

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

**TO: COLNE & DISTRICT COMMITTEE**

**DATE: 10TH OCTOBER 2024**

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications.

# REPORT TO COLNE & DISTRICT AREA COMMITTEE 10<sup>TH</sup> OCTOBER 2024

**Application Ref:** 24/0469/CEA

**Proposal:** Certificate of Lawful Use (S.192 Proposed Development): Use of land for siting a mobile home (caravan) for ancillary use to the main dwelling.

**At:** West Lynn, Barrowford Road, Colne

**On Behalf of:** Mr Rigby-Wilson

**Date Registered:** 17/07/2024

**Expiry Date:** 11/09/2024

**Case Officer:** Laura Barnes

This application has been called in by a Councillor.

## **Site Description and Proposal**

The application site is a two storey detached dwelling, set within large grounds and accessed off Barrowford Road.

This proposal seeks to gain a Certificate of Lawfulness (Section 192 – Proposed Development) to site a mobile home to be used ancillary to the main dwelling. The mobile home would be a twin unit caravan, adapted with timber cladding to the walls and a dual-pitched tile roof.

## **Planning History**

13/04/0923P: Full: Conversion of coach house to form two dwellings  
Approved with conditions

13/06/0238P: Outline: Convert existing house to 4 apartment and erect 4 detached houses  
Refused

13/96/0474P: Use as dwellinghouse  
Approved with conditions

24/0481/FUL: Full: Erection of a single-storey granny annexe for ancillary use to the main dwelling.  
Pending Consideration

## **Consultee Comments**

None relevant

## **Officer Comments**

The consideration in determining this Lawful Development Certificate is whether the proposed caravan / mobile home falls within the limits of Section 13 of the Caravan Sites Act 1968 (as amended).

## **Assessment**

The starting point in this case is not whether the structure falls within Class E of the General Permitted Development Order (as amended) but rather whether or not the structure meets the definition of a caravan as outlined in Section 13 of the Caravan Sites Act 1968.

The structure meets the size threshold within the Caravan Sites Act 1968, being less than 20m in length, less than 6.8m in width and having an internal height less than 3.05m. The applicant has provided evidence that the structure would be made off-site and brought to the site in two sections which can be bolted together. This has been set out in Section 13(1)(a) of the Caravan Sites Act 1968 and case law including *Byrne v SoS for the environment and Arun District Council* [1997] EWHC Admin 1990. The structure is capable of being moved from the site, indeed attachment to services does not make this a permanent structure as set out in case law. As such, the structure meets the tests of Section 13 of the Caravan Sites Act 1968 and should be considered a caravan, not something constituting operational development.

The applicant has also set out their case that this would not result in a material change of use of the land because the caravan is to be used in conjunction with and for the purposes of enjoyment of the main dwelling house, incidental to it.

The mobile home is to be fixed to the ground with a screw pile method meaning it would not require traditional foundations. The only connection would be to water and utilities, which can be easily removed if necessary.

Although the siting of the caravan would be partially within the Green Belt, this designation does not affect the determination of the Certificate because it requires that the caravan is sited within the residential curtilage. The caravan is to be within the curtilage of the main dwelling and it to remain as one planning unit. There are no plans for a separate vehicular access.

Based on the information provided, the proposed timber unit would comply with the definition of a mobile home in accordance with the 1960 and 1968 Acts. Moreover, it would be sited within the residential curtilage of West Lynn and the proposed use as accommodation for extended family would be considered incidental to the enjoyment of the main dwellinghouse. Therefore this proposal does not constitute development and this application for a Certificate of Lawfulness can therefore be substantiated and issued.

## **Reason for Decision**

On the balance of probability and the information provided as part of this application, the proposed siting of the mobile home within residential curtilage and use as residential accommodation would be incidental to the main dwellinghouse and therefore would not constitute development in accordance with Section 55 of the Town and Country Planning Act 1990. Further, it would meet the definition of a caravan under Section 13 of the Caravan Sites Act 1968. This certificate can therefore be granted.

## **Reason for Decision**

On the balance of probability, the proposed siting of the caravan would be sited within the residential curtilage of the main dwelling and would be used as residential accommodation incidental to the main dwelling. It would not constitute development in accordance with Section 55 of the Town and Country Planning Act 1990. The caravan would meet the criteria set out in Section 13 of the Caravan Sites Act 1968. This certificate should therefore be granted.

**RECOMMENDATION: Grant lawful development certificate**

**Application Ref:** 24/0469/CEA

**Proposal:** Certificate of Lawful Use (S.192 Proposed Development): Use of land for siting a mobile home (caravan) for ancillary use to the main dwelling.

**At:** West Lynn, Barrowford Road, Colne

**On Behalf of:** Mr Rigby-Wilson

# REPORT TO COLNE & DISTRICT COMMITTEE 10<sup>TH</sup> OCTOBER 2024

**Application Ref:** 24/0481/FUL

**Proposal:** Full: Erection of a single-storey granny annexe for ancillary use to the main dwelling.

**At:** West Lynn, Barrowford Road, Colne

**On behalf of:** Mr Rigby-Wilson

**Date Registered:** 17/07/2024

**Expiry Date:** 11/09/2021

**Case Officer:** Laura Barnes

This application has been called in by a Councillor.

## **Site Description and Proposal**

The application site is a large detached dwelling set within a generous plot off Barrowford Road. Part of the garden area is within the Green Belt but the main dwelling and driveway area are within the settlement boundary and not within the Green Belt.

The application seeks planning permission for the siting of an annex, which would be a pre-fabricated building. It is to be single storey in height with a dual pitched roof and would accommodate extended members of the family.

## **Relevant Planning History**

13/04/0923P: Full: Conversion of coach house to form two dwellings  
Approved with conditions

13/06/0238P: Outline: Convert existing house to 4 apartment and erect 4 detached houses  
Refused

13/96/0474P: Use as dwellinghouse  
Approved with conditions

## **Consultee Response**

### **LCC Highways**

Having reviewed the documents submitted, 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.

However, to ensure that adequate parking and manoeuvring is retained within the site the use of the annexe as ancillary to the main dwelling should be controlled by condition. The applicant has indicated in the submitted Planning, Design & Access Statement (ref NAPC/JD/1215/JM – page 8) that he is willing for such a condition to be applied.

The following, or similarly worded condition, should be applied to any formal planning approval granted.

### *Condition*

The detached annexe hereby approved shall only be used ancillary to the enjoyment of the existing dwelling (West Lynn) and shall not be used by way of sale or sub-letting to form separate residential accommodation. Reason: To avoid the creation of separate dwellings which may be sub-standard in terms of parking provision and/or vehicular manoeuvring area.

### Colne Town Council

Colne Town Council objects to this development due to the use of inappropriate materials within a green belt area. The design and materials are not in keeping with the houses in the area, in particular with the adjacent property which is a non-designated heritage asset within the Colne Neighbourhood Plan.

### **Public Response**

Nearest neighbours notified, one letter of report has been received raising the following issues:

- It was a privilege to support parents in their final years
- There is no planning reason to refuse this application

### **Officer Comments**

#### **Policy**

#### Pendle Local Plan Part 1: Core Strategy

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

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

#### Replacement Pendle Local Plan

Saved Policy 1 sets out that proposals for new development should be located within the settlement boundary, unless they meet the circumstances listed in the policy.

