

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

TO: WEST CRAVEN COMMITTEE

DATE: 8TH OCTOBER 2024

Report Author: Neil Watson
Tel. No: 01282 661706
E-mail: neil.watson@pendle.gov.uk

PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO WEST CRAVEN COMMITTEE ON 08 OCTOBER 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 Committee in September for the submission of additional details of drainage and levels.

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 Brogden 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 Brogden 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 however it was confirmed on the site visit that a new topographical survey is being undertaken to detail the levels as built. This is awaited and will be reported to Committee if received prior to the meeting.

Condition 9 (Drainage Details) Following the site meeting additional details have been requested to address surface water flooding on Brogden Lane from water that would have previously flowed onto the site. This is awaited and will be reported to Committee if received prior to the meeting.

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 the responsibility of that between this and the adjacent development. This is a matter between the two developers and LCC as part of the Section 278 agreement process, it is not relevant to the determination of this discharge of conditions application.

RECOMMENDATION: Delegate Discharge Conditions 4, 9 and 13

Condition 4 (Site Levels) Delegate discharge of the condition subject to satisfactory details of levels.

Condition 9 (Drainage Details) Delegate discharge of the condition subject to satisfactory details flooding on Brogden Lane from water that would have previously flowed onto the site.

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 COMMITTEE 8TH OCTOBER 2024

Application Ref: 24/0305/OUT

Proposal: Outline Application (Major): Demolition of existing 2 no. B2 industrial buildings and erection of 3 no. buildings (Access, Layout, Scale) for storage and distribution use (Use Class B8).

At: Sough Bridge Mill, Colne Road, Kelbrook

On behalf of: AB Investments NW Ltd

Date Registered: 07/08/2024

Expiry Date: 06/11/2024

Case Officer: Laura Barnes

Site Description and Proposal

The application site is an irregular shaped piece of land to the rear of Sough Bridge Mill. There are two existing buildings which are both single storey in height, one has a flat roof whilst the other has a dual pitched roof. Both of the existing buildings are to be demolished as part of the proposed development. There are also seven shipping containers on the site, within the yard adjacent to building 1. The application site is wholly within the settlement boundary. Part of the proposed development is adjacent to New Cut, which is Flood Zone 3. However, there is no part of the proposed development site within the flood zone itself.

The site lies to the rear of the stone built mill adjacent and is surrounded by hedges and trees. It is accessed via either a single lane unadopted road or via the streets serving adjacent terraced housing.

The application seeks planning permission for the demolition of existing buildings used for general industrial purposes (Use Class B2) on the site and erection of three storage units. The proposed Use Class would be B8. The buildings are to be arranged in a horse shoe arrangement with a central yard area left for turning, loading and unloading vehicles. The application is for outline permission and seeks approval for access, layout and scale at this stage.

Relevant Planning History

13/94/0127P: Retain emergency exit door
Approved with conditions

2022/0363/FUL: - Change of use of general industrial / storage (use class B2/8) to indoor sports/fitness (use class E(D)).
Approved with conditions

23/0291/OUT: Outline (Major): Erection of 4 no. industrial units (Access, Layout, Scale).
Withdrawn

Consultee Response

LCC Highways

Proposal

The site has a current industrial use with outbuildings and storage containers of approximately 1412 sqm and associated parking and an existing access road. The existing two buildings in the yard area would be demolished and the storage containers would be removed.

The scheme is amended from the previous application to comprise of Unit 1 B8 856sqm, Unit 2 B8 330sqm and Unit 3 B8 200sqm, totalling 1386sqm. Unit 4 B2 155sqm has been removed from the scheme.

This equates to a net decrease in floor area of 26sqm and a less intensive use from B2 to B8.

The proposed units have no end users and the units would be advertised 'for let' once planning permission is secured.

Traffic Impact

The use is proposed as full B8 from the previous B8/2 mix which reduces the traffic impact of the proposal.

Evidence to support the current commercial use of the 7 containers on site is submitted. These containers will be removed from the site.

A TRICS analysis has been amended to estimate the traffic generated by the proposed amended scheme floor areas, there are 5, 2-way trips in the AM peak 8-9am (reduced from 29) and 6, 2-way trips in the PM peak 5-6pm (reduced from 26). There is no data provided on the amount of traffic currently using Sough Lane from the Mill therefore the cumulative impact of the traffic is not known.

When visiting the site at 11am, over a short period of 5 minutes, 3 commercial vehicles were observed exiting the site and 1 residential vehicle from Arthur Street onto Colne Road via Sough Lane.

Additional traffic movements on Sough Lane from the proposed development would be in addition to existing commercial vehicle movements existing at the Mill. This is a highway safety concern.

Access

The existing access arrangements will remain the same. Although the access is constrained, the proposed development has been reduced from the previously proposed scheme, to provide no significant increase in vehicle trips from the extant use which exists.

Layout and servicing

A swept path analysis for a 9.07m long refuse wagon and a rigid 8.01m long goods vehicle have been provided in Appendix F of the Transport Statement addendum. There are no end users known therefore the servicing requirements cannot be known. The largest vehicle which could access the site is a 9m rigid vehicle. This limits the opportunities for future users and a planning condition would be required to restrict the size of vehicles accessing the site. This is acknowledged in the Transport Statement addendum.

