

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

**TO: WEST CRAVEN COMMITTEE**

**DATE: 7<sup>TH</sup> JANUARY 2025**

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications.

# REPORT TO WEST CRAVEN COMMITTEE ON 7<sup>TH</sup> JANUARY 2025

**Application Ref:** 22/0540/CND

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

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

**On behalf of:** Applethwaite Limited

**Date Registered:** 12/07/2022

**Expiry Date:** 19/09/2022

**Case Officer:** Alex Cameron

This application was deferred by Committee in October for the submission of additional details of drainage and levels.

## **Site Description and Proposal**

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

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

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

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

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

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

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

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

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

### **Relevant Planning History**

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

### **Consultee Comments**

LCC Highways – No objection to the discharge of condition 13

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

### **Officer Comments**

Condition 4 (Site Levels) The submitted details of site levels are acceptable however it was confirmed on the Committee site visit in September that a new topographical survey is being undertaken to detail the levels as built as they differ from the submitted site levels. This has not been received, the applicant has been asked for an update but has not responded to that required and therefore it is recommended that the discharge of the condition be refused.

Condition 9 (Drainage Details) Following the Committee site visit additional details have been requested to address surface water flooding on Brogden Lane from water that would have previously flowed onto the site. This has not been received, the applicant has been asked for an update but has not responded to that required and therefore it is recommended that the discharge of the condition be refused.

Condition 13 (Highway Improvements) the submitted details are acceptable. Concerns have been raised in relation to the provision of the footway along Brogden Lane and the responsibility of that between this and the adjacent development. This is a matter between the two developers and LCC as part of the Section 278 agreement process, it is not relevant to the determination of this discharge of conditions application.

**RECOMMENDATION: Discharge Condition 13, Refuse Discharge of Condition 4 and 9**

Condition 4 (Site Levels) The levels as submitted are not as built, details of the as built levels are required to assess their acceptability. The discharge of condition is refused.

Condition 9 (Drainage Details) The submitted details do not adequately address the risk of flooding on Brogden Lane from water that would have previously flowed onto the site. The discharge of condition is refused.

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

**ENFORCEMENT RECCOMENDATION:**

Serve Breach of Condition Notice for condition 4 and 9.

**Application Ref:** 22/0540/CND

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

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

**On behalf of:** Applethwaite Limited

# REPORT TO WEST CRAVEN COMMITTEE ON 7<sup>th</sup> JANUARY 2025

**Application Ref:** 24/0761/FUL

**Proposal:** Full: Change of use of land from agricultural to a mixed use of agriculture and a dog training enclosure with fencing.

**At** Land To The Northeast Side Of Kelbrook Road, Salterforth

**On behalf of:** Mr & Mrs Martin & Kath Wellock

**Date Registered:** 06.11.2024

**Expiry Date:** 01.01.2025

**Case Officer:** Athira Pushpagaran

This case is sent to committee since 3+ objections have been received.

## **Site Description and Proposal**

The application site is a piece of agricultural land outside the settlement boundary situated within the open countryside. Public footpaths FP1318010 and FP1305058 pass adjacent to the site. The main access is from Kelbrook Road. At the time of the site visit there was an existing hardcore area at the existing access from Kelbrook Road. The application site is separated from Kelbrook road by an existing verge of trees.

The proposed development is the change of use of land from agricultural to a mixed use of agriculture and a dog training enclosure with fencing. At the time of site visit hardcore has been over part of the existing field and fence posts installed around the enclosure. The hard cored area would have a mixed use of agriculture, for the storage of machinery and feed e.g. wrapped bales and would also be a parking area for visitors to the dog training enclosure. An existing public footpath connects the parking area to the dog training field through a gated access.

## **Relevant Planning History**

No relevant planning history.

## **Consultee Response**

### **Highways**

The site was visited on 18 November 2024.

Having reviewed the documents submitted, together with site observations, Lancashire County Council acting as the local highway authority makes the following initial comments.

### **Site planning history**

None.

