Development in the Open Countryside Supplementary Planning Guidance.

Application Ref: 24/0201/HHO

Proposal: Full: Erection of a single storey detached garage and workshop to replace detached store.

At Booth Bridge Cottage, Booth Bridge Lane, Thornton in Craven.

On behalf of: Mr C. Mitchell.

REPORT TO WEST CRAVEN COMMITTEE 4TH JUNE 2024

Application Ref: 24/0205/FUL

Proposal: Full: Change of use from workshop to beauty salon with associated internal and external changes.

At: The Workshop, Cemetery Road, Earby

On behalf of: Mr Matthew Holmes

Date Registered: 26/03/2024

Expiry Date: 21/05/2024

Case Officer: Laura Barnes

Site Description and Proposal

The application site relates to an existing building which has previously been a joinery workshop and has had permission for the conversion of the upper floor to an independent flat. The application site is located within the settlement boundary and within a Conservation Area.

The application seeks to change the use of the ground floor to a beauty salon. This would involve making an alteration to the front elevation where there is currently a workshop door. This would be replaced with a door and windows with a glass canopy over the entrance.

Relevant Planning History

22/0033/FUL: Full: Change of use from workshop and storage to a live/work unit.
Approved with conditions.

23/0395/VAR: Full: Variation of Condition: Remove Condition 4 (Accommodation) of Planning Permission 22/0033/FUL.
Withdrawn

23/0606/FUL: Full: Change of use from a live/work unit to 1 no. flat and the formation of a Juliet balcony.
Approved with conditions

Consultee Response

LCC Highways

Further to our comments dated the 4th April we have been reconsulted on additional information submitted including ANW Architects 'Parking analysis and report' REF:2243/HA/CEM and amended drawings 03A, 04A and 05A.
The submitted documents and plans have been reviewed and the following comments are made.

Proposal

The application seeks to change the use of the ground floor of the building to a beauty salon comprising a reception area with nail bar and two treatment rooms.

There are 2 full time equivalent staff proposed and 2 customers on site at any one

time.

Access

The proposed enclosure of the paved area adjacent to the junction of Cemetery Road and Alder Hill Street with a low stone wall has been removed from the scheme. This is supported.

Parking

There is no off-street car parking associated with the proposal.

The applicant has submitted details to confirm that there will be 2 members of staff and 2 customers on site at any one time.

The adjacent car park is under the control of Earby Town Council. There are 34 existing spaces marked out. There is a second car park within 100m of the site which is managed by Pendle Borough Council and provides 10 car parking spaces.

The applicant states that the majority of customers will be from the local area and a number will be able to walk to site and a number will be dropped off and collected. The applicant has undertaken car parking surveys between 10th – 16th April 2024 at various times including 8am, 09.30am, 11am, 1pm, 4pm and 6pm. The analysis concludes that there were on average 4-7 spaces available throughout the day.

Conclusion

Lancashire County Council acting as the Highway Authority does not raise an objection regarding the proposed development and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Should the application be approved, we would request the following condition.

1. All appointments shall be pre-booked only and there shall be only 2 customers on site at any one time. Reason: To avoid over intensification of car parking.

Public Response

Nearest neighbours have been notified by letter, a site and press notice have been displayed.

Four letters have been received from members of the public but two of these are from the same address, so they count as one.

The issues raised are as follows:

- Problems with car parking because of a lack of a height restriction barrier on the car park opposite – camper vans and other commercial vehicles are using the car park for long periods
- There are already quite a few shops in Earby, so it makes sense to have a beauty salon here
- The road is often narrowed by inconsiderate parking when the car park is at capacity
- Road markings at the junction with Alder Hill Road and Cemetery Road – it is very dangerous

- The wall to the front would force people into the road
- There are already enough beauty parlours
- Emergency access to this area is limited / restricted by parked vehicles

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

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

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.

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.

Principle of Development

The principle of the use of this development is acceptable because it is located in the settlement boundary. The proposed use is Sui Generis and as such it would not be a "Main Town Centre Use". As such, the main issues for consideration are design, heritage, amenity and highways.

Design & Heritage

The proposed development is located in a Conservation Area. The proposed change in terms of the design relates to the windows/ doors to the front elevation. There is currently a large set of folding doors which provide access to the ground floor workshop. They would enable large items to be moved into and out of the building to be worked on. The existing doors are in a poor state of repair and are not well maintained. They do not contribute positively to the character and appearance of the Conservation Area. The proposed frontage is to utilise the existing opening to create a doorway with timber cladding to the remainder of the frontage. The timber cladding is not dissimilar in appearance to a traditional garage door, indeed it is a natural and traditional building material. As such, it would be acceptable in this particular location.

