

Agenda

MUNICIPAL YEAR 2016-2017



HYNDBURN

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Planning Committee

Wednesday, 31 August 2016 at 2.00 pm,
QE Room, Scaitcliffe House, Ormerod Street, Accrington

Membership

Chair: Councillor Bernard Dawson
Vice-Chair: Councillor Loraine Cox

Councillors Judith Addison, Mohammed Ayub, Stephen Button, Stewart Eaves, Melissa Fisher, June Harrison, Eamonn Higgins, Abdul Khan, Kath Pratt, Paddy Short and Paul Thompson.

AGENDA

1. Apologies for Absence, Substitutions, Declarations of Interest and Dispensations

2. Minutes of the Last Meeting (Pages 3 - 4)

To submit the minutes of the Planning Committee meeting held on the 20th July 2016 for approval as a correct record.

Recommended - That the minutes be received and approved as a correct record.

3. Town and Country Planning Act 1990- Planning Applications for Determination (Pages 5 - 32)

The attached report sets out recommended action on the following planning applications:-



3A - 11/16/0247: Variation of condition No2 (Design of communication mast) of 11/15/0377

Accrington Police Garage, Grange Lane, Accrington

3B - 11/16/0219: Retention of existing building

Baird Moore Stud Farm, Plantation Road, Accrington

3C - 11/16/0184: Major Full: Change of use to Class D2 (assembly and Leisure): Trampoline Park and part Sui Generis (Vehicle Part Sales) with external works to building.

Land and buildings on the south west side of Sydney Street, Accrington

3D - 11/16/0127: Full Use of Land for holiday occupation of caravans

Harwood Bar Holiday Park, Mill Lane, Great Harwood

Recommended - That the applications be determined as set out in the report.

PLANNING COMMITTEE

Wednesday, 20th July 2016

Present: Councillor Bernard Dawson (in the Chair); Councillors Judith Addison, Mohammed Ayub, Stephen Button, Clare Cleary, Stuart Eaves, Melissa Fisher, June Harrison, Eamonn Higgins, Abdul Khan, Kath Pratt, Paddy Short and Paul Thompson.

Apologies for Absence

Apologies for absence were submitted by Councillor Loraine Cox.

Substitutions

Councillor Clare Cleary acted as substitute representative for Councillor Loraine Cox.

Declarations of Interest and Dispensations

There were no declarations of interest.

Minutes of the Last Meeting

The minutes of the last Planning Committee held on the 21st June 2016, were submitted for approval as a correct record.

Resolved - **That the Minutes be received and approved as a correct record.**

Town and Country Planning Act 1990 Planning Applications for Determination

The Chief Planning and Transportation Officer submitted a report setting out recommended action on the following planning application.

Resolved (1) **That the following planning application be approved subject to the conditions as per the report and the amended layout for the parking plan and highway safety:-**

11/16/0188 Erection of two storey side extension
 Kebb House, Blackburn Old Road, Great Harwood

N.B. Councillor Gareth Molineux spoke at the Committee in objection of the above planning application and against the Officer's recommendation to approve planning permission.

Signed:

Date:

Chair of the meeting
at which the minutes were confirmed.

REPORT TO: PLANNING COMMITTEE, 31ST AUGUST 2016, 2.00PM

REPORT BY: CHIEF PLANNING & TRANSPORTATION OFFICER

APPLICATIONS SUBMITTED UNDER THE TOWN AND

COUNTRY PLANNING ACT 1990 FOR DETERMINATION

Purpose of Report: To present planning applications for determination as set out in the report

3A	11/16/0247	Variation of condition No2 (Design of communication mast) of 11/15/0377 Accrington Police Garage, Grange Lane, Accrington
3B	11/16/0219	Retention of existing building Baird Moore Stud Farm, Plantation Road, Accrington
3C	11/16/0184	Major Full: Change of use to Class D2 (assembly and Leisure): Trampoline Park and part Sui Generis (Vehicle Part Sales) with external works to building. Land and buildings on the south west side of Sydney Street, Accrington
3D	11/16/0127	Full Use of Land for holiday occupation of caravans Harwood Bar Holiday Park, Mill Lane, Great Harwood

NOTE: The policies referred to under “Relevant Policies” are set out in the Hyndburn Borough Local Plan, Hyndburn Core Strategy and National Planning Policy Framework.

A list of the above documents and background papers relating to each planning report can also be inspected at Scaitcliffe House, Accrington, upon request or via the HBC website:

<http://planning.hyndburnbc.gov.uk/WAM/searchsubmit/performOption.do?action=search&appType=Planning>

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Application Number: 11/16/0247

Full Application: Variation of condition No2 (Design of communication mast) of 11/15/0377

Address: Accrington Police Garage, Grange Lane, Accrington

Determination by: 24 August 2016

Applicant: Lancashire Constabulary

Agent:

Application Site

The site is the Accrington Police vehicle maintenance unit on Grange Lane within the urban boundary in Accrington. The building lies adjacent to the Christchurch Conservation Area with residential properties located to east, south and west and across from the listed fire and police station to the north. Vehicular and pedestrian access is currently served direct from Grange Lane providing access to the police car park and staff access to the building.

Proposal

The application is seeking to vary condition 2 of application 11/15/0377 for the design of the communications mast. The previously approved application (11/15/0377) was for a tapered mast however, the mast that has been erected does not taper and has a width of 1m.