### **Proposed development**

The proposed development is for the change of use of land from agricultural use to a mixed use of agriculture and a dog training enclosure with fencing. The application is partly retrospective with

works to widen the access, extend the internal hardstanding and the erection of fence posts around the dog training area having already taken place.

#### Site access

There is an existing field gate accessed from Kelbrook Road which is proposed to be used as the access to the field and dog training area.

Works have been carried out illegally within the grass verge which forms part of the highway network maintained at public expense. The access has been widened to 5m and the verge surfaced in compacted limestone crusher run.

Works to widen and surface the access will also have been within the root protection area of two highway trees within the verge either side of the access. This may impact on the long-term viability of these trees. Works have also been undertaken to other individual trees and within the established hedgerow which may affect the long-term vitality and viability of these trees. The proximity of the mature trees to the carriageway would be a concern if these trees were to fail in the longer-term.

The formation of the amended vehicle access from Kelbrook 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, 2 the construction of the access to an appropriate standard, including a minimum width of 6m to allow two vehicles to pass within the access, surfaced in a bound porous material, and radius kerbs to protect damage to the verge by vehicles overrunning. The amended access should also be designed and constructed to prevent surface water flowing from the carriageway into the site. Measures may also need to be taken to protect the highway trees and if these cannot be provided then replacement trees would be required to be planted.

If planning approval is granted the applicant 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.

#### Visibility splays

Kelbrook Road (B6383) is subject to a maximum speed limit of 50mph outside the site. For a road with a speed limit of 50mph a Stopping Sight Distance (SSD) of 160m should be provided, measured 2.4m back from the carriageway edge.

A plan should be provided demonstrating that the above visibility splays can be achieved over the publicly maintained highway network with nothing over 0.9m from the height of the carriageway within the splays.

A shorter SSD may be accepted although this would need to be supported by data obtained through an automated seven-day traffic survey outside the access to establish 85th percentile speeds. The survey should be carried out in a neutral month, exclude weeks with public or school holidays or national events and should include the weather conditions at the time of the survey.

It was noted whilst on site that although adequate visibility for vehicles waiting within the access to exit onto Kelbrook Road may be achievable (to be demonstrated as outlined above) the access is not visible for vehicles on Kelbrook Road approaching from either direction.

### Car parking

The applicant should provide a parking layout plan for six vehicles (five customers plus applicant) showing that there will be adequate internal space to accommodate the vehicles and allow them to enter and leave the site in forward gear, whilst maintaining vehicular access to the remaining section of field.

### Dog training field operation

The proposed dog training field will lead to an intensification in use of the site access from its previous use solely for agricultural purposes

The dog training field should be operated on a pre-booked basis to limit the maximum number of vehicles its use attracts at any one time. This should be controlled by condition to no more than five customer vehicles plus the applicant's, that is, six in total. The application form states that there will be a commercial waste arrangement with the borough council to remove dog waste. If this is proposed to be direct from site then access for the size and type of vehicle attending site needs to be proved by a swept path plan. This needs to show that a vehicle can enter and leave in forward gear when the maximum number of customer and applicant vehicles are on site. The highway authority would not accept a vehicle stopping on the carriageway to collect nor reversing to or from the site given the high volume and speed of traffic on Kelbrook Road.

There is a concern that the development would encourage residents with dogs from the caravan site opposite to cross Kelbrook Road where there is no formal pedestrian crossing facility. Whilst this is a concern it is not to such an extent that would support an objection as set out by paragraph 115 of the National Planning Policy Framework.

### Public Rights of Way

There are no public rights of way through the site although Public Footpath ref 13-18-010 Salterforth passes along the northern field boundary. This Public Footpath is also proposed to be used by customers to access the dog training area from the car parking area. This public right of way also links into the wider public footpath network which may allow local residents to access the site on foot rather than by vehicle during certain times of year.