Saved Policy 3 identifies that inappropriate development will not be permitted in the Green Belt.

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 extensions and sets out the aspects required for good design.

Development in Open Countryside Supplementary Planning Guidance (SPG).

### Colne Neighbourhood Plan

Policy CNDP3 (Design in Colne and the Colne Design Code) sets out the requirements for high quality design.

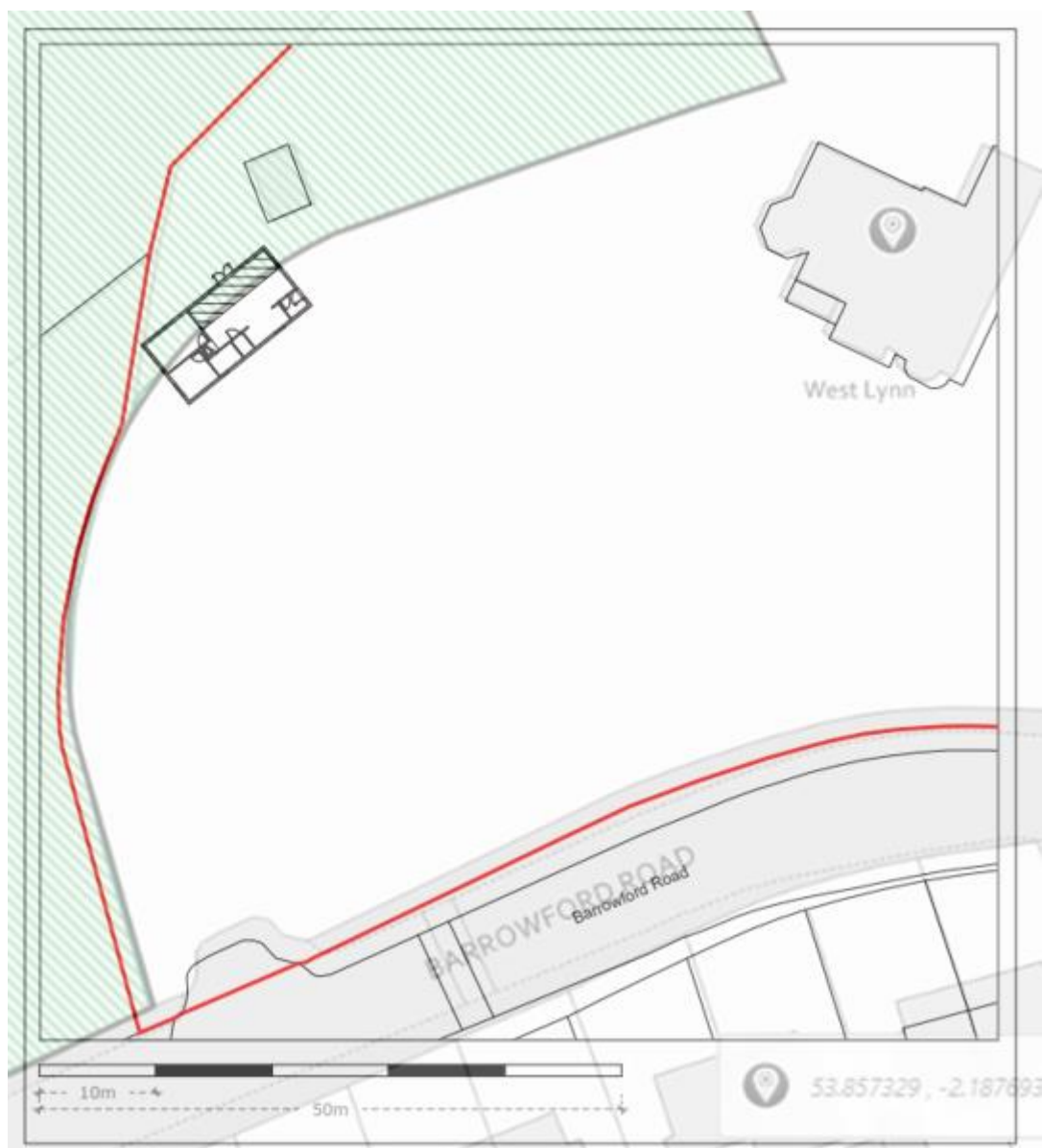
Policy CNDP4 (Development Affecting Non-Designated Heritage Assets) sets out that the designated assets should be conserved in a manner appropriate to their significance.

### **Principle of Development**

The proposed extension / annex to the main dwelling would provide a self-contained unit. Albeit the planning statement sets out that this would be for elderly relatives and used in conjunction with the main dwelling in order to provide closer care for extended family. It would be possible to attach a condition to any planning permission to restrict the use of the annex to a family member of the main house. It would therefore be possible to control that this development does not become independent of the main dwelling. As such, the principle of development is acceptable, subject to accordance with policies relating to design and amenity.

### **Green Belt**

The application had initially come through indicating that part of the annex would be within the Green Belt, although the main house and driveway are not within the Green Belt. The image below indicates the originally intended position of the annex. However, since the application was originally submitted the applicant has decided to change the position of the proposed building so that it would sit outside the Green Belt and within the settlement boundary. As such, provided the amended plans indicate that the annex is repositioned, there would be no issue in principle to the development of an annex for habitable accommodation in association with the main dwelling, subject to design, tree and amenity issues.



## Design & Heritage

The Colne Neighbourhood Plan identifies the host building as a Non-Designated Heritage Asset. Under Policy CNDP4 consideration must be made to conserving the building in accordance with its significance. The building is not a Listed Building and the proposed annex would be sat within the driveway area to the side of the main dwelling. There are no additions to the host building itself. It would not result in harm to the character and appearance of the main dwelling and the balancing exercise at paragraph 208 of the Framework would not be engaged. The proposed extension / annex is subordinate to the main dwelling and takes a simple form. It is to be constructed of a timber frame with OSB3 to the walls, which is an engineered wood-based panel product. The walls are to be finished in an untreated oak cladding. The roof is to be a dark grey Calderdale pitched roof tile. The building would be attached to the ground by means of a screw pile foundation system. The Colne Neighbourhood Plan provides a Design Code at Policy CNDP3, the application site falls within the Northern Countryside Areas (CCA B). Its character is made up of historic villas and scattered residential buildings within the wide countryside to the south of a series of reservoirs. The materials proposed are natural (timber) and traditional (tiles), whilst the building is not designed to reflect and mimic the character of the host dwelling it can clearly be read as a modern addition and would not either compete with the main dwelling, or be confused with the character of the main dwelling in a pastiche style.

The proposed annex is to be set back from the road in an area which is covered in mature trees, there is also a high stone wall to the front boundary with Barrowford Road. As such, the proposed single storey building would not take a prominent position within the street scene and wider visual amenity.

Internally the accommodation is to comprise an open plan living area, kitchen, two bedrooms and a shower room.

The design and materials of this development are acceptable in this location and as such comply with Policies ENV2, CNDP3, CNDP4 and the Design Principles SPD.