This application is before the planning committee at a councillor's request.

Consultations

Site notice & Press notice:

Neighbours: Letter sent to surrounding properties.

Six letters of objection and thirty three letter petition received on the following grounds:

- Visual impact on the conservation area
- Need for the mast

HBC Conservation Officer:

The mast, already erected, is of modest size and relatively pleasing appearance. It does not jar in the semi-industrial street scene where it is located and does not detract from the character of the conservation area or the listed police and fire stations. The mast helps

secure the future of the police station as a functioning building and, in this indirect way, supports the conservation of the vicinity.

Relevant Planning History

- 11/15/0377: Full: Alterations to windows, doors and shutters, installation of communications mast and replacement of rear boundary railings/fence. Approved 17 December 2015
- 11/11/0025: Outline application: erection of two-storey police station following demolition of existing buildings (the site is adjacent a conservation area) refused 09.05.2011.
- 11/03/0279: Residential development. Refused 16.7.03

Relevant Policies

Development Plan

Hyndburn Borough Local Plan Saved Policies

- Policy E.10 Development Criteria
- Policy E.8 Development in Conservation Areas
- Appendix 5

Hyndburn Core Strategy

- Policy BD1 Balanced Development Strategy
- Policy Env4 Sustainable Development and Climate Change
- Policy Env6 High Quality Design
- Policy Env7 Environmental Amenity

National Planning Policy Framework

The National Planning Policy Framework:

Core Planning Principles

- Section 1 Building a strong, competitive economy
- Section 7 Requiring good design
- Section 11 Conserving and enhancing the natural environment
- Section 12 Conserving and enhancing the historic environment

Other material considerations

- Planning Practice Guidance (PPG)
- Development Management DPD (Preferred Options) November 2012

Observations

The key issues for consideration are if the revised mast has an unacceptable detrimental impact on the Conservation Area and its impact upon residential amenity.

Impact on Conservation Area

Saved Policy E.8 of the Local Plan states that when considering proposals for development in Conservation Areas, the Council will have regard to the siting, form, mass, design and materials of the proposed structures. Additionally, Section 12 of the NPPF seeks to avoid development which causes harm to designated heritage assets, unless this harm is outweighed by the public benefits of the scheme.

Given the height of the communications mast at 21m, proximity to the Christchurch Conservation Area and the adjacent listed Magistrate Court and Fire Station, it has been considered necessary to consult the Council's Conservation Officer. The Conservation Officer has raised no objection to the mast stating

"The mast, already erected, is of modest size and relatively pleasing appearance. It does not jar in the semi-industrial street scene where it is located and does not detract from the character of the conservation area or the listed police and fire stations. The mast helps secure the future of the police station as a functioning building and, in this indirect way, supports the conservation of the vicinity."

As such, the application is considered to comply with the Council's Development Plan and the NPPF. However, to ensure a satisfactory form of development and protect the future of the heritage assets, conditions are recommended to ensure no alterations are undertaken without the submission of a planning application and also the removal of the mast should the police use no longer take place on the site.

Impact on amenity

Policy Env 7 of the Core Strategy states proposals for new development will only be permitted if it is demonstrated that it will not have detrimental impact, through visual impact, noise or other nuisances.

The communications mast is required to provide secure data and telecoms services for the police service and whilst it would be higher than any other nearby structures, its slim permeable design would not lead to any detrimental impacts on the residential amenity of the areas. As such, the application is considered to comply with Policy Env7 of the Core Strategy and the NPPF.

Conclusion

The proposed variation of the mast design is considered to comply with both local and national policy in terms of its impact on designated heritage assets. The proposal would not

have a negative impact on local amenity and is therefore recommend for approval subject to the below conditions.

Recommendation

That planning permission is GRANTED subject to the following conditions:

1. The development hereby approved shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 91 (as amended) of the Town & Country Planning Act 1990.

2. The development shall be carried out in accordance with the following documents unless otherwise required by the conditions below:

(a) The planning application forms additional information received by Hyndburn Borough Council on 22 October 2015.

(b) Submitted drawing No's 1402-P-A/100, SF 2015/5110, 1402-P-A/005, 1402-P-A/006, 1402-P-A/007, 1402-P-A/008 received 22 October 2015 and 1402-P-A/101A received 08 December 2015.

(c) Notwithstanding the drawing no's above, the mast shall be implemented and maintained in accordance with submitted drawing no's 1402-P-A/006A, 1402-P-A/007A and 1402-P-A/008A received 29 June 2016.

Reason: for the avoidance of doubt and to enable Hyndburn Borough Council to adequately control the development and to minimise its impact on the amenities of the local area and to conform with Policies Env6 & Env7 of the Hyndburn Core Strategy.

3. Not later than six months after the building ceases to be in use for the Police Service, or six months after the mast becomes non-operational, whichever is the earliest date, the mast shall be removed and the land restored to its original state.

Reason: In the interests of the visual amenities of the locality and in order to comply with Policies Env6 and Env7 of the Hyndburn Core Strategy.

4. Notwithstanding approved drawing no's 1402-P-A/006A, 1402-P-A/007A and 1402-P-A/008A, no antennas, dishes or other communication apparatus shall be erected on the mast without a planning application first being submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the visual amenities of the locality and in order to comply with Policies Env6 and Env7 of the Hyndburn Core Strategy.