### Conclusion

Further information needs to be submitted to allow the highway authority to fully assess the site's impact on the surrounding highway network. That is, a visibility splay plan and a parking/internal manoeuvring layout plan. If adequate visibility splays cannot be demonstrated from the site access, then the highway authority would raise an objection on highway safety grounds.

### Further comments:

Following the highway authority's initial comments dated 26 November additional information and drawings have been submitted. These are:

- Additional information prepared by WBW Surveyors Ltd dated December 2024
- Proposed Site Plan (Drawing TS644-2A dated 4.12.24)
- Visibility Splay Plan (Drawing TS644-8 dated 29.11.24)
- Parking Plan (Drawing TS644-9 dated 29.11.24)
- Access Detail & Cross Section (Drawing TS644-10 dated 5.12.24)

The following comments are made in response to the above documents.

### Site access

As stated in the highway authority's previous response the formation of the amended vehicle access from Kelbrook 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, the construction of the access to an appropriate standard, including a minimum width of 6m to allow two vehicles to pass within the access, surfaced in a bound porous material, and radius kerbs to protect damage to the verge by vehicles overrunning. The amended access should also be designed and constructed to prevent surface water flowing from the carriageway into the site. Measures may also need to be taken to protect the highway trees and if these cannot be provided then replacement trees would be required to be planted.

The access would need to be constructed to the highway authority's specification and not based on the details submitted in drawing TS644-10.

If planning approval is granted the applicant 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.

#### Visibility splays

The submitted visibility splays plan (Drawing TS644-8) shows the splay to the South East of the access measured to the opposite side of the carriageway. This is not acceptable for the carriageway width and layout and should be measured to the nearside carriageway edge. Nevertheless the highway authority considers that a visibility splay measuring 2.4m x 160m x 0.9m can be provided to the carriageway edge.

If the planning authority is minded to approve this application the following conditions and informative note should be applied to any formal planning approval granted.

#### Conditions

1. No use of the site for dog training purposes shall take place until all the highway works to construct the amended site access onto Kelbrook Road have been constructed and completed in accordance with a scheme that shall be 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 of the access to an appropriate standard, including a minimum width of 6m, surfaced in a bound porous material with radius kerbs. The amended access should also be designed and constructed to prevent surface water flowing from the carriageway into the site. Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.
2. Notwithstanding the documents submitted visibility splays measuring 2.4m back from the centre line of the access and extending 160m to the nearside carriageway edge in both directions shall be provided at the site access onto Kelbrook Road. 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 of obstruction at all times thereafter for the lifetime of the development. Reason: To ensure adequate inter-visibility between highway users at the site access, in the interests of highway safety.
3. The car parking and manoeuvring areas shown on the approved plans shall be constructed, laid out and surfaced in bound porous materials and thereafter always remain available for the parking of vehicles associated with the site's use for dog training/agricultural use 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.



4. All waste generated by the dog training use shall be collected within the site and no collection shall take place at any time from Kelbrook Road. Reason: In the interest of highway safety.
5. The approved dog training use on the site shall be restricted to those areas shown on the approved plans and shall operate on a pre-booked basis with no more than five customers on site at any one time. Reason: In the interest of highway safety to ensure that any future changes to customer numbers and the operation of the site's use can be fully considered by the Local Planning Authority, in consultation with the Highway Authority.

#### Informative note

1. 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 of the access to an appropriate standard, including a minimum width of 6m, surfaced in a bound porous material with radius kerbs. It shall so be designed and constructed to prevent surface water from flowing from the carriageway into the site. 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.

#### **Parish/Town Council**

concerns regarding the access to the road. Have LCC objected? No indication of the number of dogs being trained at one time. Will there be buildings on the land? Will it be lit? How many cars will be coming and going? Has LCC been to come out and had a look at the enlarged entrance onto a very busy road?. Will it also be used for personal use either now or in the future? Is it a dog training club? Hours of operation? Dark area for traffic arriving and leaving from the area. Earby and Drainage Board to comment on the sewage pipes on the land and posts which could have adverse issues have already been put down and a very large car parking area created. Please consider the speed of the road. Would need engineered egress and access onto the road.