In terms of the changes to the window and doors, these are relatively minor changes which would not result in an unacceptable effect upon the whole of the building. The change of use would not result in any other external alterations which would be unacceptable within the Conservation Area.

Overall, in terms of design the proposed development accords with Policies ENV1 and ENV2 of the Local Plan: Part 1 Core Strategy.

Residential Amenity

The proposed changes would result in an alteration to the door which would provide access to customers from the street into the building. It would create the appearance of a commercial premises without compromising the privacy of any customers who may be visiting the salon. There are no neighbours directly opposite the proposed windows, indeed there is a public car park opposite. There are no proposed openings which would be within a 21m distance of neighbouring dwellings. Indeed, the proposal is not for residential accommodation so the separation distances are not necessarily relevant here.

In terms of potential noise nuisance, the Council's Environmental Health Officer has not commented on this application. However, the existing use (joinery workshop) would carry more concerns regarding noise impact than the proposed use would. Further, it would be possible to impose a condition which limits operating hours so that it is not operating at anti-social hours and causing nuisance to neighbours (especially the flat which has permission above the proposed development).

Overall, in terms of neighbouring amenity the proposed development would be acceptable and accords with Policy ENV2 of the Local Plan: Part 1 Core Strategy and the Design Principles SPD.

Highways

The Highways Authority initially raised concerns regarding the capacity of the public car park opposite the site. However, the applicant subsequently submitted a car parking survey which they have carried out at the car park opposite, on Cemetery Road and at Water Street where there are a further 10 parking spaces. This has concluded that there is sufficient capacity within the existing car park to accommodate the staff and customers who are likely to visit the salon. The applicant has also put forward a statement suggesting that some of their customer base would be from the immediate surrounding area so they are likely to arrive on foot.

There were concerns raised about a boundary treatment including a low wall, which may force pedestrians into the carriageway rather than to the edge of it as is currently the case. This could result in a potential highway safety impact and for this reason the applicant has removed the low wall to the front of the site.

The Highways Authority have requested a condition which would limit the operation of the business to only serve customers with a pre-booked appointment. This condition would be unreasonable and difficult to enforce. As such, it cannot be added to any decision notice.

Reason for Decision

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

the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

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

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

- 2.The development hereby permitted shall be carried out in strict accordance with the following approved plans: Location Plan 2243/100, Proposed Site Plan 2243-03A, Proposed Elevation Plan 2243-05A, Proposed Floor Plan 2243-04A,

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

- 3.Samples of materials including descriptions, 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 operation shall take place outside the hours of 0800 and 1900 on weekdays, 0900 and 1900 on Saturdays and 1000 and 1800 Sundays or Bank / Public Holidays.

Reason: In the interests of neighbouring amenity.

Application Ref: 24/0205/FUL

Proposal: Full: Change of use from workshop to beauty salon with associated internal and external changes.

At: The Workshop, Cemetery Road, Earby

On behalf of: Mr Matthew Holmes

REPORT TO WEST CRAVEN COMMITTEE ON 04 JUNE 2024

Application Ref: 24/0213/VAR

Proposal: Variation of Condition: Regularise Condition 1 (Implementation of timescales), Vary Condition 2 (Plans), Condition 3 (Materials), Condition 4 (Materials), Condition 5 (Materials), Condition 7 (Landscaping Scheme); Compliance of Conditions: Condition 8 (Management and Maintenance), Condition 9 (Construction Method Statement), Condition 10 (Ecological Mitigation Scheme), Condition 12 (Flood Risk Assessment), Condition 13 (Maintenance Scheme), Condition 14 (Site Specific Flood Risk Assessment), Condition 15 (Sustainable Drainage Strategy), Condition 16 (Construction Surface Water Management Plan), Condition 17 (Site-Specific Operation Manual), Condition 20 (Construction of Site Access and Off-site works), Condition 21 (Full Engineering, Drainage, Street Lighting and Constructional Details of roads and footways), Condition 22 (Management and Maintenance of estate roads and footways); Removal of Conditions: Condition 19 (Flood Resilience Measure), Condition 25 (Highway boundary wall), Condition 29 (Archaeological Recording) and Condition 30 (Historic Record) of Planning Permission 22/0577/FUL.