5. The facing materials to be used in the construction of the development hereby approved shall match in colour and texture those used on the existing building.

Reason: To ensure the use of appropriate materials, in the interests of the visual amenities of the locality and in order to comply with Policies Env 6 and Env 7 of the Hyndburn Core Strategy

6. Construction work and deliveries to and from the site (during construction) shall be restricted to between 0800 and 1800hrs Monday to Friday and 0800 and 1300hrs on Saturdays. Construction work and deliveries (during construction) shall not take place on Sundays and Public holidays. All works shall be undertaken in accordance with BS5228:2009.

Reason: To ensure that site working only takes place during normal working hours in order to restrict the times during which any disturbance and nuisance may arise and to comply with Policy Env7 of the Hyndburn Core Strategy.

Informatives

- 1) Reasons for approval
- 2) Accordance with plans
- 3) Condition Precedent
- 4) Building Regulations Required
- 5) Relevant Policies

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Application Number: 11/16/0219

Full Application: Retention of existing building

Address: Baird Moore Stud Farm, Plantation Road, Accrington

Determination by: 10 August 2016

Applicant: Mr David Baird

Agent: Mr Alan Firth

Application Site

The application site lies on the south side of Plantation Road and at some distance east of the urban area of Accrington. The site is in open countryside as shown on the Proposals Map of the Hyndburn Local Plan 1996. To the west and north lie mature woodland which includes the estates of Owl Hall and Arden Hall. To the south and east of the site are open fields which climb towards Spire Farm.

Proposal

Retrospective planning permission is sought for the erection of a kennel block/quarantine stable. The internal layout of the building is not yet complete but will eventually contain 5 kennels with runs, two quarantine stables and a therapy room. This unit measures 12.3m in length with a maximum height of 4.6m and external finishes include dark green profiled metal sheeting in green. This application is deemed to be made under Section 73a of the Town and Country Planning Act 1990, being an application for development already carried out.

This application is before the planning committee at a councillor's request.

Consultations

Site notice: 1 affixed no comments received.

LCC Highway: The application site is located adjacent to Plantation Road, a private road, which also acts as public right of way (Footpath 11-1-FP 131). The site is a significant distance from the adopted highway network.

Having examined the application I can confirm that the proposal is unlikely to offer any significant impact on the highway network or its users. Consequently the County Council would offer no highway objection to the retention of the existing building.

HBC Env Health: No comment.

Relevant Planning History

- 11/13/0365: Erection of kennel block (retrospective). Approved
- 11/11/0361: Erection of 2no timber quarantine stables and extension of approved hard surfaced areas (retrospective) – Approved w/conditions 12/10/2011.
- 11/09/0250: Erection of five foaling boxes, ménage, re-seeding of excavated area, relocation of caravan used in connection with agriculture/keeping of horses and associated landscaping proposals – Approved w/conditions 15/07/2009.
- 11/01/0282: Use of land for siting of static caravan – Refused 07/08/2008, appeal allowed.
- 11/92/0284: Erection of stable block with feedstore – Approved w/conditions 06/08/1992.

Relevant Policies

Development Plan

Hyndburn Borough Local Plan Saved Policies

- Policy E.10 Development Criteria
- Policy S.5 Countryside Development

Hyndburn Core Strategy

- Policy BD1 Balanced Development Strategy
- Policy Env3 Landscape Character
- Policy Env4 Sustainable Development and Climate Change
- Policy Env6 High Quality Design
- Policy Env7 Environmental Amenity

National Planning Policy Framework

The National Planning Policy Framework:

Core Planning Principles

- Section 1 Building a strong, competitive economy
- Section 7 Requiring good design
- Section 11 Conserving and enhancing the natural environment

Other material considerations

- Planning Practice Guidance (PPG)
- Development Management DPD (Preferred Options) November 2012

Observations

The key issues for consideration in this application are the principle of the development and its impact on the visual amenity of the surrounding landscape.

Saved Policy S.5 of the Local Plan states that development in the countryside will be limited to that needed for the purposes of agriculture, forestry or other uses such as employment, leisure or tourism. Although the building is for the private use of the owners of the adjacent dwelling, there is not considered to be any harm to the openness of the countryside or the rural character of the area due to the size and well-screened location of the building block.

The building is located in close proximity to the approved stable block and is not highly visible from outside of the site. It is well screened with vegetation and is not considered to have a detrimental impact on the character of the surrounding landscape. The use of green profiled metal sheeting is considered to be acceptable in this location. As such, the application is considered to comply with the Council's Development Plan and the NPPF.

Conclusion

The proposed building is considered to be acceptable in principle and with regard to its impact on the visual amenity of the surrounding landscape, being well-screened and small in scale. As such, the application is recommended for approval subject to conditions.

Recommendation

That planning permission is GRANTED subject to the following conditions:

1. The development shall be carried out in accordance with the following documents unless otherwise required by the conditions below:
 - (a) The planning application forms, design and access statement and additional information received by Hyndburn Borough Council on 15 June 2016.
 - (b) Submitted drawing no's 1, 2, and 3 received on 15 June 2016.

Reason: for the avoidance of doubt and to enable Hyndburn Borough Council to adequately control the development and to minimise its impact on the amenities of the local area and to conform with Policies Env6 & Env7 of the Hyndburn Core Strategy

2. The building hereby approved shall be only used for housing of dogs and treatment of horses owned by the applicant and his immediate family and shall not be used for commercial purposes.