#### **PBC Environmental health**

No comments

#### **Environment Agency**

We have no objection to the proposed development however, we do wish to make the following comments:-

We have reviewed the following Flood Risk Assessment (FRA):

- "Proposed change of use of land from agricultural to a mixed use of agriculture and as a dog training enclosure" dated October 2024 Complied by WBW Surveyors Ltd

We believe the development will be safe without exacerbating flood risk elsewhere however, it must be carried out in strict accordance with the submitted FRA and the following mitigation measures it details:

- there shall be no ground level raising in Flood Zone 3
- the fencing shall be of post and sheep netting design and shall be kept clear of debris
- only water compatible uses shall be permitted within Flood Zone 3b (functional floodplain)

These mitigation measures should be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above should be retained and maintained thereafter throughout the lifetime of the development.

### Informative(s)

Surface Car Parks When considering car parking within flood risk areas, the ability of people to move their cars within the flood warning time should be considered. Car parking may be appropriate in areas subject to flooding, provided flood warning is available and signs are in place.

Car parks should ideally not be subject to flood depths in excess of 300mm since vehicles can be moved by water of this depth. Land raising should be kept to a minimum where possible.

### Signing up for flood warnings

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up. Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-for-flooding>.

To get help during a flood, visit <https://www.gov.uk/help-during-flood>.

For advice on what do after a flood, visit <https://www.gov.uk/after-flood>.

### **Yorkshire Water**

No response

### **PBC Engineering**

No response

### **PBC Public Rights of Way**

No response

### **Public Response**

8 neighbourhood responses have been received, with 4 objecting and 4 supporting. Their comments are summarised below.

Objections:

- Site is located on a 50mph road on a stretch where people might not even reduce the speed to the upcoming 30mph zone towards the village. There are no traffic calming measures on any of the roads in the village, aside from a Pelican Crossing
- the road isn't lit, previous traffic surveys have said that 80% of traffic is exceeding the speed limit, even speeds excess of 90mph. it's a disaster waiting to happen
- There was recently a serious accident just by the application site.
- increased traffic turning into this fast road, and slowing down to leave the fast road, would make this already busy and dangerous road, even more dangerous for all users

- Dogs in cars are very distracting and this additional factor will make the drivers less able to deal with the unpredictable nature of the traffic on this road
- Hardstanding and fencing are already in place raising concerns whether the applicants would wait for the planning decision before starting the new use.
- The section of field for agriculture is only suitable for a handful of sheep and they cannot stay on there permanently but need to be rotated to allow the land to rest.
- previous applications for Kelbrook Rd Salterforth have been turned down due to traffic entering exiting the main road
- despite what the application says there was no previous hard standing to the entrance of the site
- damage has been caused to trees and hedges that don't fall within the curtilage of the property
- not seen anything mentioned re the old sewage pipes that are within the site, previously it was the village sewage works, despite the filter beds being removed there are still pipes that are in use, I can't see any surveys that say the depth of pipe or where they run
- there is no need for a dog exercise area, since there's one within half a mile of the proposed site

#### Supports:

- the applicant is an excellent trainer and is offering a great service to dog owners
- Being in such close proximity to the countryside, agricultural land and national parks it is vital that people have the opportunity to train their dogs to a high standard in order that their dogs remain under control and safe around people, local wildlife, livestock
- The access and visibility are good, and the road is long and straight allowing for road users to see other roads signalling from a long way away
- There are similar facilities elsewhere off of roads with similar speed limits operating without any issues
- This is not intended to be a dog exercise site but an area for dog training under supervision. Most of the training will be 1 to 1 and carried out on a part time basis thus the amount of traffic entering the site will be relatively small.
- This small business will be an asset to the community and would offer a great service to the area.
- There will be dog faeces/ waste disposal facilities to keep the site clean.
- This proposal will not negatively impact on any wildlife or their habitat.
- This is a positive use for this piece of land
- The applicant is incredibly diligent and will ensure that the premises are entirely and appropriately secured to safely contain both dogs and other animals. They will also ensure safe entry and exit protocols and will remind people of the importance of dog restraints / boxes in the car.
- People driving in the local area are very used to having to slow down on fast roads to allow the entry and exit of vehicles, they will soon become used to having to do this at this point in the road.
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#### **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 SDP2 sets out the spatial development principles for developments in Pendle. Proposals to develop outside of a defined settlement boundary (i.e. within the open countryside) will only be permitted for those exceptions identified in the Framework, or policies in a document that is part of the development plan for Pendle.