At: Site Of Former Brook Shed, New Road, Earby

On behalf of: Gleeson

Date Registered: 25/03/2024

Expiry Date: 24/06/2024

Case Officer: Alex Cameron

This application was deferred for May's Committee meeting.

Site Description and Proposal

The application site is a former mill site now demolished. The site is located within Earby Conservation Area, New Cut flows to the west with terraced housing opposite, there are commercial properties and terraced houses across New Road to the north, terraced houses to the east and a domestic garden and cricket ground to the south.

Planning permission was granted in 2023 for the demolition of the remaining parts of the mill and erection of a residential development of 50 dwellings.

This application is to vary the conditions of the planning permission, the primary intention of the variation is to vary conditions 2, 3, 4 and 5 to allow the use of alternative materials, specifically the use of reconstituted stone and concrete tiles throughout the development and upvc fenestration and roof verges and soffits to the New Road frontage.

The variation / removal of the remaining conditions is proposed to reflect details submitted to discharge those conditions.

Relevant Planning History

22/0577/FUL - Full: Major: Erection of 50 dwellings with associated access and landscaping, demolition of Brook Shed engine house, chimney stack, and remaining sections of north elevation of the former weaving shed, boiler house and water tank. Approved

23/0711/CND - Approval of Details Reserved by Condition: Discharge Condition 3 (Materials of Walls and Roof), Condition 4 (Details of Windows and Doors), Condition 5 (Materials and finishes of plots), Condition 6 (Window Openings), Condition 8 (Landscaping), Condition 9 (Construction Method Statement), Condition 10 (Scheme of Ecological Mitigation), Condition 11 (Method Statement), Condition 12 (Flood Risk Mitigation Measures), Condition 13 (Maintenance Scheme), Condition 15 (Surface Water Sustainable Drainage Strategy), Condition 16 (Construction Surface Water Management Plan), Condition 17 (Operation and Maintenance Manual), Condition 19 (Flood Resilience Measures), Condition 20 (Construction of Site Access and Off-Site works), Condition 21 (Full Engineering, Drainage, Street Lighting and Constructional Details), Condition 22 (Management and Maintenance of Estate Road and Footways) and Condition 29 (Archaeological Recording) of Planning Permission 22/0577/FUL. Pending delegation

Consultee Response

PBC Environmental Health – We are satisfied with the information submitted thus far, however a full remediation strategy and validation report will need to be submitted before condition 11 has been fully satisfied.

Environment Agency – We have reviewed the proposed updates to conditions 12 and 13 and can confirm that we are happy for the conditions to be varied in line with the variation schedule.

Lead Local Flood Authority – No objection.

Yorkshire Water – No objection following clarification that the varied condition would reference the plans Yorkshire Water have agreed via the conditions discharge process.

LCC Highways – No objections.

LCC Historic Environment - I can confirm that, as the site has been recorded (see SLR's Historic Building Recording report, revision 02, dated 13 December 2023), the HET has no objection to the removal of condition 29.

As to condition 30, the HET would consider it sensible, and for the avoidance of any doubt as to its need, for this condition to be retained and only discharged once the proposed on-site feature has been erected.

LCC Schools Planning – An education contribution is not required.

Sport England – Objected to the discharge of conditions on the grounds of risk of flooding to the cricket ground, concern regarding operation and maintenance regimes and risk of ball strike.

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.

Public Response

Site and press notices posted and nearest neighbours notified, publicity expires 15/05/2024. Response received objecting on the following grounds:

Earby Cricket Club objects to the variation in condition 2 and 7 as no information has been provided on what trees and vegetation is being removed from the boundary site in sections 3 and 4 adjacent to the boundary of the cricket club, if and what access is required for the maintenance of this area via the cricket club and what impact the herbicides which are being used will have on the cricket outfield.

We raise concerns to condition 10 and the location of the bird and bat boxes to ensure they aren't in ball striking distance of the cricket ground as well as object to the discharge of conditions 15 and 21 as no drainage information has been provided and we need to ensure any changes to the drainage of the site doesn't impact potential flooding at the cricket ground.

Officer Comments

Policy

Local Plan Part 1: Core Strategy

The following Local Plan policies are relevant to this application:

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

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

Policy 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.

Design and Heritage Impact

The site is located within Earby Conservation Area and although the vacant nature of the overall site is of some detriment to the character and appearance of the Conservation Area the engine house, chimney and remaining walls did contribute to its significance. The loss of the engine house, chimney and remaining walls causes harm to the significance of the Conservation Area and results in the loss of non-designated heritage assets.