Reason: In order to ensure an isolated business is not established in this rural location and to accord with Policy Env7 of the Hyndburn Core Strategy and the NPPF.

Informatives

- 1) Reasons for approval
- 2) Accordance with plans
- 3) Condition Precedent
- 4) Building Regulations Required
- 5) Relevant Policies

Application Number: 11/16/0184

Full Application: Major Full: Change of use to Class D2 (assembly and Leisure): Trampoline Park and part Sui Generis (Vehicle Part Sales) with external works to building.

Address: Land and buildings on the south west side of Sydney Street, Accrington

Determination by: 2nd September (extension agreed)

Applicant: Mr Sander Douglas

Agent: Harrison Ince Architects Ltd

The application has been brought before Planning Committee as the development would constitute a departure from the Development Plan.

Application Site: To the south of Burnley Road, on Sydney street in Accrington. The building comprises a detached warehouse incorporating office spaces, constructed of steel trusses under a pitched roof clad in sheet metal. Currently there are 115 car spaces in the grounds with further parking below ground.

Proposal: No alteration to the scale of the building, but there are alterations to be made to the elevations. The application seeks to change the use of the building to D2 with associated eating and drinking facilities on the mezzanine and the retention of a small area of the building for use as a sui generis vehicle parts sales centre. Safe and secure cycle provision will be made as apart from the layout changes to the car park.

Consultations

Public consultation: Site notices displayed, one letter of support has been received.

LCC Highways: No objections received subject to some suggested changes relating to pedestrian safety, disabled parking and cycle provision on site.

HBC Environmental Health: No objections provided conditions are attached relating to the development and construction phase, ventilation and a noise assessment to be submitted.

Principal Planning Officer (Policy): Initial comments detailed the policy considerations for the site; namely the Accrington Area Action Plan (AAP), Policy E2 of the Hyndburn Core strategy and the requirement for a sequential test. Following extra information being submitted by the applicant, further comments are summarised below:

- AAP: Policy AQ7 proposes residential development on the site and the proposal has no residential element. However there are clear conflicts with the proposal for the site in Policy AQ7 in terms of the site's status as an 'existing employment area'

and Policy E2 of the Core Strategy. The applicant has set out how the proposal will contribute positively towards the other aims of the AAAP.

- Policy E2 of the Hyndburn Core Strategy: the applicant has failed to demonstrate fully that Policy E2 requirements are satisfied. Part b) of Policy E2 requires part of the site to be redeveloped for appropriate employment (within Class B1). The applicant has however, satisfied part c) in that they have demonstrated 'no current or likely future demand for the site or premises for employment uses'. It is noted that the proposed levels of employment far exceed the present levels of employment. The recently published Employment Land Study (2016) highlighted the lack of demand for B1 uses in Hyndburn. As such the emerging Policy DM1 in the DMDPD will set out a more appropriate and flexible interpretation of 'appropriate employment' set out in Policy E2. Although no weight can be attributed at this point to this emerging DPD, the findings of the Employment Land Study should be a materials consideration in the decision and the interpretation of Policy E2.
- Sequential analysis: The information provided sets out the rationale for the proposed scheme and the specific requirements of the proposed trampoline park. In this context the assessment of alternative sites is considered proportionate and appropriate. Not aware of an alternate site of the correct size and format, in a sequentially preferable location. As such consider the sequential test satisfied.

Overall a positive proposal for Accrington and Hyndburn, in particular in the context of the findings from the recently published Retail Study which highlights concerns over the health of Accrington Town Centre in particular. In the future, due to changing retail patterns, leisure is going to form a more and more important function in the health of the town centres. The benefits of the scheme therefore need to be weighed up against the conflicts with the development plan.

Should the proposal be approved it is suggested that a condition should be attached to limit the use to trampoline park only and changes made to improve the integration with the town centre.

Relevant Planning History

N/A

Relevant Policies

Development Plan

Hyndburn Borough Local Plan Saved Policies
E.10

Hyndburn Core Strategy

Policy E2: Protection, Modernisation and Development of Employment Sites

Policy HC2: Leisure, Health and Culture

Policy Env4: Sustainable Development and Climate Change

Policy Env6: High Quality Design
Policy A2: Accrington Town Centre

Accrington Area Action Plan

Policy ATC6: Provision for arts, culture, tourism, entertainment, leisure, recreation, the community, faith and voluntary sectors and hotel accommodation.

Policy ATC7: Housing

Policy AQ7: Eastgate Quarter

Material considerations

National Planning Policy Framework

Hyndburn Borough Council Employment Land Study January 2016

Hyndburn Borough Council Car Parking and Access Standards (2010)

Planning Practice Guidance (PPG)

Observations

Key issues for consideration in relation to this application are 1) Principle of the development, 2) Design and layout, 3) Residential amenity, 4) Traffic and highways.

Principle of development

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of applications under the Planning Acts should be in accordance with the Development plan unless material considerations indicate otherwise. In this instance the Development Plan comprises the saved policies of the Hyndburn Council Local Plan (1996), the adopted Core Strategy and the Accrington Area Action Plan.

The Proposal Map of the Accrington Area Action Plan (AAAP) (Appendix 1) identifies the site as Development Site 36 (Water Street). Policy AQ7 of the AAAP states the intention 'to redevelop (Site 36) the former Volvo dealership site for residential development with a mix of units and open space'. On request, the applicant has provided a response to the requirements of the AAAP and has demonstrated that although the proposal does not meet with the provisions of Policy AQ7, it does positively contribute with the other aims of the AAAP.