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.

Supplementary Planning Guidance: Development in the Open Countryside places great importance on proportion and setting and provides guidance on the materials which would be acceptable for agricultural buildings. Developments must not be detrimental to the landscape and the materials and design must reflect traditional farm buildings.

## **Officer Comments**

The application site is a piece of agricultural land outside the settlement boundary situated within the open countryside. The enclosure would be used for dog training classes during daylight hours by appointment, visited by dogs accompanied by their owners for the dogs to be trained by the Applicant's wife. No external lighting is proposed. The classes would be held one-on-one except the occasional group training classes.

The principal material considerations for the application are as follows:

## **Design and Materials**

The parking area is finished in limestone crushed stone hardcore surfacing. This would be in accordance with the Development in the Open Countryside SPG that advises surface area of site used for private hard standings to use permeable materials. The enclosure for dog training would be surrounded by 1.8m high sheep netted and timber post fence. This would be in keeping with the character of the countryside location and would not have any unacceptable impact on the character of the open countryside.

Overall, the proposed development would be acceptable in terms of design in accordance with policies ENV1 and ENV2, design Principles SPD and the Development in the Open Countryside SPG.

## **Residential Amenity**

The application site is surrounded by agricultural land with the Kelbrook Road to southwest. Across Kelbrook road is a caravan park. The access to the application site would be directly across from the park however the dog training field would be at least 200m away from the nearest caravans with the busy Kelbrook road between them. In this case the proposed development does not raise any issues of residential amenity.

Therefore, the proposed development would be acceptable in terms of residential amenity in accordance with policies ENV1 and ENV2 of the Adopted Pendle Local Plan Part 1: Core Strategy and the Adopted Pendle Design principles SPD.

## **Highways**

The proposal raises no issues of highway safety. LCC highways requests the addition of conditions reading the construction of the access, visibility splays, car parking and manoeuvring areas, waste collection, and to restrict the dog training to the enclosure.

Six parking spaces are provided on site. The LCC highways requests a condition to ensure that the approved dog training use shall operate on a pre-booked basis with no more than five customer vehicles on site plus the applicant's, arriving at a total of six vehicles, at any one time.

The construction of the access is carried under a Section 278 agreement with LCC and therefore it would be unreasonable to duplicate that as a planning condition.

## **Flood Risk**

The application site lies partly within Flood Zone 2 and partly within Flood Zone 3. The only operational development within flood zone 3 is the construction of the 1.8m timber post and sheep netting fence around the perimeter

The Environment Agency does not object to the proposal. The EA notes that the development will be safe without exacerbating flood risk elsewhere however, it must be carried out in strict accordance with the submitted FRA and the following mitigation measures it details:

- there shall be no ground level raising in Flood Zone 3
- the fencing shall be of post and sheep netting design and shall be kept clear of debris
- only water compatible uses shall be permitted within Flood Zone 3b (functional floodplain)

This can be ensured through a condition.

## **Biodiversity Net Gain**

The proposal is accompanied by a biodiversity metric for small sites. This indicates that a 10.04 % uplift in biodiversity net gain can be achieved. The Applicant proposes to achieve the uplift by improving the biodiversity of 1304sqm of the triangular piece of land to the north of the dog training enclosure that the applicant owns and will remain in agricultural use.

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

## **Other Matters**

Concerns have been raised regarding the sewage pipes that pass through the land. However, this is covered under separate legislation and a planning permission does not overrule that.