Parking

Based upon a medium accessibility score, the Pendle Borough Council parking

standards require a ratio of 1:210 for B8 (1386sqm) – 7 spaces.

There are 9 spaces for B8, 4 visitor spaces and 6 for existing Mill uses, totalling 15 spaces.

There are 5 motorcycle bays and 12 cycle spaces proposed. The cycle parking must be covered and secure to provide suitable provision for staff.

Electric vehicle charging points should be included at a ratio of 10% of the overall provision.

The parking provision is considered acceptable.

Conclusion

Lancashire County Council acting as the Highway Authority raises no objection regarding the proposed development and are of the opinion that the proposed development will have no significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Should the application be approved the following conditions are requested.

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

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Wheel washing facilities
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
- viii) Details of working hours
- ix) Routing of delivery vehicles to/from site

Reason: To mitigate the impact of the construction traffic on the highway network.

2. The area shown on the swept path analysis for a 9m long goods/service vehicle shall be kept clear at all times for the purposes of turning large vehicles.

Reason: For highway safety.

3. No goods or service vehicles exceeding 9m long shall be accepted to site.

Reason: For highway safety.

4. The car and cycle parking shown on the approved plan shall be provided and maintained thereafter for that purpose. Reason: For highway safety to prevent overspill parking

Environmental Health

Concerns about nuisance during the demolition and construction phase. Asbestos may be present in the buildings which are due to be demolished – this requires a condition.

Kelbrook & Sough Parish Council

Positive – It will enhance the appearance of an area of the Village that has been an eyesore for a number of years.

Negative – It necessitates an increase in traffic along what is a very narrow access road which is a highway safety concern.

Other concerns are

- The proposed length of times that access to the units will be allowed
- The potential access required for large delivery vehicles
- Disruption during the construction process
- Detrimental impact generally for residents of Sough Lane.

For these reasons we wish to OBJECT to the planning application in its current form.

Cadent Gas

No objection

Lead Local Flood Authority

Comments awaited

Yorkshire Water

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

Lancashire Constabulary

We would strongly advocate Commercial Developments in Lancashire be designed and constructed to Secured By Design security standards, using the Secured By Design 'Commercial 2015' Design Guide specifications. Further details about Secured By Design, including application forms and security specifications can be found at www.securedbydesign.com.

Environment Agency

We have no objection to the development on flood risk grounds. The proposed development is located only in Flood Zone 1, meaning no development will occur within the Flood Zone 3 area on the site. There is also no development planned within 8m of the top of the bank of the statutory main river New Cut, therefore we have no permitting requirements.

Public Response

Nearest neighbours notified, a site & press notice have been displayed. Multiple letters have been received, raising objection to the scheme as follows:

- Highway safety issues – narrow lane serving the site is inadequate
- Right to light of 1 Sough Lane
- Parking issues
- Noise disturbance
- Issues accessing the plans due to IT issues / server errors
- Not satisfied with how the tenants of the mill have been notified

- Height of proposed buildings would dominate the surrounding countryside
- Loss of Unit 18 would result in the loss of a thriving joinery business, supporting a number of jobs
- Use Class B2 would be more appropriate here
- The materials should be stone and slate
- Danger for a yard gate which opens onto Sough Lane
- Impact upon property values
- Harm to green spaces and habitat
- Crime risk
- Proposed buildings are not in keeping with the area

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

Policy SDP2 (Spatial Development Principles) sets out a hierarchy of settlements in order of preference for future growth.

Policy SDP4 (Employment Distribution) sets out the direction for growth of employment land, the M65 corridor is at the top of the hierarchy in order of preference for this.

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.

Policy ENV4 (Promoting Sustainable Travel) sets out the Council's intentions for supporting sustainable transport.

Policy ENV5 (Pollution and Unstable Land) seeks to minimise air, water, noise, odour and light pollution and to address the risks from contaminated land.

Policy ENV7 (Water Management) follows the sequential assessment set out in National Policy, it also sets out requirements for surface water runoff and water quality.

Policy WRK1 (Strengthening the Local Economy) states that new opportunities for economic development should help to strengthen and diversify the local economy.

Policy WRK2 (Employment Land Supply) sets out that new employment should seek to develop the role of Nelson as the core location for employment.

Policy WRK6 (Designing Better Places to Work) encourages the provision of well-designed workplaces that meet the needs of businesses and their employees.

Replacement Pendle Local Plan

Saved Policy 31 sets out the maximum parking standards for development.

National Planning Policy Framework

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

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

Kelbrook & Sough Neighbourhood Plan

The application site is located within the area designated for the Kelbrook & Sough Neighbourhood Plan.

Policy KSDEV1 (Protecting and Enhancing the Character of Kelbrook and Sough) sets out that all proposals will be considered against the Character Assessment.

Policy KSHER1 (Non-designated Heritage Assets) sets out a list of assets, including Sough Mill. The policy states that proposals affecting one of the assets on the list should conserve, and where practicable enhance aspects of the asset which contribute to its significance.