### **Residential Amenity**

Given that the proposed accommodation is to be used in conjunction with the main dwellinghouse at West Lynn and this can be secured by condition, the normal separation distances between habitable rooms set out within the Design Principles SPD, do not apply. In relation to other neighbouring dwellings, they are located some distance away and would not be affected to an unacceptable degree by the proposed development.

Therefore, the proposed development is acceptable in terms of residential amenity in accordance with Policy ENV2 and the Design Principles SPD.

### **Highways**

The Highways Authority have not objected to the proposed development. There is ample parking available within the plot for parking of vehicles associated with the main dwelling as well as the proposed annex.

### **Trees**

The application site is host to a large amount of mature trees. There is a blanket TPO covering the entire area, including the fields beyond the application site. The Council's Environment Officer has requested a method statement in relation to the method of attachment of the building to the ground, including the screw pile system. An assessment would be required as to how this would affect the root system of the mature trees. This is something which the agent has been asked to provide and an update will be provided to members ahead of the meeting.

Subject to a satisfactory arboricultural method statement which has been considered by the Council's Environment Officer (Trees), it is requested that delegated powers are sought to grant consent to the Assistant Director to approve the application.

### **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 satisfactory outcome of the Arboricultural Method Statement and repositioning of the annex**

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 V1 Revision 9 Rev A, Proposed Roof Plan Version 1 Revision 9 Rev A, Proposed Elevation Plans Version 1 Revision 9 Rev A, Proposed Floor Plans Version 1 Revision 9 Rev A. [Proposed site Plan – to be updated]

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

3. All materials to be used for the proposed development hereby approved 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 annexe hereby permitted shall be used solely for domestic purposes incidental and ancillary to the enjoyment of the dwelling at West Lynn and shall not be used as a separate dwelling.

Reason: For the avoidance of doubt and in order to prevent an unacceptable loss of privacy and amenity a new independent dwelling would cause to the occupants of both dwellings.

5. The development hereby approved shall be carried out in strict accordance with the details of the Arboricultural Method Statement.

Reason: In the interests of the Protected Trees.

**Application Ref:** 24/0481/FUL

**Proposal:** Full: Erection of a single-storey granny annexe for ancillary use to the main dwelling.

**At:** West Lynn, Barrowford Road, Colne

**On behalf of:** Mr Rigby-Wilson

# REPORT TO COLNE & DISTRICT COMMITTEE 10<sup>TH</sup> OCTOBER 2024

**Application Ref:** 24/0534/PIP

**Proposal:** Permission in Principle: Erection of up to 3 no. dwellings.

**At:** Land to the NW of Meadow View, Skipton Old Road, Foulridge

**On behalf of:** Mr H Simpson

**Date Registered:** 09/08/2024

**Expiry Date:** 13/09/2024

**Case Officer:** Laura Barnes

The application is before committee due to the level of public objection.

## **Site Description and Proposal**

The application site is an irregular shaped parcel of land which does not have a defined boundary on the ground, it is part of a wider parcel of land within the same ownership which is bound by Skipton Old Road and Skipton Road. The land is steeply sloping and was open grass land at the time of the site visit, with an access gate on Skipton Old Road.

This is an application for Permission in Principle for the erection of up to three dwellings on the site.

## **Relevant Planning History**

20/0698/PIP: Permission In Principle: Residential development.  
Refused

21/0009/AP/REFUSE: Permission In Principle: Residential development.  
Appeal Allowed

## **Consultee Response**

### **LCC Highways**

#### *Proposal*

This application proposes the same location and amount of development as previously allowed at appeal under application 20/0698/PIP. This is a resubmission of the application 20/0698/PIP which has expired.

#### Technical details stage

The following matters would need addressing at the technical details stage. These include, but are not exclusive to:

- Provide a new vehicular access – including construction, surfacing and drainage details and appropriate visibility splays.
- Provide off-road car parking for each dwelling in accordance with Pendle Borough Council's Parking Standards. That is, two spaces for two – three bedroom dwellings and three spaces for four plus bedrooms. There should also be adequate internal manoeuvring space to allow vehicles to enter/leave the site in forward gear.
- Provide secure, covered cycle parking for at least two cycles and an electric vehicle

charging point at each dwelling.

- To be counted as one parking space single garages should have minimum internal dimensions of 6 x 3m. This size of garage could also provide secure storage for two cycles. Double garages should have minimum internal dimensions of 6 x 6m to count as two parking spaces

### *Conclusion*

The Inspector appointed by the Secretary of State has determined that the principle of development at this location is allowed therefore Lancashire County Council acting as the Highway Authority does not raise an objection regarding the principle of the proposed development.

### United Utilities

#### DRAINAGE

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) advise that surface water from new developments should be investigated and delivered in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

Should the applicant receive Planning in Principle permission for this proposal, United Utilities will review the drainage element of any application for Technical Detail Consent in line with the surface water hierarchy. United Utilities will request evidence that the drainage hierarchy has been fully investigated and why more sustainable options are not achievable before a surface water connection to the public sewer is acceptable. Please note, United Utilities is not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as main river).

### Environmental Health

Requested a condition for a Construction Method Statement and Contaminated Land Informative.

### Parish Council

The Parish Council cannot support this application due to residents' issues relating to access on Old Skipton Road. Vehicles using the road experience difficulty passing other vehicles parked, vehicles driving in the opposite direction and pedestrians using the road, due to the narrowness of the road. Three more houses would mean at least six more cars needing access daily causing more congestion.

### **Public Response**

Nearest neighbours have been notified by letter, multiple responses have been received raising the following issues:

- The road cannot take any more vehicles
- There are no footpaths for pedestrians
- A large well established tree has been cut down at the entrance

- Change of use from agriculture to garden has not been given permission – the land has been mowed to look like parkland and has recently been let to a local farmer for grazing sheep until the house was built
- Several accidents on this stretch of road
- Neighbouring property damaged by cars having to leave the carriageway because of the narrow width of the road
- Groundworks and geology of the land
- Not a sustainable location – significant distance from bus routes and shops
- Inconsistencies in the appeal statement by Judith Douglas Town Planning – the road is not wide enough for two vehicles to pass, the speed limit is incorrect, distances to bus routes is incorrect, this would ruin rural views, the properties would look out of character with the village
- The dry stone wall along the frontage is unstable
- Vehicles drive onto the hedges to try to pass which unsettles the wall footings
- Speeding vehicles

Some letters of support have also been received, raising the following:

- The houses should be on the lower half of the land, then access could be taken off the A56 which is safer
- Understands the need for housing

## **Officer Comments**

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

## **Policy**

Local Plan Part 1: Core Strategy

The following Local Plan policies are relevant to this application:

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

Policy LIV1 sets out the housing requirements for 2011 to 2030 and how this will be delivered.

Policy LIV3 provides guidance on the housing needs in order to provide a range of residential accommodation.

Policy LIV5 requires all new housing to be designed and built in a sustainable way. New development should make the most efficient use of land and built at a density appropriate to their location taking account of townscape and landscape character. Provision for open space and/or green infrastructure should be made in all new housing developments.