## **Reason for Decision**

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed housing development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework, subject to compliance with planning conditions. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

## **RECOMMENDATION: Approve**

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:

- TS644-10 Access Detail & Cross Section (received 06.12.24)
- TS644-9 Parking Plan (received 06.12.24)
- TS644-2A Proposed Site Plan (received 06.12.24)
- Additional Information prepared by Cathy Dakin, MA Town Planning, MRTPI (received 06.12.24)
- TS644-6 Baseline Habitat Map (received 05.11.24)
- TS644-7 Proposed Sheep Net Fencing around Dog Training Enclosure Elevation (received 05.11.24)
- TS644-3 Proposed Field Plan (received 01.11.24)
- TS644-4 Site Location Plan (received 01.11.24)

- Flood Risk Assessment Prepared by: Cathy Dakin MA Town Planning, MRTPI (received 01.11.24)
- Planning Statement Prepared by: Cathy Dakin MA Town Planning, MRTPI (received 01.11.24)

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

3. All the external materials to be used in the elevations and roof of the development hereby permitted shall be as stated on the application form and approved plans and there shall be no variation without the prior consent of the Local Planning Authority.

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

4. Notwithstanding the documents submitted visibility splays measuring 2.4m back from the centre line of the access and extending 160m to the nearside carriageway edge in both directions shall be provided at the site access onto Kelbrook Road. 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 of obstruction at all times thereafter for the lifetime of the development.

**Reason:** To ensure adequate inter-visibility between highway users at the site access, in the interests of highway safety.

5. The car parking and manoeuvring areas shown on the approved plans shall be constructed, laid out and surfaced in bound porous materials and thereafter always remain available for the parking of vehicles associated with the site's use for dog training/agricultural use 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.

6. All waste generated by the dog training use shall be collected within the site and no collection shall take place at any time from Kelbrook Road.

**Reason:** In the interest of highway safety.

7. The approved dog training use on the site shall be restricted to those areas shown on the approved plans and shall operate on a pre-booked basis with no more than five customers on site at any one time.

**Reason:** In the interest of highway safety to ensure that any future changes to customer numbers and the operation of the site's use can be fully considered by the Local Planning Authority, in consultation with the Highway Authority.

8. No part of the development commences 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

9. The development hereby approved shall be carried out in strict accordance with the accordance with the submitted Flood Risk Assessment prepared by Cathy Dakin MA Town Planning, MRTPI October 2024 and the following mitigation measures it details:
  - there shall be no ground level raising in Flood Zone 3
  - the fencing shall be of post and sheep netting design and shall be kept clear of debris
  - only water compatible uses shall be permitted within Flood Zone 3b (functional floodplain)

These mitigation measures should be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above should be retained and maintained thereafter throughout the lifetime of the development.

**Reason:** To prevent flooding.

### **BNG Conditions**

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

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

### **Informative notes**

1. 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 of the access to an appropriate standard, including a minimum width of 6m, surfaced in a bound porous material with radius kerbs. It shall so be designed and constructed to prevent surface water from flowing from the carriageway into the site. 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.



2. Surface Car Parks When considering car parking within flood risk areas, the ability of people to move their cars within the flood warning time should be considered. Car parking may be appropriate in areas subject to flooding, provided flood warning is available and signs are in place. Car parks should ideally not be subject to flood depths in excess of 300mm since vehicles can be moved by water of this depth. Land raising should be kept to a minimum where possible.
3. Signing up for flood warnings: The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up. Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.  
For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-for-flooding>  
To get help during a flood, visit <https://www.gov.uk/help-during-flood>  
For advice on what do after a flood, visit <https://www.gov.uk/after-flood>.

**Application Ref:** 24/0761/FUL

**Proposal:** Full: Change of use of land from agricultural to a mixed use of agriculture and a dog training enclosure with fencing.

**At** Land To The Northeast Side Of Kelbrook Road, Salterforth

**On behalf of:** Mr & Mrs Martin & Kath Wellock