Principle of Development

The application site is located within the settlement boundary. It seeks planning permission for the use of the land as storage and distribution (Use Class B8). Policy SDP2 and SPD 4 identify Sough as a Rural Village. Policy SDP2 sets out that proposals for new development should be located within the settlement boundary. It also sets out that the reuse of previously developed land will be encouraged.

The proposed development would encourage economic growth through the creation of jobs, in accordance with Policies WRK1 and WRK2 which seek to boost the local economy. Whilst WRK2 directs growth firstly to Protected Employment Areas, outside these areas, existing employment sites and premises in accessible locations are next most preferable. It is located in an accessible area which has access to public transport and is on a site which has a former industrial use (mill building also within applicant's ownership).

The proposed use of the buildings are Use Class B8 (storage and distribution). Use Class B8 are generally compatible with residential areas, subject to controlling some environmental impacts such as noise pollution in relation to neighbouring amenity. In this particular case, the proposed development is on a site which has previously been operational as a mill, which would be within Use Class B2. The Use Class B8 is a less intensive use than B2, as such the proposed use would be less intensive than that which is currently allowed. However conditions are still required relating to hours of operation and noise impact.

The principle of Use Class B8 in this location is acceptable, subject to compliance with design, residential amenity and highway issues.

Design

The applicant has submitted a layout plan which indicates that the buildings are to be arranged in a horse shoe layout. Car parking spaces are to be laid out around the proposed units, within the yard where there is also a turning area.

Unit 1 is the largest of the proposed units, at 856sqm. This is to be used for storage (Use Class B8) and the floor plan indicates there would be seven storage areas within the building, each with an external access door (pedestrian and vehicular) opening onto the central yard. The dimensions for Unit 1 are to be 63.5m x 15m with a height of 8m to ridge. The building is to have artificial stone lower walls, with the upper walls to be finished in grey metal cladding and a grey metal roof.

Unit 2 is to be in Use B8, this is an irregular shaped building which is to have three units within it. Again, each of the units is to have a vehicular access door which opens onto the central yard area. As with unit 1, unit 2 is to be constructed with artificial stone lower walls, with a grey metal cladding to the upper walls. The roof is to be clad in grey metal. The Design & Access Statement sets out that the units within this building are to be used for storage and distribution and light industrial work by HBC supplies Ltd, a Heating and Bathroom Company.

Unit 3 is also an irregular shaped building which is to be in Use Class B8. The proposed floor plans indicate that there are to be two units within this building. It is to have two vehicular access doors serving each of the units, accessing the central yard area. The building is to be constructed to match units 1 & 2, with an artificial low wall and metal clad upper walls, with a grey metal roof.

The buildings would be of typical warehouse style construction with stone facing to the lower wall and profile sheeting above, the roofing would be profile sheeting. This matter would be for determination at the detailed Reserved Matters stage of the application. However in general terms the indicative type of development set out in the application would not be unacceptable in this location.

Impact upon Residential Amenity

The applicant has prepared a layout plan showing the proposed locations of the industrial units and a noise assessment. The site is an existing industrial use which has no limitations on it regarding noise. Given the proximity to nearby residential dwellings, the proposed Use Class B8 would have to be subject to controls on the operating hours to ensure there is no working at unsocial hours. The noise assessment recommends that a noise barrier is installed along the northern boundary with 1 Sough Lane. This should be a minimum of 2m in height and should have a mass per unit area of 15 kg/sqm. The noise assessment is based upon the vehicular doors to each of the units being open. The noise assessment recommends mitigation including controlling the operating hours at the site, in order to limit the amount of disturbance to daytime hours. It also

recommends that an acoustic barrier is placed along the northern boundary of the site. The Council's Environmental Health Officer has recommended that a construction method statement is required as part of a condition on any approval.

Subject to controlling the operating hours and the erection of the acoustic barrier, the noise generated from the site would be compatible with residential properties nearby, in accordance with Policy ENV2 of the Local Plan: Part 1 Core Strategy.

In terms of the impact upon residential amenity such as an overbearing effect from the height of the buildings, the proposed building would be viewed in the context of the existing mill building which dominates the site. As such, the proposed buildings would not result in an unacceptable impact upon neighbouring amenity.

In terms of the proximity to neighbouring dwellings, the layout plan shows that the proposed units are no closer to the boundary of the site than the existing buildings. The proposed buildings would be read in the context of the existing mill building which is to the front of the site, closest to the main road.

Heritage

The Kelbrook and Sough Neighbourhood Plan identifies the mill as a non-designated heritage asset. The policy within the Neighbourhood Plan relating to non-designated heritage assets seeks to ensure that the buildings identified are conserved and where possible enhanced. In this particular case, there is no proposal to alter the main part of the mill. Although there is to be some demolition of the outbuildings to the rear of the mill, these buildings do not hold a heritage value and have been constructed as ancillary buildings. As such, they do not hold the same level of significance as the mill itself. Therefore, the proposed development would result in a neutral effect upon the non-designated heritage asset. The proposal accords with Policy KSHER1 of the Neighbourhood Plan and Policy ENV1 of the Local Plan: Part 1 Core Strategy.

