

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

TO: WEST CRAVEN COMMITTEE

DATE: 3RD SEPTEMBER 2024

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO WEST CRAVEN & DISTRICT COMMITTEE 03RD SEPTEMBER 2024

Application Ref: 22/0540/CND

Proposal: Approval of Details Reserved by Condition: Discharge of Condition 4 (Site Levels), Condition 9 (Drainage Details), Condition 13 (Highway Improvements) of Planning Permission 21/0111/FUL (Appeal APP/E2340/W/21/3288078).

At: Land To The West Of Brogden View, Brogden Lane, Barnoldswick

On behalf of: Applethwaite Limited

Date Registered: 12/07/2022

Expiry Date: 19/09/2022

Case Officer: Alex Cameron

This application was deferred by the Committee in August for a site meeting.

Site Description and Proposal

This application is made under article 21 of the Town and Country Planning (General Development Procedure) Order 2015 to seek confirmation of compliance with conditions of Planning Permission 21/0111/FUL.

This application requests the discharge of condition numbers 4, 9 and 13 of the Planning Permission.

Condition 4 - No part of the development hereby permitted shall be commenced until details of the proposed ground levels have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a number of sections across the site, which shall indicate existing and proposed ground levels, together with the floor levels of any proposed dwelling/buildings through which the sections run and shall extend beyond the site boundaries to include any surrounding, adjacent properties. The development shall thereafter be implemented in accordance with the approved details.

Condition 9 - No development shall commence until a final, detailed surface water sustainable drainage scheme for the site has been submitted to, and approved in writing by, the Local Planning Authority. The detailed sustainable drainage scheme shall be based upon the site-specific flood risk assessment submitted and the sustainable drainage principles set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), either directly or indirectly. The detailed sustainable drainage scheme shall include, as a minimum:

- a) Final sustainable drainage plans appropriately labelled to include:
 - i. A final surface water drainage layout plan showing all pipe and structure references, dimensions and design levels;

- ii. A plan identifying the areas contributing to the surface water drainage network, including surface water flows from outside the curtilage as necessary;
 - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
 - iv. Flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
 - v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building;
 - vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
 - vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and deliver suitably clean water to sustainable drainage components.
- b) A full set of sustainable drainage flow calculations for the surface water drainage network. The calculations must show the full network design criteria, pipeline schedules and simulation outputs for the 1 in 1 year, 1 in 30 year and 1 in 100-year return period, plus an additional 40% allowance for climate change and a 10% allowance for urban creep. Surface water run-off must not exceed a maximum rate of 10.6l/s

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings.

Condition 13 - Prior to the commencement of development, a scheme for the site access and off-site highway works shall be submitted to and approved in writing by the Local Planning Authority. The works shall include the following and be implemented prior to the first occupation of any dwelling.

- a) New footway on Brodgen Lane and new pedestrian build out on Gisburn Road to link to Greenberfield Road
- b) Scheme of street lighting on Brodgen Lane between Gisburn Road and the site access.
- c) Upgrade of bus stop on Greenberfield Road

Relevant Planning History

21/0111/FUL - Full: Major: Erection of 19 No. bungalows (Over 55) with associated landscaping, car parking and access from Brodgen Lane. Appeal Allowed

Consultee Comments

LCC Highways – No objection to the discharge of condition 13

Lead Local Flood Authority – No objection to the discharge of condition 9.

Officer Comments

Condition 4 (Site Levels) The submitted details of site levels are acceptable. Whilst they do not show sections including the adjacent gardens it is clear that the land levels at the boundaries with those gardens will remain as existing and therefore this is not necessary.

Condition 9 (Drainage Details) The submitted drainage details and are acceptable.

Condition 13 (Highway Improvements) the submitted details are acceptable. Concerns have been raised in relation to the provision of the footway along Brogden Lane and that this may encroach upon the adjacent developer's land. This has been discussed with LCC Highways and they have confirmed that the works necessary to provide the footway would be entirely within the highway and can be carried out under a Section 278 agreement irrespective of ownership. Given that it is part of the highway the ownership of the land does not affect LCC's ability to ensure that the works are carried out.

RECOMMENDATION: Discharge Conditions 4, 9 and 13

Condition 4 (Site Levels) The submitted details of site levels are acceptable. The condition is discharged subject to implementation.

Condition 9 (Drainage Details) The submitted drainage details and are acceptable. The condition is discharged subject to implementation.

Condition 13 (Highway Improvements) the submitted details are acceptable. The condition is discharged subject to implementation.

Application Ref: 22/0540/CND

Proposal: Approval of Details Reserved by Condition: Discharge of Condition 4 (Site Levels), Condition 9 (Drainage Details), Condition 13 (Highway Improvements) of Planning Permission 21/0111/FUL (Appeal APP/E2340/W/21/3288078).