The approved application proposed the dwellings to be finished in a mixture of buff and red brick with upvc fenestration, the report to Committee recommended that, whilst that was acceptable in the centre of the site the dwellings on the frontage along New Road should be finished in natural stone, timber fenestration, slate roofs and roof verges without upvc caps. The application was approved in accordance with that recommendation and the above was controlled by conditions 3, 4 and 5.

This application proposes the use of reconstituted stone and concrete tiles throughout the development rather than natural stone and natural slate to the New Road frontage and brick and concrete tiles to the rest of the site.

It is also proposed to use dry verges with upvc end caps and upvc windows wrapped in a heritage appropriate colour finish to the New Road Frontage.

The applicant has submitted a Heritage Statement assessing the impact of those changes and a viability appraisal detailing the impact of the additional cost of using natural materials to the New Road frontage on the financial viability of the development.

The applicant has demonstrated that the financial viability of the development is precarious and that the cost of the use of natural materials would unacceptably impact upon that financial viability and would be likely to result in the development not proceeding.

The change to the materials of the New Road frontage would result in minor less than substantial harm to the significance of the Conservation Area and therefore that must be weighed against the public benefits of the development. The development would result in economic and social benefits from the provision of housing, furthermore, the development of this vacant site as a whole would be beneficial to the character and appearance of the area the use of reconstituted stone rather than brick throughout the rest of the development would also be beneficial.

Taking the above factors into account, including the impact on the viability of the development, the minor harm to the significance of the Conservation Area of the change in materials would be outweighed by the benefits of the development of the development coming forward.

The proposed variation of conditions is therefore acceptable in terms of design and heritage impact in accordance with policies ENV1 and ENV2.

Other Conditions

Condition 1 (Commencement) The development has commenced with demolition of the remaining buildings, the condition can therefore be removed.

Condition 8 (Landscaping) – The submitted landscaping plan is acceptable. Concerns have been raised by Earby Cricket Club that it is not clear which trees are to be removed. It is clearly shown which trees within the site are to be removed, some trees adjacent to the site are also shown outlined in red, this merely denotes that their condition has been identified as being dead, dying and/or dangerous, this is standard practice in arboricultural assessments but it does not indicate

that those trees will be removed by the developer as they are on land not within the developer's control.

Condition 9 (Construction Method Statement) – The submitted construction method statement is acceptable.

Condition 10 (Scheme of Ecological Mitigation) – The submitted details are acceptable. Concerns have been raised by Earby Cricket Club that the proposed bat and bird box locations could be vulnerable to being struck by cricket balls from the club. The industry standard assessment for cricket ball strike risk assumes a maximum total distance of 78m for shots hit by 1st class international players (at 50 m/s) and 64m at county level (40 m/s). Furthermore, this maximum distance is not the same for all directions from a wicket, balls hit behind the wicket are unlikely to have the as much velocity at a shot hit forwards or to the side.

The nearest bat box would be on plot 27, approximately 78m from the nearest point of the cricket square. However, balls struck long distances in that direction would be more likely to come from the opposite wicket, approximately 98m away. Furthermore, there is a dense belt of mature trees between.

Bird boxes would be located on plots 21 and 22, which would be approximately 70m from the nearest point of the square, however, they would be more directly to the rear of the square which would further reduce the chance of ball strike from the nearest end, the far wicket would be over 90m away, again with a dense belt of mature trees between.

It is highly unlikely that the bat and bird boxes would be at risk from cricket ball strike.

Condition 11 (Contamination) – Environmental Health have confirmed that the submitted investigation and remediation strategy is acceptable. A remediation and validation report is still required to fully discharge the condition, the suggested wording by the applicant reflects that.

Condition 12 (Flood Risk Mitigation Measures) – The submitted details are acceptable.

Condition 13 (Maintenance Scheme) – Concerns have been raised by Sport England and Earby Cricket Club regarding the ongoing maintenance of the drainage scheme and that, if not adequately maintained, the development could increase the risk of to the cricket ground. However, no specific technical reasons for those concerns have been raised. The relevant consultees are satisfied with the proposed maintenance arrangements and that the development would not lead to any increase in the risk of off-site flooding. The submitted details are acceptable.

Condition 15 (Surface Water Sustainable Drainage Strategy) – The submitted details are acceptable. Yorkshire Water have objected to the variation on the basis that no drainage plans have been submitted, they have now been provided with details of the plans submitted with the discharge of conditions application and their response is awaited.