Ecology

A preliminary Ecological Appraisal has been carried out as part of the planning application submission. This concludes that the site has a moderate potential for crevice dwelling bats. It is recommended that two dusk emergency surveys are undertaken. These surveys need to be carried out between May – August. The Preliminary Ecological Survey identifies that bat and bird boxes could be erected to mitigate any potential loss of habitat as a result of the demolition of the buildings. However, they recommend putting the bat and bird boxes in the trees off site. This would not be possible because any mitigation would need to be within an area which the applicant has control over. Should the application be approved, the additional bat surveys could be the subject of a suitably worded planning condition.

There are no trees within the site boundary and the majority of the area is made up of hard surfacing. As such, there would be no requirement for an arboricultural assessment.

Biodiversity Net Gain (BNG)

The application is accompanied by a small site metric, as is required for major applications of this nature. The metric sets out that the pre-development baseline is 0.2 biometric units. The applicant intends to purchase 0.22 units by way of an off-site contribution. As the developer does not have any land within their ownership available, off-site biodiversity units will be purchased via the Local Planning Authority (LPA) or 3rd party broker. As such, it would meet the threshold for applications which are now required to provide at least 10% biodiversity uplift.

The applicant would have to enter into a s106 in order to take care of the 30 year management and maintenance arrangements which are required for the proposed intervention. This would be subject to a condition as would other applications nationally.

Noise

The site is an existing industrial use which has no limitations on it regarding noise. Actual noise impacts will not be able to be assessed until the final design of the scheme is determined at any reserved matters stage. Depending on the final configuration issues such as noise from loading and unloading and hours of operation will need to be agreed via an updated noise impact assessment.

Contaminated Land

The planning application is not accompanied by any information pertaining to potential contamination. Given that this is an existing industrial site and currently has building on it which store vehicles, there is potential for contamination. As such, it is necessary to put a condition on any decision notice to ensure that potential contamination is dealt with appropriately. Subject to condition, the proposal accords with Policy ENV5 of the Local Plan: Part 1 Core Strategy.

Environmental Health have commented about the possibility of asbestos being present when the buildings are demolished. This is a process controlled by the Health & Safety Executive and duplicate controls should not be imposed through a planning application.

Drainage

The proposed development site is immediately adjacent to Flood Zone 3, New Cut. However, no part of the proposed development is within the flood zone. The Lead Local Flood Authority have not objected to the scheme and have recommended three conditions relating to the final surface water drainage strategy. Yorkshire Water have reviewed the Flood Risk Assessment which has been submitted as part of the application, they have also not raised objection. The applicant has demonstrated that they have followed the drainage hierarchy and that soakaways are not a possibility because of the conditions of the sub-soil. The foul water is to drain to a combined sewer in Colne Road whilst the surface water is to discharge into the New Cut at a restricted rate of 5.5l per second.

Highways

The proposed development is an outline application with access being a matter for consideration at this stage. The Highways Authority have reviewed the information and provided comments on the proposals. There are concerns regarding the proposed development in relation to the site access and conflict with existing vehicles. However, the Highways Authority have concluded that the proposed Use Class B8 is less intensive in terms of parking, number of employees and trip generation than the existing Use Class B2 would be. As such, there is no objection on highway safety grounds in this regard.

The applicant has indicated that parking would be provided in the yard area and it would also include 6 spaces for the existing units within the mill building. There is to be an area of visitor parking (4 spaces in total) as well as cycle storage within the yard.

The proposals accord with Policy ENV4 of the Local Plan: Part 1 Core Strategy and Policy 31 of the Replacement Local Plan in this regard.

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

1. An application for approval of the reserved matters (namely the appearance and landscaping of the site) shall be submitted in writing to the Local Planning authority before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the land of the reserved matters to be approved.

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

2. Details of the appearance and landscaping (hereinafter called the 'reserved matters') shall be submitted and approved in writing by the Local Planning authority before any development begins and the development shall be carried out as approved.

Reason: In order to comply with the requirements of Section 95 of the Town & Country Planning Act 1990.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan LU266-P01A, Proposed site Plan LU266-P03G, Proposed Unit 1 Plans LU266-P05A, Proposed Unit 2 plans LU266-P06A, Proposed Unit 3 plans LU266-P07A.

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

4. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:
 1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
 2. A site investigation scheme, based on (1) to provide information for a detailed

assessment of the risk to all receptors that may be affected, including those offsite.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 180 of the National Planning Policy Framework. To prevent deterioration of a water quality element to a lower status class in the underlying principle aquifer and the adjacent water course.

5. The development shall be carried out in accordance with the details shown on the submitted Flood Risk Assessment and Drainage Strategy prepared by Reford Consulting Engineers, dated March 2024, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage.

6. No operation shall take place outside the following hours:

07:00 – 22:00 Monday – Saturdays

07:00 – 22:00 Sundays

Reason: To control the hours that customers remain on the premises in the interests of residential amenity.

7. Prior to occupation of the development hereby approved details of the noise barrier recommended in the noise assessment by Clement Acoustics, along the northern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The noise barrier shall be installed in accordance with the approved details and shall remain in place thereafter unless agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

8. The development hereby approved shall be carried out in strict accordance with the Preliminary Ecological Survey, prepared by Pennine Ecology dated 20/03/2024. Prior to commencement of development the Bat Emergence Assessments recommended within the preliminary assessment shall be carried out during the appropriate surveying season and details of these shall be submitted to and approved in writing by the Local Planning Authority and there shall be no variation without the prior written approval of the Local Planning Authority.