## **Principle of Housing**

The proposed development is just outside the settlement boundary for Foulridge. As such, the principle of development is reliant upon Policy LIV1 of the Local Plan: Part 1 Core Strategy. The site has been identified as being suitable for residential development previously, as set out in the appeal case. The detailed design of the dwellings would be a matter for the Technical Details Consent stage of the process. It is noted that the site is located adjacent to a country lane and is steeply sloping. However, these are not issues for the principle of development and would be considered should this stage of the application process be successful, at the Technical Details Stage.

In terms of neighbouring amenity it is noted that there are properties directly adjacent and opposite, on Skipton Old Road. However, the closest of the properties on Skipton Old Road is in excess of 21m from the closest proposed dwelling on the indicative layout. Separation distances would need to be taken into consideration in any layout, to ensure that appropriate separation distances between the proposed dwellings and the existing dwellings could be achieved. It would be for the Technical Details Stage to configure a suitable layout.

## **Other Matters**

Many issues have been raised which are not material planning considerations, including loss of a countryside view, a tree being cut down within the site, tenancy arrangements with a local farmer, the stability of a drystone wall on Skipton Old Road and speeding vehicles.

Although issues such as habitat / wildlife, highways, surface water and ground stability are material considerations, these would be for the Technical Details Stage, should the Permission In Principle stage be successful.

## **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. Taking into account all material considerations the proposed development is acceptable in principle. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

## **RECOMMENDATION: Approve**

### **INFORMATIVE**

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

- Plans, including location plan, site plan, access visibility splay plan, elevation and floor plans
- Planning Statement
- Foul and Surface Water Drainage Scheme
- Landscaping Scheme

**Application Ref: 24/0534/PIP**

**Proposal:** Permission in Principle: Erection of up to 3 no. dwellings.

**At:** Land to the NW of Meadow View, Skipton Old Road, Foulridge

**On behalf of:** Mr H Simpson

# REPORT TO COLNE & DISTRICT COMMITTEE ON 10<sup>TH</sup> OCTOBER 2024

**Application Ref:** 24/0536/FUL

**Proposal:** Full: Erection of 5 no. detached dwellings with associated infrastructure including new vehicular accesses from Keighley Road and 15 no. parking spaces.

**At:** Land to the SE of the junction with Vernon Road and Keighley Road, Laneshaw Bridge

**On behalf of:** Mr J Driver

**Date Registered:** 12/08/2024

**Expiry Date:** 07/10/2024

**Case Officer:** Laura Barnes

This application has been called in by a Councillor.

## **Site Description and Proposal**

The application site relates to an open piece of land accessed off Keighley Road. It is a sloping site which is beyond the settlement boundary, in the Open Countryside and within the Green Belt.

The proposal is for the erection of five dwellings in total, four are to be positioned to the eastern side of a tree belt and one is to be to the other side, adjacent to Croft House.

## **Relevant Planning History**

None relevant

## **Consultee Response**

### **Lancashire Fire & Rescue Service**

The proposed development should conform to Building Regulations to ensure that adequate access can be achieved for a fire appliance.

### **Environmental Health Officer**

Requested conditions for a construction method statement, construction site noise / nuisance, control of dust and a contaminated land informative.

### **Lancashire County Council 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 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 subject to the following comments being noted and conditions and informative notes being applied to any formal planning approval.

*Proposal*

The proposal is for the erection of one x three bed and four x four bed detached dwellings with associated off-road parking and the construction of two new vehicular accesses onto Keighley Road.

#### *Site planning history*

No previous planning history.

#### *New site accesses*

The new access for the proposed detached house on the West of the site must be constructed to the county council's specification and not as the details submitted. The highway authority will not permit the proposed cellweb road surfacing within the public footway.

In addition, the first 5m measured into the site from the back edge of the public footway shall be surfaced in a bound porous material to prevent loose surface material from being carried onto the public highway network where it could pose a hazard to other users.

The formation of the new vehicle accesses from Keighley Road to the development site would need to be carried out under a legal agreement (Section 278) with Lancashire County Council as the highway authority. Works should include, but not be exclusive to:

Single dwelling - the construction of the access to an appropriate standard including dropped kerbs and footway crossing.

Four dwellings - the construction of the access to an appropriate standard including a minimum width of 4.5m, radius kerbs, buff coloured tactile paved dropped pedestrian crossings on both sides of the new access, re-location of any highway gullies within the access, the re-instatement of the redundant field access footway crossing to an appropriate standard including full height kerbs, make good any damage along the site boundary to tie in with the rear of the existing footway.

All dwellings - amendments to the carriageway centre line hatching will also be required, together with a street lighting assessment.

If planning approval is granted the developer is advised to contact Lancashire County Council as soon as possible to start the Section 278 process and should not wait until condition discharge stage. Due to the high volume of agreement submissions currently being received by the county council this process can take at least six months to complete. No works should be undertaken within, or which affect, the highway network maintained at public expense without the necessary agreement first being in place in order to prevent legal action from being taken against the developer.

The applicant should also provide written confirmation that they are not introducing any retaining structures along the site boundary with Keighley Road.

#### *Visibility splays*

The development site is accessed via Keighley Road (A6068), which is subject to a maximum speed limit of 30mph outside the site. For a road with a speed limit of 30mph a Stopping Sight Distance of 43m should be provided (Manual for Streets). The highway authority considers that the visibility splays shown from both accesses on the Proposed Site Plan (Drawing No PL05 Rev B) are adequate. If the development is approved the visibility splays must be controlled by condition to ensure that adequate visibility to and from the accesses is maintained at all times.

#### *Car & cycle parking*

In line with recommendations in the borough council's Parking Standards two car parking spaces should be provided for a three bed dwelling and three spaces for a four bed dwelling.

The double garages proposed for all five dwellings are considered adequately sized internally to provide two car parking spaces, secure storage for at least two cycles and electric vehicle charging points. The charging points shall be fitted in line with the Dept for Transport's guidance regarding Electric Vehicle Charging in Residential and Non-residential Buildings, which states that charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicles.

One further car parking space can be provided elsewhere within the curtilage for the four bed dwellings. The highway authority therefore considers that an adequate level of off-road car parking can be provided. However, to ensure that vehicles can enter and leave the site in forward gear all the manoeuvring areas shown on the Proposed Site Plan (Drawing No PL05 Rev B) should be kept free from obstructions.

#### *Refuse bins*

A bin collection area should be provided within both the accesses to prevent bins from being stored on the footway whilst awaiting collection as these may cause an obstruction or hazard to other highway users, particularly for the plot near the bus stop on Keighley Road. A revised plan should be provided

#### *Surface water drainage*

The highway authority has noted that surface water from the development is proposed to drain to an existing watercourse (Colne Water).

The applicant would need to apply to Lancashire County Council, as the Lead Local Flood Authority, for consent to discharge water into a watercourse. Any planning permission granted does not provide consent or approval under any other act, enactment, bylaw, order or regulation. The Flood Risk team can be contacted on [SUDS@lancashire.gov.uk](mailto:SUDS@lancashire.gov.uk) and any correspondence should include the planning application reference. Further information regarding Ordinary Watercourse Consent is also available on the council's website at the following link: [Accessing advice about an application for ordinary watercourse consent - Lancashire County Council](#)

#### *General*

Given the high volume of traffic which passes along Keighley Road and that this is a greenfield site a Construction Method Statement including site plan will need to be submitted to demonstrate that the development will not have a detrimental impact on highway safety.