The site is also identified as an 'existing employment area' in the Council's Employment Land Study (ELS) (Site ref: ACC14). The 2016 ELS identifies the site as being of 'adequate' quality. Policy E2 of the Hyndburn Core Strategy therefore applies. This policy states that sites of adequate quality such as this can be redeveloped when part of the site is redeveloped for appropriate employment use (within Class B1) and where the criteria set out in part c) of the policy are met. Criteria c) require the applicant to demonstrate the following:

- a) Continued use of the site would give rise to unacceptable environmental impacts, or:
- b) There is no current or likely future demand for the site of premises for employment uses, or
- c) Permitting an alternate use is the only viable means of retaining a building or premises which has particular architectural or historical significance.

There is a conflict with the proposal for the site with Policy AQ7 for residential and in terms of the site's identified status as an 'existing employment area' of adequate quality and implications of Policy E2 of the Hyndburn Core Strategy. It is also noted that the anticipated levels of employment on the site far exceed present levels of employment, and that the recently published Employment Land Study highlighted the lack of demand for B1 uses in Hyndburn. The Council is in the process of bringing forward emerging Policy DM1 in the Development Management DPD which will set out a more appropriate and flexible interpretation of 'appropriate employment' than set out in the Core Strategy Policy E2. Although no weight can be given to this policy at present, the findings of the ELS in terms of the lack of demand for B1 uses is considered to be a material consideration in relation to this application and the interpretation of Policy E2.

Sequential Test:

As the proposed use is for leisure (with a small sales area to be retained), it is considered to be a 'main town centre use' within the definition in the NPPF. As such there is a need to satisfy a sequential test to demonstrate that there is no suitable or available in-centre or preferable edge-of-centre sites for the proposal. (The proposal is less than the nationally set 2500 sq m floor space threshold which requires an impact assessment, and as such this is not required from the applicant).

The Sequential Analysis provided by the applicant sets out the rationale for the proposed scheme and the specific requirements of the proposed trampoline park. In this context the assessment of alternative sites is considered proportionate and appropriate by the Council Principal Planning Officer (Policy) and as such the sequential test is considered to have been satisfied.

Conclusion:

In conclusion therefore, it is considered that the proposed use does meet with various policies within the AAAP, although it is in conflict with AQ7 and with criterion c) of Policy E2 of the Hyndburn Core Strategy. The Sequential Analysis has also been submitted which supports the proposal in this location.

It is also important to consider that the emerging DMDPD Policy will allow a more flexible approach to employment sites and is a material consideration to this application. Therefore Officers consider that with the conflict between AAAP Policy AQ7 and Policy E2 of the Core Strategy, the emerging policy in the DMDPD is a material consideration to this application. As that would allow more flexibility in the consideration of this proposal, Officers are satisfied that the principle of the development is acceptable.

Design, scale and layout

Core Strategy Policy Env6 places emphasis on high quality design and requires an enhancement of the character and quality of both townscape and landscape, and is supported by the provisions of Core Strategy Policy Env 7 and the provisions of the

Accrington Area Action Plan. High quality design must take into account urban form, urban grain, landscape, density, mix, scale and appearance.

Figure 10 of the AAAP classifies the existing building as having 'a very negative' impact on the townscape quality. Changes would be made to the elevations and the site would be generally tidied up. A condition is also attached to include landscaping within the site. The proposed change of use will re-activate the underutilised and deteriorating property so that it will physically and visually contribute towards a more positive townscape. As such it is considered that the proposal complies with the relevant planning policies with regards to design, scale and layout.

Residential amenity

Policy Env7 of the Core Strategy relates to residential amenity and states that proposals for new development will be permitted only if it is demonstrated that the material impacts arising my reason of traffic, visual impact, noise, dust, emissions, pollution, odour, over-looking or loss of light, or other nuisances will not give rise to unacceptable adverse impacts or loss of local amenity and can be properly controlled in accordance with best practice and recognised standards.

The site is located within a predominantly residential area and as such impacts on neighbours due to noise and nuisance need to be considered. The applicant has confirmed the opening hours of the Trampoline Park would be 10am – 9pm Monday to Friday and 9am – 10pm on Saturdays and Sundays.

The Council's Environmental Health Officer has considered the proposal and has no objections, provided that various conditions are attached which are detailed in the consultation responses section of this report. One of the conditions would be that a noise survey is carried out to ensure noise does not go about an acceptable level for a residential area. As such the proposal is considered to comply with regards to impact on residential amenity.

Traffic and Highways

Saved Policy E.10 of the Local Plan states that when considering proposals for development, the Council will have regard to car parking provision and proposed arrangements for servicing and access. In addition, Policy Env7 of the Core Strategy aims to avoid development which has an unacceptable adverse impact by reason of traffic. HC3 deals with the design of residential roads.

The Highways Authority has considered the application and made suggestions which include the following:

- A new pedestrian access from Sydney Street
- A zebra style crossing linking the new pedestrian access to the building
- Safe covered cycle parking for visitors to the development in a location close to the building entrance which will offer natural surveillance
- Specific secure and covered cycle parking provision for staff
- Adequate disabled parking provision

These amendments have been made to the plans and as such it is considered that the site is in a sustainable location with good access to the town centre.