Reason: In order to safeguard a protected species.

9. 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 minimum 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.

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

The details of the drainage strategy to be submitted for approval shall include, as a minimum;

- a) Sustainable drainage calculations for peak flow control and volume control for the:
- i. 100% (1 in 1-year) annual exceedance probability event;
 - ii. 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance;
 - iii. 1% (1 in 100-year) annual exceedance probability event + 45% climate change allowance.
- Calculations must be provided for the whole site, including all existing and proposed surface water drainage systems.
- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
- i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
 - ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels; to include all existing and proposed surface water drainage systems up to and including the final outfall;
 - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
 - iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
 - v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;
 - vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;

- vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and deliver suitably clean water to sustainable drainage components;
- c) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Paragraphs 173 and 175 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

- 11. No development shall commence until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority.

The details of the plan to be submitted for approval shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include for each phase, as a minimum:

- a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.
- b) Measures taken to prevent siltation and pollutants from the site entering any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue surface water flood risk on-site or elsewhere during any construction phase in accordance with Paragraph 173 of the National Planning Policy Framework.

- 12. The commencement of use of the development shall not be permitted until a site-specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The details of the manual to be submitted for approval shall include, as a minimum:

- a) A timetable for its implementation;

- b) Details of the maintenance, operational and access requirement for all SuDS components and connecting drainage structures, including all watercourses and their ownership;
- c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
- d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
- e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
- f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- g) Means of access for maintenance and easements.

Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

Reason: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the sustainable drainage system is subsequently maintained pursuant to the requirements of Paragraph 175 of the National Planning Policy Framework.

13. The commencement of use of the development shall not be permitted until a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the development as constructed is compliant with the requirements of Paragraphs 173 and 175 of the National Planning Policy Framework.

14. No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:
 - i) The parking of vehicles of site operatives and visitors
 - ii) The loading and unloading of plant and materials
 - iii) The storage of plant and materials used in constructing the development
 - iv) The erection and maintenance of security hoarding
 - v) Wheel washing facilities

- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
- viii) Details of working hours
- ix) Routing of delivery vehicles to/from site

Reason: To mitigate the impact of the construction traffic on the highway network

15. The area shown on the swept path analysis for a 9m long goods/service vehicle shall be kept clear at all times for the purposes of turning large vehicles.

Reason: For highway safety

16. No goods or service vehicles exceeding 9m long shall be accepted to site.

Reason: For highway safety.

17. The car and cycle parking shown on the approved plan shall be provided and maintained thereafter for that purpose.

Reason: For highway safety to prevent overspill parking.

18. 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

Informative notes

1. 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.

2. The applicant will require an environmental permit from the Environment Agency to discharge to the main river. Information on environmental permits is available at:
<https://www.gov.uk/topic/environmental-management/environmental-permits>

Application Ref: 24/0305/OUT

Proposal: Outline Application (Major): Demolition of existing 2 no. B2 industrial buildings and erection of 3 no. buildings (Access, Layout, Scale) for storage and distribution use (Use Class B8).

At: Sough Bridge Mill, Colne Road, Kelbrook

On behalf of: AB Investments NW Ltd

REPORT TO WEST CRAVEN COMMITTEE 8TH OCTOBER 2024

Application Ref: 24/0518/FUL

Proposal: Full: Installation of solar panels on South facing roof and roof light on North facing roof, Replacement of existing timber painted windows and doors, Reinstall original window with frosted glass.

At: 12 Skipton Road, Earby

On behalf of: Mr Matthew Cunliffe

Date Registered: 27/08/2024

Expiry Date: 22/10/2024

Case Officer: Laura Barnes

This application is before committee due to the level of public interest.

Site Description and Proposal

The application site relates to an existing building which is a two storey detached property, set within the Earby Conservation Area.

The application seeks to replace some of the existing timber windows, reinstall a window with frosted glass and install solar panels to the roof of the building.

The application is not for the change of use of the building. This is because the lawful use is Use Class E and there would be no change from this use class in order to facilitate the intended operation. The Design & Access statement sets out that this building would be used to support the creation of several office rental units for small businesses within the local community. It also states that interest has been received from local small businesses such as a baby sensory business, nail salon, computer aided design services, software company, counselling services and general office usage.

Relevant Planning History

24/0519/ADV: Advertisement Consent: Display of 1 no. non-illuminated hanging sign.
Pending consideration

Consultee Response

LCC Highways

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

Conservation Consultants

The site is prominently located on the east side of Skipton Road, the main

thoroughfare through Earby, and dates to the early C20. It relates to the later development of Earby following industrialisation and appears to have been built on a gap site following the new road layout, hence its unusual plan form. It is faced with rusticated coursed stone and openings are framed with a simple, continuous cill at FF and by stop chamfered jambs and lintel to the door. Windows were previously four light casements at FF with top opening multi light casement which are now replaced with slender framed timber casements.