Subject to the receipt of an amended plan showing bin collection areas and the removal of the cellweb construction within the new vehicular access for the single dwelling, the following conditions and informative notes should be applied to any formal planning approval granted.

#### Laneshaw Bridge Parish Council

Laneshaw Bridge Parish Council strongly objects to the application for 5 dwellings on land to the southeast of the junction with Vernon Road and Keighley Road. The Parish Council is concerned the proposed application will not be in keeping with the street scene and will cause an overbearing presence on the surrounding area.

The Parish Council is aware the application is within the Greenbelt and the applicant has submitted the application under the proviso set out in S154 of the NPPF. However, the view of the parish council is this application isn't "limited infill" instead it significantly alters the relationship between the Greenbelt and the village. Additionally, this proposal would create a ribboned development from the heart of the village to the boundary with Colne and permanently change the visual outlook of the village.

For these reasons, the Parish Council strongly objects to the application and request the application be refused.

### Environmental Health

Construction Method Statement condition requested

### Environment Officer (Trees)

In principle, I have no real objection to this but, if you are minded to approve the proposals, there are few outstanding issues to deal with.

The main concern is the layout that includes the single property to the west of the site, the access is proposed through the middle of 2 B Category Horse Chestnut trees that are subject to a TPO. The Arboricultural Impact Assessment (AIA) covers the important points about the use of a Cellular Confinement System (CCS) so the roots are not compromised, but this is very expensive operation that needs careful consideration and expertise in its construction.

For this reason, and bearing in mind the Arboricultural Method Statement (AMS) referenced in the AIA is only 'pre-liminary', it is important that a further updated AMS is conditioned that covers details such as: boundary treatments, service runs, and supervision of the construction of the CCS. These finer details are very important to ensure that the trees are not compromised by the proposed development during the construction phase.

The proposals also include the removal of trees to facilitate the design layout and access, (2 sections of approx. 8m of hedge and 4 low grade Hawthorn trees), therefore, a fully detailed landscaping scheme should be conditioned if planning approval for the site is given.

There are also concerns relating to level changes particularly with the access into and out of the site. Please can you assure me that trees are not going to have to be removed later due to sight lines and that fact that the existing A6068 is a very busy road. If you could flag this with Highways that would be appreciated.

### Cadent

There is no objection to the proposed development but there are medium and low pressure gas mains within the vicinity of the site which need to be carefully noted and informative note is requested.

### **Public Response**

There have been multiple letters of objection received, they can be summarised as follows:

- Roadworks will cause disruption
- Destruction of open green fields
- Not beneficial to the local area
- Highway safety - difficulty exiting onto Keighley Road
- Removal of hedgerows
- This is Green Belt land

- The proposed ridge heights do not reflect the adjacent properties
- The roofs are steeper than those in the existing area
- The four dwellings are much closer to Keighley Road than the adjacent dwellings
- Greater variation in the design and massing of the dwellings would be better here, more reflective of local character
- The drawings should include all five dwellings, the street scenes only show four
- The ground levels will have to be altered meaning the houses would perch on top of the land and not nestle into it
- Cumulative effect of this and other dwellings recently approved should be taken into account
- The Infilling of Green Belt land is questionable

## **Officer Comments**

### **Policy**

#### **Local Plan Part 1: Core Strategy**

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

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

Policy LIV1 (Housing Provision and Delivery) sets out the Council requirement to deliver new housing.

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) All new development should viably seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving our heritage assets.

The following saved Replacement Pendle Local Plan policies also apply:

Policy 31 'Parking' which is a saved Policy within the Replacement Pendle Local Plan requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP.

#### **National Planning Policy Framework ("the Framework")**

There are three elements to sustainable development which is the purpose of the planning system. There are economic, social and environmental objectives. Applications that accord with the development plan should be approved without

delay.

Part 5 relates to housing. The Government's objective is to significantly boost the supply of housing.

Part 6 identifies the need to build a strong and competitive economy including a prosperous rural economy.

Part 13 relates to the green belt. The purpose of the green belt is to keep land permanently open.

Para 152 In appropriate development is, by definition, harmful to the Green Belt. Inappropriate development should not be approved except in very special circumstances.

Para 154 sets out a number of circumstances where new building is not inappropriate. This includes:

- e) limited infilling in villages;
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
  - not have a greater impact on the openness of the Green Belt than the existing development; or
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

## **Green Belt**

The application site lies in the Green Belt. It is adjacent to the settlement boundary for Laneshaw Bridge and would be reliant on Policy LIV1 for the supply of housing, until such a time as the Part 2 Local Plan is in place. The site is positioned between two existing dwellings, known as Eastfield and Croft House. As such, it is an infill plot of land. It relates well to the settlement boundary, being directly adjacent to it, it is in a sustainable location and would result in an increase in the supply of dwellings in Pendle by five units.

Comments have been made by members of the public objecting to this application, regarding its position in the Green Belt. Many revolve around the view that the site is in green belt and there should not be any development within it.

Planning policy nationally restricts development in the Green Belt as being inappropriate unless specified otherwise. Where inappropriate development is proposed permission should only be granted if there are very special planning circumstances.

One of the circumstances where development is not inappropriate is under part e) of paragraph 154 of the Framework as set out in the policy section above. The issue for Committee is whether the development is in accordance with part e). This requires the land to be infill in villages. There is no definition of infilling within the Framework or its glossary, nor is there any guidance or interpretation on this matter within the Core Strategy. The applicant has put forward some relevant case law which assists in the decision making process in this particular case. It is that of *Julian Wood v SoS and Gravesham Borough Council* [2015]. This set out that settlement boundaries are not necessarily to be considered the same as a 'village' for the purposes of the Green Belt tests. The Framework does not stipulate a specific size requirement with regards limited infilling and as the Wood case demonstrates, assessments should be made

with regard to the matter as found on the ground, with due consideration to the prevailing development pattern and physical characteristics of the site. It is clear that the prevailing characteristic of Laneshaw Bridge is that of a linear settlement running along Keighley Road. Indeed, this argument has previously been accepted by the Council in relation to similar development to the west of the application site which also represent limited infilling. The site would infill a gap between properties and for the reasons set out in case law, this would comply with paragraph 154 of the Framework. As such it is an exception to Green Belt policy.

## **Heritage**

The proposed development is adjacent to the Conservation Area. The application is accompanied by a Planning Statement which includes commentary on heritage. The significance of the area is primarily derived from its landscape and the features associated with historic farming and use of the land. It also states that the designation is “rich in evidence of human occupation” and that “the medieval, post medieval and modern periods are all strongly expressed in the landscape”. The application site is separated from the northern boundary of the conservation area by Colne Water and also demarked by a significant change in topography and land rises up towards the A6068.

The enclosed nature of the site means that intervisibility between the development and the conservation area will be limited and cause no tangible harm to the setting of the asset. As such, the level of harm to the heritage asset is less than substantial and must be balanced against public benefit. In this particular case, the public benefit would be modest, being a contribution to the borough’s housing land supply, creation of jobs in the construction period and benefits to the local economy once the five dwellings are occupied.