Therefore in the absence of any objection from the statutory consultee and the inclusion of relevant conditions, Officers are satisfied that the proposal meets with the relevant planning policy in terms of traffic and highways safety.

Conclusion

In assessing this application, the policies of the development plan and other relevant local and national policy considerations have been taken into account; Officers consider that the proposal is acceptable, subject to the planning conditions listed below:

1. The development hereby approved shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 91 (as amended) of the Town & Country Planning Act 1990.

2. The development shall be carried out in accordance with the following plans and documents:

AS00 Existing Site Plan
AS01 Existing Ground Floor Layout
AS02 Existing Mezzanine Layout
AS03 Existing Elevations

AL00 Proposed Site Plan Rev B
AL01_A Proposed Ground Floor Layout
AL02_A Proposed Mezzanine Floor Layout
AV01 Proposed Elevations

Reason: For the avoidance of doubt and to enable Hyndburn Borough Council to adequately control the development and to minimise its impact on the amenities of the local area and to conform with Policies Env6 & Env7 of the Hyndburn Core Strategy.

3. Prior to the commencement of development, details of the pedestrian access and crossing point shall be submitted to and approved in writing by the local planning authority. The access and crossing point shall be constructed and available for use prior to the first use of the development hereby approved and retained for the duration of the development.

Reason: In the interest of safety of users and surrounding properties in accordance with the provisions of saved Policy E.10 of the Hyndburn Local Plan and Policy Env7 of the Hyndburn Core Strategy.

4. The cycle parking provision, car parking spaces and manoeuvring areas shall be provided in accordance with the approved plans prior to the first use of the development hereby approved, and shall remain available at all times for the duration of the development.

Reason: In the interest of safety of users and surrounding properties in accordance with the provisions of saved Policy E.10 of the Hyndburn Local Plan and Policy Env7 of the Hyndburn Core Strategy.

5. Construction deliveries to and from the site should be restricted to between 0800 and 1800hrs

Monday to Friday and 0800 and 1300hrs on Saturdays. Deliveries should not take place on Sundays and bank holidays.

Works should be restricted to between 0800 and 1800hrs Monday to Friday and 0800 and 1300hrs on Saturdays.

Works should not take place on Sundays and bank holidays.

All works should be undertaken in accordance with BS5228:2009.

Reason: In the interest of residential amenity in accordance with the provisions of Policy Env 7 of the Hyndburn Core Strategy.

6. Measures should be in place to prevent nuisance being caused to residents from noise, dust, fumes and or vibration arising from the building works.

There should be no burning off on site of construction waste. A Construction

Environmental Management Plan shall be submitted, and approved in writing by the local planning authority. The development shall then be carried out in accordance with the agreed Environmental Management Plan.

Reason: In the interest of residential amenity in accordance with the provisions of Policy Env 7 of the Hyndburn Core Strategy.

7. Prior to the installation of any mechanical ventilation, details shall be submitted to and approved in writing by the local planning authority. The mechanical ventilation shall then be installed in accordance with the agreed details and maintained thereafter.

Reason: In the interest of residential amenity in accordance with the provisions of Policy Env 7 of the Hyndburn Core Strategy.

8. A noise impact assessment shall be carried out to assess the impact of proposed noise sources.

The noise impact assessment shall demonstrate that the following standards are met at nearby noise-sensitive premises:

L_{Aeq} 50-55 dB 16 hours – gardens and outside living areas (for example balconies) daytime

L_{Aeq} 50 dB 16 hours – façade level daytime

*L_{AFmax} 60 dB 4 hours - façade level evening (19.00-23.00)**

Please note that any assessment shall be carried out for the most sensitive hours within the time period applied for. It is recommended that the methodology for any assessment be submitted in writing to the Environmental Protection Unit prior to any assessment taking place.

* The evening standard L_{AFmax} will only apply where the proposed evening L_{AFmax} significantly exceeds the L_{Aeq} and the maximum levels reached are regular in occurrence, for example several times per hour.

Reason: In the interest of residential amenity in accordance with the provisions of Policy Env 7 of the Hyndburn Core Strategy.

9. The use hereby permitted shall not be open to customers except between the hours of 10am and 9pm on Mondays to Fridays and 9am and 10pm on Saturdays and Sundays, Bank and Public Holidays, unless otherwise prior approved in writing with the local planning authority.

Reason: In order to protect the residential amenities of the occupiers of the adjacent properties and to comply with Policy Env 7 of the Hyndburn Core Strategy

10. The premises shall only be used for a Trampoline Park and part Sui Generis (Vehicle Part Sales) and for no other purpose including any other purposes in Class D2 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and to comply with Policy Env 7 of the Hyndburn Core Strategy

11. No development shall take place until details of external lighting have been submitted to and approved in writing by the local planning authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with Policy Env 7 of the Hyndburn Core Strategy

12. Prior to the commencement of development, a landscaping plan shall be submitted to and approved in writing by the local planning authority. The landscaping shall be implemented in accordance with the approved details in the first planting season following the commencement of development, and maintained thereafter for the duration of the development.

Reason: To ensure a satisfactory form of development and to enhance the visual amenities of the locality in accordance with the provisions of Policy Env 7 of the Hyndburn Core Strategy.

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Application Number: 11/16/0127

Full Major Application: Full Use of Land for holiday occupation of caravans

Address: Harwood Bar Holiday Park, Mill Lane, Great Harwood.