It forms part of the row of almost continuous built development on the approach to the CA from the north, identified as a key view in the character appraisal at paragraph 6.4 (p13): "The enclosure created by the trees and raised embankment of the former railway line, with the terraced rows opposite directly adjacent to the street, creates a series of interesting vistas. The road curves around, strongly defined by terrace rows to the left, and landscaping to the right."

It is partially visible on the photograph identifying this important view on page 13 of the appraisal with an unsympathetic Dutch style canopy over its frontage which projects forwards. A photograph dating to 1955 indicates there was no projection historically, which is supported by historic mapping. It makes a small contribution to the significance of the Earby CA through its unusual plan form, reflecting the expansion of Earby, and is notable for being gable end to the street, in contrast to its neighbours; and for its modest but well-executed design.

The proposal

The proposal is for Replacement of existing wood painted windows and doors with white coloured UPVC, reinstate original window with frosted glass, install solar panels on South facing roof and roof lights on North facing roof and installation of external metal staircase to front of building.

Given the relatively shallow pitch of the roof, I feel the solar panels will not have any discernible impact on the significance of the CA.

The alteration from window to door at FF would destroy the building's symmetrical frontage, which would be exacerbated significantly by the introduction of the two storey staircase to the frontage. As there is already an internal staircase, there is no justification for this. It will be highly prominent in key views along Skipton Road and cause a significant visual intrusion in the street scene, and mar the frontage of the host building. These alterations would also result in removal of the original FF central opening and surrounding stonework, which is good quality.

The removal of timber windows and replacement with PVC is likely to have a detrimental impact as the proposed design of the frames gives an overtly square emphasis to the openings which have a vertical emphasis which balance the wide plan form. This gives an overtly C20 domestic appearance, and is contrary to the Conservation Area Design and Development Guidance SPD (paragraph 4.31, page 53).

The projecting signage would also protrude into the street scene and would be a visual inappropriate distraction from the rhythm of the wider street scene. Overall the alterations described above would have a low level of less than substantial harm on the significance of the Earby CA. Any harm requires clear and convincing justification (P206) which is not provided in the submission. The harm should be weighed against the public benefits of the scheme (P208). Whilst I accept the building is currently unoccupied, the current design approach is not

justified, and is not sympathetic to the character and appearance of the CA.

Conclusion / recommendation

As I am required to do so, I have given S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 considerable weight in my comments. For the reasons identified above, the proposal, currently outlined in the submission documents, represents a low level of less than substantial harm, which is not justified in the submission. As such the proposal fails to meet the duty to preserve under the Act and would need to be considered by the LPA under P208 of the NPPF. If in undertaking that weighing exercise a positive balance cannot be achieved then the scheme would remain contrary to Chapter 16 of the NPPF, local policy ENV1 and ENV2 and the guidance contained in the Conservation Area Design and Development Guidance SPD.

Update: 25/09/2024

Following receipt of amended plans, the proposals represent a vast improvement and there are no objections from a heritage perspective. The proposed development will preserve and enhance the character and appearance of the Conservation Area.

Environment Agency

No objection

Public Response

Nearest neighbours have been notified by letter, a site and press notice have been displayed. Multiple comments have been received both in objection and support and these can be summarised as follows:

Objection

- Some consideration for car parking would be needed
- Staircase would block natural light from adjacent property
- Attract vandals to an external staircase
- Lack of parking
- Placing bins on the roadside is unsightly
- Concerned about the neighbour notification process
- Design is unacceptable within the Conservation Area
- Overlooking of bedrooms from the top of the staircase
- Bats are present in the building
- Bins at the front of the property would encourage fly tipping
- Devalue nearby property

Support

- There is a need for small serviced offices in the local area
- The facility would cut the carbon footprint and encourage usage of local shops

- The offices would be used by people from the local community so are likely to be travelling on foot
- There is no heritage significance to this building
- The staircase would not attract anti-social behaviour
- Encouragement for local businesses
- The owners will do a high quality restoration of this building
- It will bring employment to the area
- The staircase would use images of Earby which have been approved by the Town Council
- This is a commercial building, it would encourage start up businesses
- Not enough spaces like this currently
- They will be paying business rates
- Local people want offices to rent because working from home can be isolating

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 ENV1(Protecting and Enhancing Our Natural and Historic Environments) states that the historic environment and heritage assets of the borough (including Listed Buildings, Conservation Areas, Scheduled Monuments, non-designated assets and archaeological remains), including and their settings, will be conserved and where appropriate should be enhanced.

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 ENV3 (Renewable and Low Carbon Energy Generation) sets out that the Council will encourage the use of renewable energy in development. It sets out that applicants must demonstrate that satisfactory mitigation measures can be employed to offset any potentially negative impacts that are identified, or that the positive benefits of the scheme outweigh these impacts.

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 as a commercial premises is acceptable and is not applied for in this instance because the existing use is Use Class E and the use going forward is to be a different use but also falling within Use Class E. As such, permission is not applied for in terms of the use. The application site is located within the settlement boundary and within the Conservation Area. It is proposing a series of solar panels to be inserted to one of the roof slope, this is supported by Policy ENV3 of the Local Plan: Part 1 Core Strategy. The principle of changing the window frames, inserting a new window where an opening had been blocked up and inserting solar panels is acceptable subject to accordance with design, heritage and amenity policies.

