

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

TO: WEST CRAVEN COMMITTEE

DATE: 9TH JULY 2024

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning application.

REPORT FOR WEST CRAVEN COMMITTEE MEETING 9TH JULY 2024

Application Ref: 24/0373/PIP
Proposal: Permission in Principle: Erection of 1 no. dwelling.
At Land to the North East of Meadow Park Court, Barnoldswick.
On behalf of: Mr Ian Birtwistle.
Date Registered: 06/06/2024.
Expiry Date: 11/07/2024.
Case Officer: Joanne Naylor.

Site Description and Proposal

The application site relates to an open field located in the open countryside and just outside the settlement boundary of Barnoldswick. To the north west is West Craven High School, to the south west is Kelbrook Road with dwellings opposite, to the south east is open land and to the north west is a group of dwellings at Meadow Court Park and to the north east is a group of dwellings at Birtwistle Court. The site is located between the bungalow and land belonging to Lower Park Farm, and the applicant owns the field adjacent to the site. There are mature TPO trees on land owned by Lower Park Farm, whilst the illustrative map indicated trees on the boundary with Lower Park Farm, and there are more TPO trees within the vicinity of the site as shown on Pendle Tree Preservation Order map.

This is an application for Permission in Principle for the erection of one dwelling on the site.

Relevant Planning History

Non Relevant.

Consultee Response

Lancashire County Council Highways

The National Planning Policy Framework (NPPF) states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe' (Paragraph 115).

Having reviewed the documents submitted, Lancashire County Council acting as the local highway authority does not raise an objection regarding the proposed development of one dwelling and concludes that there are no highway grounds to support an objection as set out by NPPF.

Principle matters

The scope of Permission in Principle is limited to location, land use and amount of development. In highway terms consideration needs to be given to whether this site is a suitable location for housing with regard to the accessibility of services and facilities.

The development site is proposed to be accessed from Kelbrook Road via Marina Way, (shown on the submitted Location Plan), which is privately maintained, or a private lane serving Meadow Park

and Lower Park Farm (Planning Statement para 1.2). No Public Rights of Way pass through the proposed development site.

The proposed development site lies immediately adjacent to an existing area of residential properties and therefore the highway authority considers that the principle of development at this location is acceptable.

Technical details stage

If Permission in Principle is granted there are a number of matters that would need addressing at the technical details stage. These include, but are not exclusive to, the following.

Car & cycle parking

An illustrative site layout plan (Drawing TS587-1 dated 2.5.24) has been submitted. However, the following recommendations regarding parking should be applied to detailed plans submitted:

- Provide off-road car parking for the dwelling in accordance with Pendle Borough Council's Parking Standards. That is:
 - one space for a one bedroom dwelling
 - two spaces for two – three bedroom dwellings
 - three spaces for four plus bedrooms.
- Provide adequate internal manoeuvring space to allow vehicles to enter/leave the site in forward gear, with a minimum manoeuvring distance of 6m being provided.
- Parking spaces should be a minimum width of 2.4m except where they are adjacent to a wall or fence when they should be a minimum width of 2.6m or where they provide joint vehicular and pedestrian access where they should be a minimum of 3.2m wide. They should be a minimum of 5m long.
- Provide secure, covered cycle parking for at least two cycles.
- To be counted as one parking space single garages should have minimum internal dimensions of 6 x 3m. This size of garage can also provide secure storage for two cycles. To count as two parking spaces a double garage should have minimum internal dimensions of 6 x 6m.
- Provide an electric vehicle charging point. 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. This could be provided within any garage proposed.

Refuse bins

Adequate storage space for refuse bins for the proposed dwelling should be provided which does not obstruct nor encroach within the parking/manoeuvring areas.

Pendle Borough Council Environment Officer (Trees)

There are large mature trees on this site that would need to be considered during the design layout phase. I would need to see an Arboricultural Impact Assessment before I could comment in detail on the proposals.

Pendle Borough Council Environmental Health

With regards to this development, the radon risk in the area is medium so a barrier maybe in order. We would also condition the development with our standard site management condition.

Cadent Gas Network

Your planning application – No objection, informative note required

We have received a notification from the LinesearchbeforeUdig (LSBUD) platform regarding a planning application that has been submitted which is in close proximity to our medium and low

pressure assets. We have no objection to this proposal from a planning perspective, however we need you to take the following action.

What you need to do

To prevent damage to our assets or interference with our rights, please add the following Informative Note into the Decision Notice:

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Your responsibilities and obligations

Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement.

This letter does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications.

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you need any further information or have any questions about the outcome, please contact us at plantprotection@cadentgas.com or on 0800 688 588 quoting your reference at the top of this letter.