Therefore, in terms of heritage impact, the proposal accords with Policy ENV1 of the Local Plan: Part 1 Core Strategy and paragraph 208 of the Framework.

## **Design**

The applicant has submitted a proposed layout including five large detached dwellings, each with their own off street parking and garden areas. There are three different house types and they are arranged in a linear form along the line of Keighley Road. House Types 1 & 2 are four bedroom dwellings split across three floors. House Type 3 is a three bedroom dwelling with two floors. The land slopes away steeply from Keighley Road to Colne Water to the south of the site. As such, the dwellings are to be set into the land with the single storey element to the Keighley Road side and the two and three storey elements closer to Colne Water, working with the natural ground levels.

In terms of materials, there is a mix of natural stone, timber boarding, standing seam zinc and render. Roofs will be natural slate and window frames would be timber or aluminium. The pallet of materials is generally traditional and there is a variety of material in the surrounding area including stone, brick, timber boarding, terracotta roof tile and slate.

The majority of openings to the proposed dwellings are of a domestic scale and although there are some larger openings to the rear, in order to maximise the appreciation of views across the valley, these are not unacceptable. They are characteristic of rear elevations elsewhere in Pendle and indeed other properties which look over Colne Water. The dormers to the front of the dwellings (House Types 2 & 3) are indicated as being flat roof with zinc cladding. The applicant has been asked to amend these to a dual pitched dormer and amended plans are awaited.

In terms of visual amenity, the application site would be viewed from the opposite side of Colne Water in the context of the existing ribbon development along Keighley Road. Although there

would be a change to the long and short range views, given the existing development to the north of Keighley Road the overall visual impact would not be significant.

Subject to the receipt of amended plans in relation to the dormers, the proposed development is in accordance with Policy ENV2 of the Local Plan: Part 1 Core Strategy.

### **Impact on Amenity**

Turning next to the relationship of the dwellings with existing properties. There are houses on the opposite side of Keighley Road but there is a public highway between where members of the public could stand and gain views into the properties at reasonably close quarters. As such, there would not be an unacceptable neighbouring amenity issue with regard to the neighbours opposite on Keighley Road.

To the rear, there are no properties within a 21m distance which would result in an unacceptable neighbouring amenity issue. To the side of the application site closest to Eastfield, there is a distance of at least 21m separating the side elevation of the main dwelling and the proposed dwelling. However, there is also a single storey structure between Eastfield and the proposed dwellings, which has a conservatory wrapping around the side and rear of it. There is a separation distance of 9.5m between the conservatory and the proposed dwelling. However, the buildings are not aligned, so the proposed dwelling is off-set from the neighbouring conservatory. There are also several sources of light to the conservatory and there is to be a staggered rear elevation to the closest proposed dwelling. All these factors mean that the proposed dwellings would not have an unacceptable impact upon neighbouring amenity at Eastfield.

To the other side of the application site there is a property known as Croft House. This is in excess of 21m from the nearest proposed dwelling. As such, there would be no unacceptable neighbouring amenity issue.

A construction method statement could be imposed as part of a planning condition, in order to minimise disruption during the construction phase. A condition could also be imposed relating to boundary treatments, particularly in relation to the raised patio area to the rear garden adjacent to Eastfield. This would ensure that the raised patio would not result in an unacceptable neighbouring amenity issue with the garden or the conservatory area at Eastfield.

In terms of their interrelationship with each other, the proposed dwellings are all set at a sufficient separation and do not have windows which would allow visibility between the dwellings. As such, there would be no unacceptable impact upon the future occupants of the proposed development.

Overall, the proposed development would not result in any unacceptable neighbouring amenity issues.

### **Ecology & Trees**

The application is accompanied by an Arboricultural Impact Assessment and a Preliminary Ecological Appraisal. In total four trees are required to be removed to facilitate the development as well as two short sections of hedgerow. The applicant has submitted a plan which indicates that the existing hedgerow would remain in place, with the exception of the two points of access which would be required, which would create gaps in the hedging. There are TPO trees within the site and the Council's Environment Officer (Trees) has recommended that a further arboricultural method statement is provided prior to any commencement of development. This is something which could be secured by condition. A landscaping scheme is also required to mitigate the tree loss but there is scope within the site boundary to provide a suitable planting scheme to replace the losses. Tree protection fencing would also be required by way of a planning condition, in order to protect the trees which are to remain on the site.

In terms of ecology, the preliminary assessment confirms that there are no protected species within the site and recommends some mitigation measures. This can be secured by a suitably worded planning condition.

Overall, the proposed development accords with Policy ENV1 of the Local Plan: Part 1 Core Strategy in this regard.

## **Highways and Access**

The application currently has one field gate into the site. The proposed development is to have two points of access, one serving House Type 3 and the other serving the four dwellings further east within the site. The Highways Authority have not objected to the scheme. They initially suggested some alteration to the bin collection area and also the inclusion of cell web material within the public highway. The Council's Environment Officer has reviewed the amended plans and agrees that cell web is not required in the existing footpath, in order to adequately protect the trees.

There would be adequate off-street parking within the site. Cycle storage and electric vehicles charge points could be secured by planning condition.

The proposals are satisfactory from a highway safety perspective.

## **Drainage**

The applicant has submitted detail in the form of a drainage strategy setting out that foul drainage would be connected to an existing combined sewer in Keighley Road. The surface water would be drained via an attenuation tank at a restricted discharge rate, into Colne Water. The applicant has followed the surface water drainage hierarchy in the Planning Practice Guidance and it is not possible to drain the site by infiltration due to the conditions of the sub soil. Subject to condition for a final drainage strategy, the proposed development is acceptable in this regard.

## **Biodiversity Net Gain**

The application is accompanied by a small site metric, as is required for minor applications of this nature since 2<sup>nd</sup> April 2024. The metric sets out that some modified grassland would be lost as a result of the proposed development, the applicant intends to create a 10.81% uplift in the area habitat and a 12.64% uplift in the hedgerow habitat at the post intervention stage. As such, it more than meets 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.

## **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 conditions**

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 PL01, Proposed Site Layout Plan 23-062 PL05 Rev D, Proposed Elevations (House Type 1) 23-062 PL09, Proposed Elevation Plans (House Type 2) 23-062 PL10, Proposed Elevations (House Type 3) 23-062 PL11, Proposed Floor Plan (House Type 1) 23-062 PL06 Rev A, Proposed floor Plan (House Type 2) 23-062 PL07 Rev A, Proposed Floor Plans (House Type 3) 23-062 PL08 Rev A,

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

3. Samples of materials including descriptions, [name of source/quarry] shall be submitted to the Local Planning Authority for written approval prior to commencement of work on the site. The development shall be carried out using only the agreed materials.

Reason: In order that the Local Planning Authority can assess the materials in the interest of the visual amenity of the area.

4. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Schedule 2 Part 1, Classes A, B and C of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: in order to preserve the openness of the green belt.

5. 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: In the interest of highway safety.