Design & Heritage

The proposed development is located in a Conservation Area. The proposed external alterations are to insert a series of solar panels to the roof. Clearly this would result in a change to the external appearance of the building. However, the roof would not be highly prominent within the street scene due to the height of the building and the slope which has been selected to insert the panels onto. The panels would be seen in glimpsed views of the building from public vantage points, within the public highway but this would not result in an unacceptable impact upon the character and appearance of the Conservation Area.

Similarly, inserting a window to the roof as well as a high level window to the ground floor and a small window to the first floor at the rear would result in a neutral impact upon the character and appearance of the Conservation Area. The specification of the roof light and windows can be the subject of a condition, in order that it meets with the Conservation Area Design & Development SPD in this regard.

Originally, the applicant had applied to replacing the window frames (which are currently timber), for UPVC but this would not be appropriate in the Conservation Area. The Conservation Area Design & Development SPD and the Design Principles SPD set out that UPVC is not normally acceptable in Conservation Areas. This is because the UPVC frame cannot replicate the proportions, detailing and pleasing aesthetic of timber windows. UPVC windows cannot reproduce the same size openings as those in timber windows as they have bulkier sections, particularly those frames which have opening lights. Unlike good quality timber windows, they are not durable and maintenance-free over the long term. As such, the applicant has submitted a series of amended plans which indicate timber windows. This can be controlled by condition.

Again, the applicant has taken on board feedback from the Council's Conservation Consultants regarding an external metal staircase. This has now been removed from the proposals because it would be highly prominent in key views along Skipton Road and cause a significant visual intrusion in the street scene, and mar the frontage of the host building.

Overall, in terms of design, the amended plans represent a development which would preserve and enhance the character and appearance of the Conservation Area. As such, it accords with Policies ENV1 and ENV2 of the Local Plan: Part 1 Core Strategy and Conservation Area Design & Development SPD.

Residential Amenity

Originally, the plans indicated an external staircase to the front of the building. Some concern had been expressed by local residents about the ability to stand on the staircase and gain views into the bedrooms of the neighbouring property. Given that this element of the proposed development as now been removed, this would not result in an unacceptable impact upon the neighbouring property.

The application seeks to insert a window where one has previously been blocked up, to the ground floor rear of the building. This is to be an obscurely glazed window, to let natural light into the building. There is also to be a window to the first floor inserted above the previously blocked up opening. This is to be 11m from the rear windows at No. 62 Victoria Road. However, taking into account the use of the building not being within a different use to the existing and the building not being for residential purposes, it would not result in any greater impact than the existing lawful use.

Subject to conditions, 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 proposed development is located in close proximity to public car parks. It is positioned in an edge of centre location, just beyond the local shopping centre boundary. However, this application is not for the change of use of the building and given its proximity to public cars parks would not result in an unacceptable highway impact.

Given the position of the solar panels, they would not result in an unacceptable impact upon highway safety due to glint & glare. They are to be sited on the roof slope which is least visible from the public highway and would be at an angle tipped away from oncoming traffic.

Flood Risk

The application site is located within Flood Zone 3. As such, a Flood Risk Assessment has been provided. The proposed development would result in flood protection doors being inserted to the ground floor. Internally, the fit out of the building would include electrical outlets installed above 900mm from the floor level. The flood risk assessment has been reviewed by the Environment Agency who have not objected to the proposals, I concur with this view and the proposal is acceptable, in accordance with Policy ENV7 of the Local Plan: Part 1 Core Strategy.

Ecology

Comments have been received by members of the public referring to bats emerging from the building. The applicant is preparing a bat report which will be reported to Members at the meeting.

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: Delegate grant consent subject to appropriate bat survey being satisfactory

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 ref PP-12662372v1, Proposed Elevation Plans 12SR-YCD-ZZ-ZZ-D-T-0005 Rev E, Proposed Floors Plans 12SR-YCD-ZZ-ZZ-D-T-0006 Rev E, Proposed Signage Plans 12SR-YCD-ZZ-ZZ-D-T-0009 Rev B, Proposed Roof Plan 12SR-YCD-ZZ-ZZ-D-T-0007 Rev A.

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

3. Notwithstanding the approved plans, permission is not given for UPVC or composite windows, roof lights or doors to be inserted into the building. Window frames, roof lights and doors shall be timber. All materials to be used for the solar panels shall be as stated on the application form and approved drawings and they shall not be varied without the prior written permission of the Local Planning Authority.

Reason: Those materials are appropriate for the development and site.

4. The solar panels hereby approved shall only be erected until such a time as they are no longer in use. One month after the date at which they have finished generating electricity they must be removed.

Reason: In order that they do not deteriorate to such a state that could result in a potential landscape impact.

Application Ref: 24/0518/FUL

Proposal: Full: Installation of solar panels on South facing roof and roof light on North facing roof, Replacement of existing timber painted windows and doors, Reinstall original window with frosted glass.