Determination by: 31st May 2016

Applicant: Mr D Fozard

Human Rights

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

Site and Proposal

The application site is a caravan park situated within the Green Belt in Great Harwood. The site currently has consent for a number of caravans, some of which are subject to conditions restricting the time of year they can be occupied and the people who can occupy them.

The applicant is seeking to use the land for the holiday occupation of caravans.

Although a planning permission already exists for the use of the site for this purpose, in discussions with officers the applicant has asked that, if granted, the permission allow a 12 month occupancy of the caravans. At the moment the permission does not allow the occupation of caravans between 31st December and 1st February in any year as a means of preventing the site being used for permanent residential occupation. This condition does not apply to a number of residents who have been present on the site for more than 10 years.

Consultations

Neighbours: Two site notices have been posted, 4 letters of representation have been received that raise the following points:

- Concern about the effect of the planning permission changes on an elderly resident.

Three “pro-forma” letters have also been received that raise concerns about more caravans on the site, in particular:

- The park is already overcrowded with over 100 vans of which some are already close together;
- The owners reluctance to invest any revenue into the improvements on any parts of the site and its basic facilities are a concern to residents before considering more caravans;
- The surface water drainage is extremely poor and inadequate;
- The electricity supply is to say the least just about adequate judging by the black outs so far this year;
- The sites roads are in parts a disgrace and the rest is just about adequate;
- The sites lighting is very poor and in areas dangerously under lit;
- Car parking is extremely difficult with residents already having at times under stress and friction enduring having to car plate their plot to secure a slot – no car parking on the entire site is marked out in any shape, way or form;
- The site is poorly set out for waste and recycling with half the site (the bottom end) already cut off from any green recycling bins, 90% of the site are having to drag their waste / recycling to the site entrance. Many people are elderly / struggle with mobility / live on their own its nothing short of a disgrace. We pay Council tax and get nothing down here off the Council, Nothing;
- Some residents also fear for the wildlife down here with what little open space being touted for more caravans;
- The granting of this permission would impact on all residents who already feel let down by the Council and the site owners mainly due to getting nothing for the sites fees and Council tax. Some residents feel the council’s evaluation officer has quite clearly “deemed” this a residential park (when it legally is not) to provide an extra revenue stream to the council coffers without having to provide nothing for the residents.
- That’s 100 plots x average £900 council tax (some are single occupancy) you already take from us, that’s £90,000 for this site for what?

LCC Highways:

The site is accessed via Mill Lane an unadopted / private road which forms part of Public Footpath 11-14-FP 101. As vehicular access to the greater highway network will be via the public footpath I have forwarded your consultation letter to the County Council's Public Rights of Way Team to provide direct comment as necessary.

I have reviewed the collision data for the area and can confirm that there is no recent record of personal injury accidents taking place in the vicinity of the site. The County Councils Public Enquiry Message (PEM) system has been interrogated and I have found no record of complaint regarding the operation of the site over the last ten years. Although no specific speed data is available the narrow nature of Mill Lane means vehicular traffic speeds are likely to be low and conflict between vehicular traffic and pedestrian traffic is unlikely to be a significant issue.

It is my understanding that this application seeks to formalise an ongoing usage. As a result the level of traffic generated by the development is unlikely to significantly alter. There is no evidence to suggest the usage (which has been in operation for some time) is detrimental to highway safety or access. As a consequence I am happy to offer no objection to the proposal.

Relevant Planning History

- 11/77/0070 Extension and rationalisation of caravan site, approved April 1978.
- 11/89/0401 Modification of occupancy condition, granted .
- 11/96/0338: Certificate of lawful use of site for up to 26 long stay and 4 short stay touring caravans for occupation for holiday purposes between 1/2 and 31/12 each year – Approved 04/02/1998.
- 11/96/0371 Amendment to Condition 1 of 11/89/0401 to allow permanent residential occupation of caravans, granted subject to conditions (including no occupation between 31st December and 1st February) August 1998.
- 11/03/0473: Change of use of land from use for touring caravans to use for 16 static caravans – Refused 08/10/2003.
- 11/15/0125 Variation of Condition No 3 of 11/96/0371 (Revised List of occupiers), approved, May 2015.

Relevant Policies

Hyndburn Borough Local Plan Saved Policies

Policy E10 - Development criteria

Hyndburn Core Strategy Policies

- Policy BD1 – Balanced Development Strategy
- Policy H1 – Housing Provision

National Planning Policy Framework

Section 9 – Protecting Green Belt Land.

Observations

Planning permission is sought for the use of land for the residential occupation of caravans at Harwood bar Caravan Park in Great Harwood. It is evident that the site has been used for this purpose for many years, however, the site is in the Green Belt and as a means of trying to prevent the caravans being used as permanent residential accommodation (rather than for holiday use) a condition has been used to allow occupation for only 11 months of

the year. National Green belt policy would not support the use of the land for the permanent occupation of caravans.

The applicant is seeking a new planning permission for the park, but has asked that this is not subject to a condition that limits occupation to 11 months of the year. The applicant advises that this change would help make the park more attractive to those seeking to use caravans for holiday purposes. The owner has stated that when caravans become vacant they would only be let on a holiday basis, although this should already be the case.