At: Land To The West Of Brogden View, Brogden Lane, Barnoldswick

On behalf of: Applethwaite Limited

REPORT TO WEST CRAVEN & DISTRICT COMMITTEE 03RD SEPTEMBER 2024

Application Ref: 24/0378/FUL

Proposal: Full: Erection of timber stables and change of use of land to equine use.

At: Land to the NW of Stone Trough House, Old Stone Trough Lane, Kelbrook

On behalf of: Mrs Sam Lane

Date Registered: 10/07/2024

Expiry Date: 04/09/2024

Case Officer: Laura Barnes

Site Description and Proposal

The application site is an area of land outside the settlement boundary, within the open countryside.

The proposed development is for the erection of a timber stables and the change of use of the land to horsiculture.

Relevant Planning History

24/0154/FUL: Full: Erection of timber stables and change of use of land to horsiculture.
Withdrawn

Consultee Response

LCC Highways

Proposal

The application proposes to construct 3 stables and 3 storage rooms. The site will be accessed by a new access adjacent to an existing field gate access on Old Stone Trough Lane. The access is relocated north from the previous submitted application 24.0154 which was subsequently withdrawn.

There are no details submitted regarding the proposed use of the stables and we would request a condition to reflect that of the nearby equestrian site which is, 'The buildings hereby permitted shall be used for, or ancillary to, the stabling of horses owned by or leased by the applicant only, and shall not be used for livery, equestrian events or any commercial purpose whatsoever at any time.'

Access

Old Stone Trough Road is adopted highway, unclassified and subject to the national speed limit which is 60mph.

The existing access comprises a 3m wide simple field gate with a style over the

stone wall to the north side for public footpath 13-05-063. The existing access will be permanently closed with a new stone wall constructed across it. The existing style accessing the footpath will be retained.

The new access will be located to the north side of the existing access and be 3.5m wide and paved (bound and porous) for the first 6m with the gates set back the same distance.

The relocated access will maximise the visibility splays onto Stone Trough Lane to provide 40m to both sides of the access and provide some separation from the adjacent driveway. This is considered acceptable for the low amount of vehicle movements at the site access and the vehicle speeds on Stone Trough Lane considering the geometry and forward visibility which is likely to result in vehicle speeds significantly lower than the posted speed limit.

The works to tie the access pavement construction into the adopted highway Stone Trough Lane will need to be agreed with Lancashire County Council under a S278 agreement.

Parking

There is no designated parking area shown, only a turning area.

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.

Suggested conditions:

- Stables for private use, not for commercial livery
- Cleaning of vehicle wheels
- New access shall be constructed in accordance with the approved plans

Kelbrook & Sough Parish Council

We wish to express that we have no objection or any issue with this planning application.

Public Response

Neighbours have been notified by letter, a site and press notice have been displayed, multiple comments have been received both in objection and support of the application. They can be summarised as follows:

Objection

- The term horsiculture is unclear
- There should be no more than three horses
- The stables should be used by the land owner and not for a livery
- The land should return to how it was previously, if the stables are not in use for a period of 12 months
- Vehicles should not be stored on the land

- The water supply to six properties runs through this land
- What would stop this being used for human habitation?
- Highway safety – the visibility splays are not sufficient
- Horse paraphernalia will be placed on the land
- Lighting
- Would horses be ridden on the land?
- Plans for manure storage?
- How will surface water be managed?
- Visual amenity
- Where would large wagons and horse boxes turn?
- Contrary to Neighbourhood Plan
- A stable nearby was converted without permission and unfortunately there was a fatality in the accommodation
- The hedgerow is in excess of 400 years old
- This is Green Belt land

Support

- The plans have been adapted to accommodate the changes necessary from the last application
- The stables would be amongst other stables in the surrounding fields
- The land will not be over developed

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) 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 (Achieving Quality in Design and Conservation) identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Replacement Pendle Local Plan

Saved Policy 31 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.

Kelbrook & Sough Neighbourhood Plan

Policy KS DEV1 (Protecting and Enhancing the Character of Kelbrook & Sough) sets out that development should respond positively to its surrounding character. Careful consideration should be taken of the type and quality of materials, key views, impact on landscape and boundary treatments.

Design

The proposed stables are to be arranged in two blocks, facing each other. They are of traditional design, to be timber construction with a corrugated roofing sheet. The stables are to be one side of the central access area with a muck heap to the end bay. Opposite is another structure accommodating a haystore, utility room and tackroom. There are to be three stable doors and three windows to the stable block whilst the hay store is to have a larger double set of doors and a rear door serving the utility room.

Overall, the proposed development accords with Policies ENV2 and KS DEV1 in this regard.

Residential Amenity

Given that the proposed structures are for the accommodation of horses and are to be positioned in a field adjacent to an existing stable to the north, there would be no unacceptable impact in terms of the adjoining use to the north. To the south, there is a residential dwelling. However, the stables are to be sited approximately 80m to the north of this towards the northern boundary of the application site. They have specified an area which would be used as the muck heap / manure store and details of this have been provided.