At: 12 Skipton Road, Earby

On behalf of: Mr Matthew Cunliffe

REPORT TO WEST CRAVEN COMMITTEE 8TH OCTOBER 2024

Application Ref: 24/0519/ADV

Proposal: Advertisement Consent: Display of 1 no. non-illuminated sign to front elevation.

At: 12 Skipton Road, Earby

On behalf of: Yourworkplace Ltd

Date Registered: 27/08/2024

Expiry Date: 22/10/2024

Case Officer: Laura Barnes

This application is before committee due to the level of public interest.

Site Description and Proposal

The application site relates to an existing building which is a two storey detached property, set within the Earby Conservation Area.

The application seeks permission to erect a sign to the front of the building, closest to Skipton Road. The sign is to be made up of the name plates of each of the tenants / occupiers in the building.

Relevant Planning History

24/0518/FUL: Full: Installation of solar panels on South facing roof and roof light on North facing roof, Replacement of existing timber painted windows and doors, Reinstate original window with frosted glass.

Pending consideration

Consultee Response

LCC Highways

Having reviewed the documents submitted, together with site observations on 4 September 2024, Lancashire County Council acting as the local 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 in the immediate vicinity of the site.

The hanging sign will be located within the site's boundary and the drawings submitted show that it would not project over the adjacent highway network.

Update: 25/09/2024

No further comments following submission of amended plans.

Conservation Consultants

The projecting signage would also protrude into the street scene and would be a visual inappropriate distraction from the rhythm of the wider street scene.

Update: 25/09/2024

There are no objections from a heritage point of view, following the submission of amended plans. It will preserve the character and appearance of the Conservation Area.

Environment Agency

No objection

Public Response

Nearest neighbours notified, a site & press notice have been displayed. Multiple objection letters have been received, which can be summarised as follows;

- The sign is unnecessary and will block light from adjacent properties
- Devaluing adjacent property
- Neighbour notification not adequate
- Outdoor staircase would attract youths to climb on
- Lack of car parking
- Not in keeping with residential area

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

Policy ENV1(Protecting and Enhancing Our Natural and Historic Environments) states that the historic environment and heritage assets of the borough (including Listed Buildings, Conservation Areas, Scheduled Monuments, non-designated assets and archaeological remains), including and their settings, will be conserved and where appropriate should be enhanced.

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.

National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development:

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

Design & Visual Amenity

The proposal includes the display of one sign which is not to be illuminated. It is to display the names of the occupants within the building. The advert consent application is running alongside an application for external alterations to the building (24/0518/FUL). The proposed sign would be fixed to the front elevation of the building and would be visible from the road.

The Council's Conservation Consultants had initially expressed concerns about the sign in terms of its scale and positioning on the building. They were concerned that it would be an intrusion into the street scene being visually inappropriate at this point in the Conservation Area. An alternative design has been suggested by the Conservation Consultants, which would involve something more discrete attached to the front of the building at the ground floor level. The applicant has subsequently provided a set of amended plans which indicate a sign to the front elevation just beside the front door of the building, rather than the originally proposed hanging sign.

The proposed development would result in an acceptable form of development in terms of its visual amenity and impact upon the Conservation Area. Given its size and positioning on the building it would preserve and enhance the character and appearance of the Conservation Area. As such, it accords with paragraph 208 of the NPPF as well as the Design Principles SPD and Policies ENV1 & ENV2 of the Local Plan: Part 1 Core Strategy.

Amenity

No illumination of the signage is proposed in this particular case. Comments have been received from members of the public raising concerns about the signage blocking light from the neighbouring property. This was based upon the original hanging sign which was much more prominent and projected out from the building towards the road. Given that the closest neighbouring property at No. 14 has a bay window to the ground and first floor and the amended plans have been received changing the design, the introduction of the amended sign would not result in an unacceptable neighbouring amenity issue.

The signage does not adversely impact on amenity and accords with Policy ENV2 of the Pendle Local Plan: Part 1 and the SPD: Design Principles.

Highways

The proposed development would not impact upon highway safety and is therefore acceptable. Lancashire County Council Highways do not have any objection to the proposed development.

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:

5. Notwithstanding the provision of Part 3 (Regulation 14) of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007 this consent shall expire five years from the date of the grant of consent.

Reason: Condition imposed by the Regulations.

6. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan xxx, Proposed Elevation Plans 12SR-YCD-ZZ-ZZ-D-T-0005 Rev E, Proposed Signage Plans 12SR-YCD-ZZ-ZZ-D-T-0009 Rev B

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

7. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the land entitled to grant permission.

Reason: Condition imposed by the Regulations

8. No advertisement shall be sited or displayed so as to:
 - a) Endanger persons using the highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b) Obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle

Reason: Condition imposed by the Regulations

9. Any advertisement displayed, and any site used for the display of advertisement, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: Condition imposed by the Regulations

10. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public

Reason: Condition imposed by the Regulations

11. Where an advertisement is required under these regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity

Reason: Condition imposed by the Regulations

Application Ref: 24/0519/ADV

Proposal: Advertisement Consent: Display of 1 no. non-illuminated sign to front elevation.

At: 12 Skipton Road, Earby

On behalf of: Yourworkplace Ltd

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 25th September 2024