In 2015, the condition limiting occupation of caravans to 11 months was varied (application ref 11/15/0125) to allow a number of occupants to remain in their caravans year for 12 months¹. This was done on the basis that these residents had resided on the site for a period in excess of 10 years and it would not be able to enforce this condition. There are approximately 118 caravans on the site, of which 37 are occupied on a 12 month basis.

Although some concerns have been raised about the planning application from tenants, this application is not seeking to increase the number of caravans on site. The concerns raised are not planning matters but management issues that should be addressed with the owner.

The key issue in this case is whether it is appropriate to allow year round occupancy, given the sites location in the Green Belt. The reason for imposing the restriction was as follows:

'The Harwood Bar caravan site was established pursuant to Planning Permission 11/77/0070 dated 9 April 1978. Its use as a holiday caravan site therefore pre dates the adoption of the Hyndburn Borough Local Plan which identifies the site as being within the defined Green Belt. Policy S3 of this Local Plan provides that static residential and holiday caravans will not be permitted in the Green Belt. The condition relating to periods of occupancy and type of use has therefore been imposed in accordance with the policy advice contained in paragraphs 115 and 116 of Department of the Environment Circular 11/95 and Annex C to PPG21 in order to promote this policy. As the caravans listed in the schedule have been occupied by the named individuals as their sole and permanent residence, it was determined as a material consideration after reference to the policy guidance contained at paragraph 93 of DOE Circular 11/95 that the named individuals would suffer considerable personal hardship if they were required to vacate their respective caravans for one month every year and comply with the holiday use requirement. The particular circumstances of this case therefore justify the relaxation of the condition in relation to the caravans listed in the schedule'.

Whilst the policies mentioned in the above reason are no longer relevant, the permanent residential use of caravans in the Green Belt remains contrary to current planning policy, specifically Part 9 of the NPPF.

Although the occupants of the caravan park pay Council Tax and the owner believes that the majority of caravan tenants remain in their caravans on a 12 month basis. The fact that

¹ A similar approach was taken in 1996 under planning permission 11.96.371 when a list of permanent occupiers was submitted.

residents pay Council Tax does not provide any evidence in relation to the period of occupation. However, it is important that the caravans are let for holiday occupation and not permanent residential occupation and a condition is therefore recommended that requires details of the means by which the owner will notify tenants of the means by which they will be informed of the occupancy limitations. This should be done on an annual basis.

The permanent residential occupation of caravans on the site would be contrary to Green Belt policy and the approach taken to date would allow a group of residents to remain on site without enforcement action being taken against them which would make them homeless.

Conclusion

The site is a large caravan park in the Green Belt. The planning permission restricts occupancy of the site to 11 months of the year as a means of seeking to prevent permanent occupation, although this requirement has been relaxed for a group of residents who are elderly and who have lived on the site for many years. Caravans should be let for holiday use and not for permanent occupation. Although it is recognised that there have been breaches of the occupancy condition, the reasons for the limitation remain and there is a concern that a relaxation of this condition would result in the permanent occupation of more caravans.

For these reasons it is recommended that planning permission be granted subject to conditions that maintain the occupancy restriction except in relation to those occupiers that were accepted as exempt in 2015.

Recommendation

That planning permission be granted subject to the following conditions:

1. Within two months of the date of this permission a plan shall be submitted to the Local Planning Authority that identifies the location of all caravans / caravan pitches and mobile home pitches existing on the site. No additional caravans shall be brought onto the site.

Reason: To maintain the openness of the Green Belt in accordance with Policy BD1 of the Hyndburn Core Strategy and the National Planning Policy Framework.

2. No caravan on the site shall be occupied between the 31st December in any one year and the 1st February in the succeeding year except during weekends. During the remainder of the year, any caravan on the site shall only be used for the purposes of holiday occupation and shall not be used for any other purpose whatsoever. The restrictions on the use of caravans imposed by this condition shall not apply to a caravan listed in column A of the attached schedule, received by Hyndburn Borough Council on 23/03/2015 in support of planning application ref 11/15/0125 whilst and

for so long as that caravan is occupied by the person or persons whose name or names appear against it in column B of the attached schedule.

Reason: The Harwood Bar caravan site was established pursuant to Planning Permission 11/77/0070 dated 9 April 1978. Its use as a holiday caravan site therefore pre-dates the adoption of the Hyndburn Borough Local Plan which identifies the site as being within the defined Green Belt. The use of such land for the purposes of siting static residential and holiday caravans would fail to comply with the NPPF. The condition relating to periods of occupancy and type of use has therefore been imposed in accordance with the NPPF. As the caravans listed in the schedule have been occupied by the named individuals as their sole and permanent residence, it was determined as a material consideration that the named individuals would suffer considerable personal hardship if they were required to vacate their respective caravans for one month every year and comply with the holiday use requirement. The particular circumstances of this case therefore justify the relaxation of the condition in relation to the caravans listed in the schedule.

3. Within two months of the date of this permission, details of the measures to be taken by the owner to notify new caravan owners, and tenants that are not exempt from the occupancy limitations, of the occupancy limitations that apply to the site and their caravan shall be submitted to, and agreed in writing by the Local Planning Authority. The measures shall make provision for tenants to be advised of the occupancy conditions set out by this planning permission on an annual basis.

Reason: To ensure that caravans are let and / or occupied for holiday use in line with the requirements of this planning permission and the development complies with national Green Belt policy as set out in the National Planning Policy Framework.

Informatives