Condition 16 (Construction Surface Water Management Plan) - The submitted details are acceptable.

Condition 17 (Operation and Maintenance Manual) - The submitted details are acceptable.

Condition 19 (Flood Resilience Measures) – The applicant has requested the removal of this condition as the levels of the site would result in no other flood resilience measures being necessary. The EA and LLFA have raised no objection to this. The removal of the condition is acceptable.

Condition 20 (Construction of Site Access and Off-Site works) – The submitted details are acceptable.

Condition 21 (Full Engineering, Drainage, Street Lighting and Constructional Details) – The submitted details are acceptable. Yorkshire Water have objected to the variation on the basis that no drainage plans have been submitted, they have now been provided with details of the plans submitted with the discharge of conditions application and their response is awaited.

Condition 22 (Management and Maintenance of Estate Road and Footways) – The submitted details are acceptable.

Condition 25 (Highway boundary wall) – The wall has now been demolished and condition 24 ensures that visibility splays are maintained, the condition can therefore be removed as requested.

Condition 29 (Archaeological Recording) The archaeological recording has been submitted to the Historic Environment Record, therefore the condition has been fully satisfied and can be removed as requested.

Condition 30 (Historic Record Feature) A proposal for a plinth feature within the public open space representing the former use of the site has been submitted and is acceptable in principle, however, detailed plans are required to fully discharge the condition. The applicant has requested the removal of the condition but it is necessary for a condition to remain to ensure that plans are submitted and it is implemented.

Conclusion

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

RECOMMENDATION: Approve

1. The 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.

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 works outlined in Condition 2. 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 developer@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.

The use of flood resistance and resilience measures is recommended.

Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage. To find out which measures will be effective for this development, please contact the building control department. If you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance. Further guidance on flood resistance and resilience measures can also be found in:

- Government guidance on flood resilient construction
<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>
- CIRIA Code of Practice for property flood resilience
https://www.ciria.org/Research/Projects_underway2/Code_of_Practice_and_guidance_for_property_flood_resilience.aspx
- British Standard 85500 – Flood resistant and resilient construction
<https://shop.bsigroup.com/ProductDetail/?pid=000000000030299686>

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506

506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Application Ref: 24/0213/VAR

Proposal: Variation of Condition: Regularise Condition 1 (Implementation of timescales), Vary Condition 2 (Plans), Condition 3 (Materials), Condition 4 (Materials), Condition 5 (Materials), Condition 7 (Landscaping Scheme);

Compliance of Conditions: Condition 8 (Management and Maintenance), Condition 9 (Construction Method Statement), Condition 10 (Ecological Mitigation Scheme), Condition 12 (Flood Risk Assessment), Condition 13 (Maintenance Scheme), Condition 14 (Site Specific Flood Risk Assessment), Condition 15 (Sustainable Drainage Strategy), Condition 16 (Construction Surface Water Management Plan), Condition 17 (Site-Specific Operation Manual), Condition 20 (Construction of Site Access and Off-site works), Condition 21 (Full Engineering, Drainage, Street Lighting and Constructional Details of roads and footways), Condition 22 (Management and Maintenance of estate roads and footways); Removal of Conditions: Condition 19 (Flood Resilience Measure), Condition 25 (Highway boundary wall), Condition 29 (Archaeological Recording) and Condition 30 (Historic Record) of Planning Permission 22/0577/FUL.

At: Site Of Former Brook Shed, New Road, Earby
On behalf of: Gleeson

REPORT TO WEST CRAVEN COMMITTEE ON THE 4th OF JUNE 2024

Application Ref: 24/0281/HHO

Proposal: Full: Demolition of existing conservatory and the erection of a single storey rear extension.

At 8 Chapel Hill, Salterforth, Lancashire

On behalf of: Mr Sam Pendred

Date Registered: 01.05.2024

Expiry Date: 26.06.2024

Case Officer: Athira Pushpagaran

This application has been called to committee by the chair of the committee.

Site Description and Proposal

The application site is an attached dwelling situated in the middle of a short line of terraced houses within the settlement boundary of Barnoldswick. The main access is from Cross lane. The dwelling has a rear garden separated from the neighbouring properties by a stone wall. The rear garden of the application site is adjacent to the blank gable rear elevation of 2-4 Chapel hill. The existing dwelling has stone walls and a pitched roof of slate tiles. There is an existing rendered two storey extension to the rear with a conservatory attached to the rear of it. The rear elevation and garden of the application site is highly visible from the Bridle path which is an unadopted highway.