Yorkshire Water

For any drainage comments please refer back to United Utilities, as location is in their area.

United Utilities

Consulted on 11 June 2024, consultation period expires 25th June 2024, no response received to date.

Public Response

The nearest neighbours have been consulted, five objections received relating to:

- Impact on TPO trees
- Plans show three trees to the side boundary,

- Increase in traffic congestion for residents
- Highway safety risk, including risk to children from West Craven High School
- Impact of construction traffic
- Impact on wildlife and wildlife corridor
- No mains sewer which caused significant issues when developing Meadow Park Court
- Large TPO roots cover most of the site
- Concerned it would increase flood risk
- Access is a single track, a new dwelling would increase parking requirements and increase vehicle movements.
- There is a derelict bungalow and three detached houses adjacent to the plot.
- Concerned the PIP seeks to enable more development to the field.
- Marina Way is unadopted, there are no footpaths, with horse riders and cyclists and getting busier with vehicles
- Additional construction vehicles creates significant disruption with lorries blocking roads.
- Previous development cut water off twice.
- Concerned that more development will result in conurbation.

Officer Comments

This type of application can only be determined on matters of principle of the development with its scope limited to location, land use and the amount of development. Conditions and/or planning obligations can not be imposed at this stage. If approved a Technical Details application would be required before the development could take place, which would include details such as plans and technical reports. Conditions and planning obligations can only be imposed at that stage.

Policy

Local Plan Part 1: Core Strategy

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

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

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

Policy ENV2 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 ENV4 (Promoting Sustainable Travel) sets out that proposals should follow the settlement hierarchy approach in Policy SDP2 and minimise the need to travel by ensuring they are developed in appropriate locations, close to existing or proposed services. Consideration should be given to locating new housing, employment and service developments near to each other to give people the opportunity to live and work within a sustainable distance.

Replacement Pendle Local Plan

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

National Planning Policy Framework

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

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

Principle of Development

A permission in principle requires to establish if the principle of a development would be acceptable when considering the policy principles of a development site.

Policy LIV1 states that until the Council adopts the Pendle Local Plan Part 2: Site Allocations and Development policies then sustainable sites outside but close to a Settlement Boundary, which make a positive contribution to the five year supply of housing land may be acceptable in principle.

The application is for a single dwelling, the site is located outside the settlement boundary and within the Open Countryside. The site is located 60m from the settlement boundary of Barnoldswick, the site would be within close proximity of the settlement boundary of Barnoldswick and is adjacent to two development sites now completed for housing at Meadow Park Court and Birtwistle Court, and a site was permitted for three houses on a site between the bungalow and Kelbrook Road, which has not been completed. The proposed dwelling would be an in-fill site between the bungalow and land owned by Lower Park Farm. The application site is in proximity to services and facilities in nearby Barnoldswick, and would not be in an isolated location.

The site would be in close proximity of the settlement boundary, the proposal would be infill between the bungalow and Lower Park Farm and it is adjacent to housing at Meadow Park Court and Birtwistle Court, therefore the principle of housing is acceptable in accordance with LIV1.

Other Matters

The issues raised by members of the public include trees, highways issues, drainage and water supply, flood risk, extant planning applications, and wildlife, whilst these are all material planning considerations these issues can not be determined at this stage of the planning in principle stage and would be addressed at the technical details stage.

There was also concern that the proposed PIP would then seek to add additional dwellinghouses on the land, this would have to be considered through a planning application and would be considered on its merits.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate

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

Recommendation: Approve

Informative:

As part of a technical details application the following information should be provided:

- Plans, including location plan, site plan, access visibility splay plan, car and cycle parking plan, elevation and floor plans, and existing and proposed levels and finished floor levels.
- Planning Statement.
- Arboricultural Impact Assessment and Method Statement.
- Ecology Survey.

Biodiversity Net Gain (BNG) requirements:

- Statement confirming the development is subject to the biodiversity net gain condition.
- Metric confirming pre-development biodiversity value.
- UKHab Plan detailing pre-development habitats and their condition.
- Description of any irreplaceable habitat on the land to which the application relates, that exists on the date of application.
- Confirmation of how you foresee achieving the 10% net gains.
- Draft Biodiversity Gain Plan.
- Draft Habitat Management and Monitoring Plan.
- Mapping (UKHab or similar) detailing post-development habitats and their condition.
- Any specific information relating to the preparation and finalisation of a legal agreement (S106) – e.g. draft Heads of terms.

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At Land to the North East of Meadow Park Court, Barnoldswick.

On behalf of: Mr Ian Birtwistle.

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 28th June 2024