6.No development hereby approved shall commence until a scheme for the construction of the site accesses, including off-site highway works, has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority. works shall include, but not be exclusive to:

- the construction to the highway authority's specification of a dropped vehicular crossing to the single dwelling to the West of the site;
- the construction of the access to the four dwellings to an appropriate standard including a minimum width of 4.5m, radius kerbs and buff coloured tactile paved dropped pedestrian crossings either side of the access;
- the re-instatement of the redundant field access footway crossing to an appropriate standard including full height kerbs;
- make good any damage along the site boundary to tie in with the rear of the existing footway;
- amendments to the carriageway centre line hatchings on Keighley Road;
- a street lighting assessment;
- the re-location of any highway gullies within the new accesses.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.

7.Prior to occupation of the first dwelling visibility splays measured 2.4m back from the centre line of the access and extending 43m in both directions on the nearside carriageway edge on Keighley Road shall be provided as shown on the approved plans. Nothing shall be erected, retained, planted and/or allowed to grow at or above a height of 0.9m above the nearside carriageway level which would obstruct the visibility splays. The visibility splays shall be maintained free from obstruction 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.

8.Prior to occupation of the first dwelling the vehicular access shall be constructed to an appropriate standard and the driveway paved in a bound porous material for a minimum distance of 5m into the site from the rear of the footway.

Reason: In the interest of highway safety to prevent loose surface material from being carried on to the public highway.

9.Prior to first occupation of any dwelling hereby approved the parking and manoeuvring areas shown on the approved plans shall be constructed and laid out and thereafter always remain available for the parking and manoeuvring of vehicles associated with that dwelling and shall be kept free from obstructions in perpetuity.

Reason: In the interest of highway safety to ensure that satisfactory levels of parking and manoeuvring are provided within the site to allow vehicles to enter and leave in forward gear.

10. Prior to occupation of the first dwelling the footway shall be reinstated to full kerb height where any vehicle crossover is redundant in accordance with the approved plans and Lancashire County Council's Specification for Construction of Estate Roads, to be retained in that form thereafter for the lifetime of the development.

Reason: To maintain the proper construction of the highway and in the interest of pedestrian safety.

11. Prior to first occupation each dwelling shall have an electric vehicle charging point. Charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicle currently available.

Reason: To ensure that the development supports sustainable forms of transport

12. No above ground works shall commence unless and until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:
- a. the exact location and species of all existing trees and other planting to be retained;
  - b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
  - c. an outline specification for ground preparation;
  - d. all proposed boundary treatments with supporting elevations and construction details;
  - e. all proposed hard landscape elements and pavings, including layout, materials and colours;
  - f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.
- The approved scheme shall be implemented in its entirety approved form within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

Reason: In order to ensure the site is properly landscaped in the interest of the visual amenity of the area.

13. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
  - (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
  - (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
  - (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
  - (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

14. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
  - b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

15. The development hereby approved shall be carried out in strict accordance with the Arboricultural Impact Assessment, prepared by Lakeland Tree Consultancy, dated 07/08/2024.

Reason: To protect the trees in the interests of amenity of the area.

16. Unless approved in writing by the Local Planning Authority no ground clearance, demolition, or construction work shall commence until protective fencing, to BS 5837 : 2005 at least 1.25 metres high securely mounted on timber posts firmly driven into the ground has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land, and no work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. The fencing shall be located at least 1.00 metre beyond the protected area detailed in BS 5837. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction.

Reason: To prevent trees from being damaged during building works.

17. Prior to commencement of the development hereby approved, a further updated Arboricultural Method Statement shall be submitted and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in strict accordance with the details of the method statement.

Reason: In order to adequately protect the trees on site.

18. 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.

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19. 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 Note

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](https://cadentgas.com/diversions). Prior to carrying out works, including the construction of access points, please register on [www.linesearchbeforeudig.co.uk](https://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.
2. The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as the Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to:  
the construction to the highway authority's specification of a dropped vehicular crossing to the single dwelling to the West of the site;

- the construction of the access to the four dwellings to an appropriate standard, including a minimum width of 4.5m, radius kerbs and buff coloured tactile paved dropped pedestrian crossings either side of the access;
- the re-instatement of the redundant field access footway crossing to an appropriate standard including full height kerbs;
- make good any damage along the site boundary to tie in with the rear of the existing footway;
- amendments to the carriageway centre line hatchings on Keighley Road;
- a street lighting assessment;
- the re-location of any highway gullies within the new accesses.

The applicant should contact the county council for further information by telephoning the Development Control Section (Area East) on 0300 123 6780 or by email on [developeras@lancashire.gov.uk](mailto:developeras@lancashire.gov.uk) , in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.

3. The applicant would need to apply to Lancashire County Council, as the Lead Local Flood Authority, for consent to discharge water into a watercourse. Any planning permission granted does not provide consent or approval under any other act, enactment, bylaw, order or regulation. The Flood Risk team can be contacted on [SUDS@lancashire.gov.uk](mailto:SUDS@lancashire.gov.uk) and any correspondence should include the planning application reference.

**Application Ref: 24/0536/FUL**

**Proposal:** Full: Erection of 5 no. detached dwellings with associated infrastructure including new vehicular accesses from Keighley Road and 15 no. parking spaces.

**At:** Land to the SE of the junction with Vernon Road and Keighley Road, Laneshaw Bridge

**On behalf of:** Mr J Driver

**Date Registered:** 12/08/2024

# REPORT TO COLNE & DISTRICT COMMITTEE ON 10th OCTOBER 2024

**Application Ref:** 24/0546/HHO

**Proposal:** Full: Erection of a replacement first floor balcony to the rear.

**At** 1 Hollin Hall, Trawden, Lancashire

**On behalf of:** Mr A & Dr V O'Neill

**Date Registered:** 15.08.2024

**Expiry Date:** 10.10.2024

**Case Officer:** Athira Pushpagaran

This application is being sent to committee since 3+ responses have been received from members of the public, contrary to officer recommendation.

## **Site Description and Proposal**

The application site is an end terrace house situated in a predominantly residential neighbourhood along Hollin Hall situated within the settlement boundary of Trawden. The application site also falls within the Trawden Forest Conservation Area and Lane house and Hollin Hall Townscape character Area identified in the Trawden Forest Neighbourhood Plan. The main access is from Hollin Hall. The existing dwelling has natural stone walls and a pitched tiled roof.

The proposed development is the erection of a first-floor balcony to the rear. The new balcony was in place at the time of the site visit, and this is a retrospective application.

## **Relevant Planning History**

No relevant planning history.

## **Consultee Response**

### **Highways**

No objection

### **Parish/Town Council**

Councillors feel that this new balcony does not complement or enhance the terraced row or the house itself. The previous one was wooden throughout, and had some gaps and decorative features within it, making some effort to alleviate the square box on legs. It is highly visible from the road, poorly designed, too large both in height and depth for the house and terrace, and inappropriate in its current form for the Conservation Area. From ground level, none of the rear of the original property walls can be seen as it is covered by the conservatory and the balcony

## **Public Response**

The nearest neighbours have been notified by letter, a site and press notice have been displayed. Several responses have been received with 8 of them supporting and 5 objecting the proposal. Out of the 5 objections 2 are from the same address and would be counted as one, and out of the 8 supporting comments 2 are from the same address and would be counted as one.