In terms of residential amenity, the proposed development would not result in an unacceptable impact and accords with Policy ENV2 of the Local Plan, Part 1 Core Strategy.

Highways

The Highways Authority have not objected to the proposed development. The proposal is to have an access point just to the north of the existing one, with the existing gate closed up and a new stone wall built up to 0.9m in height. A stile would still be maintained and there would be no interruption to the existing Public Right of Way. A hard surface would be laid at the entrance, with the new gate 6m back from the carriageway edge, allowing a vehicle to pull off the road and open the gate safely. The visibility splays indicate that 40m in either direction could be achieved.

The proposal accords with policy in this regard.

Biodiversity Net Gain

The application is accompanied by a Biodiversity Metric which sets out the habitat which has been assessed as the baseline. The existing habitat includes modified grassland and trees. The intention is to enhance the existing habitat with the inclusion of some trees and modified grassland. The uplift is proposed to be 10.41% post development. The applicant proposes to provide this on site and there are no off-site provisions. A condition controlling the monitoring of this on-site provision can be included and the applicant would need to enter into a s106 agreement with the Council to cover the monitoring costs associated with this.

Drainage

The applicant has not submitted any details of the surface water drainage. However, this could be provided as part of a planning condition.

Trees

Although there are some trees to be removed as a result of the new access, these could be replaced within the site and the Council's Environment Officer has no objection to the proposals. Indeed, the Biodiversity Metric suggests that tree planting would be part of the BNG uplift to 10.41%. The Council's Environment Officer has recommended that a tree protection fence is erected during construction, a plan for this has been provided which is satisfactory.

Other Matters

Several issues have been raised which are not material planning considerations, including an existing water supply which runs under the site. This is a private matter which would need to be considered between the land owners and users of the supply.

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 access and principle of the proposed development accord with the policies of the Replacement Pendle Local Plan and National Planning Policy Framework. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following

approved plans: Location Plan P5896_100 Rev B, Proposed Entrance Plan 24/18/11, Proposed Elevation and Floor Plan 24/18/1, Proposed Stable Plan including Tree Protective Fencing Plan 24/18/14 and 24/18/12

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

3. All materials to be used in the elevations and roof of the proposed development shall be as stated on the application form and approved drawings and shall not be varied without the prior written permission of the Local Planning Authority.

Reason: These materials are appropriate to the locality and in order to allow the Local Planning Authority to control the external appearance of the development.

4. No part of the development commence unless and until a Planning Obligation pursuant to section 106 of the Town & Country Planning Act, 1990 (or any subsequent provision equivalent to that section) has been made with the Local Planning Authority. The said obligation shall provide for monitoring of Biodiversity Net Gain over a 30 year period.

Reason: To ensure that the proposed development makes provision to enhance biodiversity on the site and that this can be monitored for a period no less than 30 years following completion of the development.

5. There shall be no external lighting installed on the development hereby approved unless and until details including type, size, location, intensity, direction and timing of illumination of the external lighting have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall thereafter at all times be maintained and operated in strict accordance with the approved details.

Reason: In the interests of neighbouring amenity.

6. The storage of manure shall be carried out in accordance with the details submitted on the floor plan.

Reason: To protect controlled waters from pollution and protect the amenity of neighbouring residential properties from odours and flying insects.

7. The stables hereby permitted shall be used for, or ancillary to, the stabling of horses owned by or leased by the occupier of the application site only, and shall not be used for livery, equestrian events or any commercial purpose whatsoever at any time.

Reason: In the interest of highway safety

8. Prior to occupation of the development hereby approved, details of the surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the surface water drainage shall be installed and maintained in accordance with the approved details.

Reason: In the interests of proper drainage of the site.

9. Prior to commencement of development, the tree protective fencing shall be erected in accordance with the details on plan reference 24/18/12 and shall remain in place until the construction work is completed.

Reason: In order to protect the trees in the grass banking to the edge of the site.

10. Nothing shall be erected, retained, planted and/or allowed to grow at or above a height of 0.9m above the nearside carriageway level which would obstruct the visibility splays indicated on plan reference 24/18/11. 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.

11. The development may not be begun unless:

- (i) a biodiversity gain plan has been submitted to the planning authority and
- (ii) the planning authority has approved the plan

Phase plan

- (b) the first and each subsequent phase of development may not be begun unless—
 - (i) a biodiversity gain plan for that phase has been submitted to the planning authority and
 - (ii) the planning authority has approved that plan

Reason: In order to fulfil the obligations for Biodiversity Net Gain, in accordance with the Environment Act 2021, Schedule 14

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At: Land to the NW of Stone Trough House, Old Stone Trough Lane, Kelbrook

On behalf of: Mrs Sam Lane

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 01st August 2024