The proposed development is the demolition of the existing conservatory and the erection of a single storey rear extension.

Relevant Planning History

23/0811/HHO Full: Demolition of existing conservatory and the erection of a single storey rear extension. Refused

24/0081/CEU Certificate of Lawful Use (S.191 Existing Development): Existing two storey extension and conservatory. Issued

Consultee Response

Highways

Lancashire County Council acting as the Local Highway Authority (LHA) does not raise an objection regarding the proposed development and are of the opinion that the proposed development will not have a significant impact on highway safety or capacity in the immediate vicinity of the site subject to the below condition.

The development site is situated on the route to and from Salterforth Primary School with no alternative means of access/exit. As such, deliveries by HGVs during the construction phase shall be controlled by condition to ensure that there is no conflict between traffic and pedestrians during peak times.

If the Planning Authority is minded to approve this application Lancashire County Council Highways requests the following condition be appended to the decision notice:

- Deliveries to the approved development shall only be accepted between the hours of 9.30 am and 2.30pm Monday-Friday during school term time to avoid peak traffic on the surrounding highway network. Reason: In the interest of highway and pedestrian safety.

Parish/Town Council

No response

National Grid

Cadent gas: No objection, requests addition of an informative note.

Public Response

The nearest neighbours have been notified by letter with no response.

Relevant Planning Policy

Pendle Local Plan Part 1: Core Strategy

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

Policy ENV1 seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

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

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

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

Officer Comments

The proposed development is in a residential area situated within the settlement of Salterforth. There are no underlying policies which would prevent the development in principle. The principal material considerations for the application are as follows:

Design and Materials

The proposal seeks to demolish the existing conservatory to the rear of an existing two storey extension by a single storey extension. The existing conservatory is 2.1m deep and 3.3m wide while the proposed extension would be 2.7m deep and 4m wide.

The proposed extension would have a pitched roof and use materials matching that of the original dwelling and would be in accordance with the guidance of the Design Principles SPD. The combined with the already existing two storey extension finished in render, the proposed extension would be an unsightly addition in its a scale and massing. This would be highly visible from public vantage points along the Bridle path. Therefore, the proposed development would have an unacceptable impact on the character of the dwelling and its surroundings.

Overall, the proposed development would not be acceptable in terms of design and would be contrary to policies ENV1 and ENV2 and the Design principles SPD.

Residential Amenity

The Design Principles SPD advise that a single storey rear extension located on, or immediately adjacent to, the party boundary with a neighbouring property will normally be acceptable if it does not project more than 4m from the rear elevation of the existing dwelling. A single storey extension of greater depth will normally only be permitted if it does not breach the 45-degree rule where this would not cause detriment to the character of an area.

The proposed extension would be adjacent to the party boundary with 2-4 the Bridle path and would extend 5.7m from the original dwelling. No. 2-4 the Bridle path has a living room window on its rear elevation for which the 45-degree guidance would be breached by the proposed extension. The existing two storey extension already breaches the 45-degree guidance for a first-floor window of the neighbour. The extension would also have an overbearing impact on the No 2-4's garden. It is noted that the proposed extension is only slightly larger than the existing conservatory, however the proposal replaces the glazed elevation of the conservatory with a blank solid wall. In this case the proposed extension would have an unacceptable overbearing impact on the living conditions of the residents of No.2-4.

Therefore, the proposed development would not be acceptable in terms of residential amenity and would be contrary to policy ENV2 and the Design principles SPD.

Highways

The development site is situated on the route to and from Salterforth Primary School with no alternative means of access/exit. As such, the LCC highways requests a condition to any approval to control the deliveries by HGVs during the construction phase to ensure that there is no conflict between traffic and pedestrians during peak times.

National Grid

No objection.

RECOMMENDATION: Refuse

Due to the following reason(s):

1. The extension would have a detrimental impact upon the character of the dwelling and the amenity of occupants of No.2-4 The Bridle Path due to its scale, massing and proximity to a shared boundary. Consequently, the proposal does not comply with the Council's adopted Local Plan Policies ENV1, ENV2, the Council's Design Principles Supplementary Planning Document, and Paragraph 139 of the NPPF

Application Ref: 24/0281/HHO

Proposal: Full: Demolition of existing conservatory and the erection of a single storey rear extension.

At 8 Chapel Hill, Salterforth, Lancashire

On behalf of: Mr Sam Pendred

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 13th May 2024