The supporting responses raised the following points:

- There has always been a balcony there.
- Earlier one had become unsafe and in need of repair or replacement and posed safety issues
- improvement to the house and keeping with other buildings in the surrounding area
- allows more privacy to all parties.
- An approval would align with the council's climate action plan, as energy has already been expended in constructing the balcony, and additional energy would be required for its demolition.
- Minimal change in dimensions from the earlier balcony
- Does not draw attention

The objections raised the following issues:

- New balcony will worsen the intrusion into the privacy of neighbours' bedroom window and garden that the previous balcony already had.
- Inappropriate to the conservation area
- Poor design
- Taller metal girder handrails appear more oppressive than the previous one
- Overbearing structure
- Too large for the building
- No1 is at the end of a row of terraced cottages and the erected balcony can be clearly seen from the main road at the front
- will set a precedent for any further development within conservation areas within the borough
- not in keeping with the ethos of a conservation area
- no planning decision was taken on the previous development, and it only remained in place because no action was taken by the Council for the relevant 4-year period
- neighbour would be subject to the noise of conversations or music on the balcony, which was the case with the previous balcony
- The extension would be physically dominant and overbearing in the bedroom because of its mass and proximity

### **Relevant Planning Policy**

#### **Pendle Local Plan Part 1: Core Strategy**

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

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

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

## Replacement Pendle Local Plan

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

## National Planning Policy Framework

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

Para 139 of the framework states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

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

The Conservation Area Design and Development Guidance SPD sets out that new development should use good quality and predominantly natural building materials, be well detailed, and respect local architectural detailing and styles. It provides specific guidance on development relating to agricultural building and their sensitive adaptation to other uses.

Trawden Forest Neighbourhood Plan, in particular Policy 6 that states that development should respect, and where possible enhance, the setting, character, and appearance of Heritage Assets within the Neighbourhood Plan area and Policy 7 that sets out criteria for development with the Areas of Townscape Character.

## **Officer Comments**

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

### **Design and materials**

Policy 7 of TFNP states that development proposals in an Area of Townscape Character, which comply with other policies of this Neighbourhood Plan and the Pendle Local Plan, will be supported where there is no unacceptable impact on the character and appearance of the area.

The application site already had an existing timber balcony to the rear. This balcony as per the plans submitted measured 2.36m x 5.445m and was entirely wooden including the posts and had a simply designed timber balustrade. The balustrade was 1m tall and had a criss-cross design in its upper half, giving it a more open appearance rather than a solid, enclosed, boxy look. Historic street imagery shows this previous balcony in place at least from 2008 which made it immune to enforcement action.

The replacement balcony this application seeks permission for measures 2.725m x 5.2m. It is erected on steel posts above the existing conservatory to the rear, with a 1.1m high balustrade along its edges, made with solid softwood boarding enclosed by a framework made with 100x100mm steel cross sections. The steel frames are all painted light brown, and the soft wood is

light in colour. The new balcony extends 0.365m deeper and has a balustrade 0.1m taller than its predecessor.

It is noted that there was no planning permission for the earlier balcony and therefore no assessment of its design was carried out at any time. Despite this, the current design of the replacement balcony has a greater negative impact on the character of the dwelling and the setting of the conservation area. The solid, boxy appearance of the balcony seems overbearing and out of place in its context. The design, materials, and scale of the structure sharply contrast with the random coursed natural stone walls of the house. The balcony entirely covers the rear wall of the dwelling almost making it appear like a flat roofed extension. Moreover, as the property is an end-terrace, the balcony is highly visible from the highway and does not fit with character of the street scene. In this case the development illustrates poor design and has a detrimental impact on the character of the dwelling, the conservation area and the Lane house and Hollin Hall Townscape character Area.

It is noted that there are two other balconies within the same terrace, however these are situated significantly lower than the balcony in question and are smaller in dimensions. These also use sympathetic materials and are not visible from public vantage points.

To conclude, the proposed development would not be acceptable in terms of design and would be contrary to policies ENV1 and ENV2 of the Adopted Pendle Local Plan Part 1: Core Strategy, the Adopted Pendle Design principles SPD, Conservation Area Design and Development Guidance, Policy 6 and 7 of the TFNP and paragraph 139 of the NPPF.

## **Heritage**

The development illustrates poor design and has a detrimental impact on the character and appearance and thus the significance of Trawden Forest Conservation Area.

The development would lead to less than substantial harm to the significance of the Conservation Area and thus would require an assessment as per paragraph 208 of the NPPF. There are no public benefits to the proposal to weigh in favour against the harm caused and therefore the less than substantial harm to the significance of Conservation Area is not acceptable.

## **Residential Amenity**

It is noted that there was no planning permission for the earlier balcony and therefore no assessment of its impact on residential amenity was carried out at any time. It had become non enforceable due to it being in place for more than 4 years. However, the new balcony is not immune since it is a new structure of different design and dimensions. The current balcony is 0.2m narrower but 0.365m deeper than its predecessor.

The balcony is setback by 0.2m from the party boundary with 3 Hollin Hall and is a couple steps up from the first-floor level of the dwelling. This means that the balcony's floor level is slightly above the floor level of the neighbours first floor rooms. No. 3 has a bedroom adjoining the party boundary with a window to the rear. The balcony has a direct view into this window as well as the rear garden of the neighbour.

The balcony therefore results in an unacceptable impact on the privacy and living conditions of the occupants of No. 3 Hollin hall. The current balcony has a materially greater impact on the neighbours' privacy due to it increased depth, particularly in relation to the bedroom window.

The balcony also has a direct view to the west into a habitable room window to the side of 1 Slack Booth Barn and over the garden of that property and therefore also unacceptably impacts upon the privacy and living condition of the occupants of that property.

Whilst these impacts could be addressed with 1.8m privacy screens to the sides of the balcony such screens would exacerbate the harm to the visual amenity of the area and significance of the Conservation Area.

Therefore, the proposed development would not be acceptable in terms of residential amenity and would be contrary to policies ENV1 and ENV2 of the Adopted Pendle Local Plan Part 1: Core Strategy and the Adopted Pendle Design principles SPD.

## **Highways**

The development raises no issues of highway safety.

## **RECOMMENDATION: Refuse**

For the following reason(s):

1. Due to its poor design, finish, scale and its prominent position adjacent to a highway, the development is harmful to the character and visual amenity of the area and the significance of the Conservation Area. The harm to the significance of the Conservation Area would be less than substantial and there are no public benefits to the development to outweigh that harm. As such it is contrary to policies ENV1 and ENV2 of the Adopted Pendle Local Plan Part 1: Core Strategy, the Adopted Pendle Design principles SPD, Conservation Area Design and Development Guidance, Policy 6 and 7 of the TFNP and paragraph 139 of the NPPF.
2. The development results in an unacceptable impact on the privacy and living environment of the occupants of 3 Hollin Hall and 1 Slack Booth Barn, it is therefore contrary to policy ENV2 of the Local Plan: Part 1 Core Strategy, and the principles set out in the Adopted Pendle Design Principles SPD.

**Application Ref:** 24/0546/HHO

**Proposal:** Full: Erection of a replacement first floor balcony to the rear.

**At** 1 Hollin Hall, Trawden, Lancashire

**On behalf of:** Mr A & Dr V O'Neill

## **LIST OF BACKGROUND PAPERS**

Planning Applications

**NPW/MP**

**Date: 03rd September 2024**