



DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 20th September, 2018 at 6.30 pm

PRESENT

MEMBERS

Councillors A Khan (Chair), F Cant (Vice-Chair), A Anwar, G Birtwistle, M Brindle, S Chaudhary, S Graham, J Harbour, A Hosker, M Johnstone, M Payne, A Raja and J Sumner

OFFICERS

Paul Gatrell	– Head of Housing & Development Control
Graeme Thorpe	– Planning Team Manager
Janet Filbin	– Senior Planner
David Talbot	– Senior Solicitor
Emma Barker	– Principal Legal Officer - Litigation & Regulation
Alison McEwan	– Democracy Officer

35. Apologies

Apologies for absence were received from Cllrs Ishtiaq & Towneley.

36. Minutes

The Minutes of the last meeting held on 26th July were approved as a correct record and signed by the Chair.

37. Declaration of Interest

Cllr Raja declared a discloseable pecuniary interest in Item 6d. He left the meeting and took no part in the discussion or decision.

38. List of Deposited Plans and Applications

The following members of the public attend the meeting and addressed the Committee under the Right to Speak Policy:

Lydia Harper (for)	APP/2018/0080 – Land at Barracks Road, Burnley
Lydia Harper (for)	APP/2018/0376 – Phase 4 Station Road Development, Station Road
Paras Miller (for)	APP/2018/0304 – 25 Carlton Road, Burnley

RESOLVED That the list of deposited plans be dealt with in the manner shown in these minutes.

39. APP/2018/0080 - Land at Barracks Road, Burnley

Full Planning Application

**Demolish church buildings and public house and erect petrol filling station with shop and separate cafe with drive through and improved access from Barracks Road
LAND AT BARRACKS ROAD, BURNLEY**

Decision: That the Head of Housing and Development Control be delegated to grant planning permission subject to the following conditions:

Conditions:

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 171161-PL-01(A), 171161-PL-07, 171161-PL-08, 171161-PL-09 and 171211TPP (Tree Protection Plan), received on 13 February 2018; and, CS095757-CAP-TPL-MAN-DR-TP-011RevP01, 171161-PL-03(E) and 171161-PL-04(D), received on 4 September 2018; 171161-PL-02(H) and 171161-PL-06(A), received on 18 September 2018; 3876/01RevE, received on 20 September 2018; and 171161-PL-05(D), received on 21 September 2018.
3. Notwithstanding any indication on the approved plans, no development shall be commenced unless and until a scheme for the construction of the site access, internal layout of the site and off-site works of highway improvement has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include all the recommendations contained within the Stage 1 Road Safety Audit Report (carried out by Capita, dated 28th August 2018) and provide for the means to facilitate a Traffic Regulation Order to restrict traffic movements on Lower Accrington Road.
4. Neither the approved Petrol Filling Station/Shop or the approved Coffee Shop shall be first open for use until the approved scheme under condition 3 above has been constructed and completed in accordance with the scheme details.

5. The retail shop hereby approved shall operate as a shop in association with and ancillary to the approved Petrol Filling Station only and shall not at any time function as an independent unit.
6. The tree protection measures as indicated on drawing number 171211TPP (Tree Protection Plan) and contained within the Arboricultural Survey (carried out by Georgina Tearne, dated 11th December 2018) shall be carried out prior to any demolition, ground works or site clearance taking place and shall remain in situ and be adhered to at all times until the completion of the development.
7. All planting, seeding or turfing comprised in the approved details of landscaping as indicated on drawing number 3876/01RevE shall be carried out in the first planting and seeding seasons following the first use of any of the development or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.
8. The approved Petrol Filling Station shall not be first open for use until a minimum of two electric car charging points have been provided and are available for use. The electric charging points shall thereafter be retained and remain available for use at all times during the Petrol Filling Station opening hours.
9. Prior to the commencement of development, details of a surface water drainage scheme, based on sustainable drainage principles, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and completed prior to any part of the development being first brought into use. The approved drainage scheme shall thereafter be retained in perpetuity.
10. No part of the development hereby approved shall be first open for business until details of a management and maintenance plan for the sustainable drainage system required by condition 10 which shall cover the lifetime of the development, has been submitted to and approved in writing by the Local Planning Authority. The sustainable drainage system shall thereafter be managed and maintained in accordance with the approved details in perpetuity.
11. The development shall be drained on separate surface water and foul water systems.
12. The approved Petrol Filling Station and ancillary retail shop shall not be open for business apart from between 06:00 and 23:00 hours on any day.
13. The approved coffee shop shall not be open for business apart from between 06:00 and 22:00 hours on any day.
14. No development shall be commenced, including site clearance or demolition works between the period of 1st March and the following 31st July inclusive unless a detailed bird nest survey by a suitably qualified ecologist has been carried out immediately prior to clearance and written confirmation has been submitted to the Local Planning Authority to demonstrate that there are no active bird nests that are present and this has been agreed in writing by the Local Planning Authority.
15. Prior to the commencement of development, details of boundary treatment and works to ensure the safety of the railway embankment shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment and safety measures shall be carried out and completed during the course of the development. The approved boundary treatment shall be retained at all times.

16. Prior to the commencement of the construction of the approved buildings, representative samples and details of external materials of construction to be used on the walls and roof of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved materials.
17. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding;
 - v) measures to control the emission of dust and dirt during construction;
 - vi) wheel washing facilities;
 - vii) details of working hour; and,
 - viii) contact details for the site manager.
18. During the construction phase of the development, no construction work or use of machinery or deliveries to the site shall take place on Sundays and Bank/Public Holidays or outside the hours of 08:00 and 18:00 hours Monday to Friday and 08:00 and 13:00 hours on Saturdays.
19. No later than three months prior to any part of the development being first open for business, details of the frequency and hours of deliveries and servicing, including details of how these will be managed, shall be submitted to and approved in writing by the Local Planning Authority. Deliveries and servicing to the site shall thereafter only take place in accordance with the approved hours and details of management.
20. No part of the development shall be first open for business until cycle parking has been constructed and is available for use in accordance with details indicated on the approved plans. The cycle parking shall thereafter be retained and remain available for use in perpetuity.
21. The existing redundant vehicle access points into the site shall be physically and permanently closed and the existing verge/footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads concurrent with the formation of the new access.
22. Prior to the installation of any external lighting, a scheme for the provision of external lighting which shall include details of lighting levels outside of opening times, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out, completed and operated at all times in accordance with the approved scheme.

Reasons:

1. 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. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. To ensure an adequate access and safety within the site and manage the traffic and highway safety impacts of the development, also having regard to the impact on air quality from increased traffic on Lower Accrington Road, in accordance with Policies IC1, IC2 and NE5 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development to ensure that the required works can be carried out at the appropriate stage of the development.

4. To ensure an adequate access and safety within the site and manage the traffic and highway safety impacts of the development, also having regard to the impact on air quality from increased traffic on Lower Accrington Road, in accordance with Policies IC1, IC2 and NE5 of Burnley's Local Plan (July 2018).
5. To ensure the satisfactory implementation of the proposal, having regard to the sequential test for locating retail development outside of town centres and the limitations of the site in respect of car parking, in accordance with Policies TC1, IC2 and IC3 of Burnley's Local Plan and the National Planning Policy Framework.
6. To ensure adequate protection for the long term health of trees which should be retained in the interests of the visual amenities and the biodiversity of the site and its surroundings, in accordance with Policies NE1, NE4 and SP5 of Burnley's Local Plan (July 2018).
7. In order that the landscaping works contribute to a satisfactory standard of completed development and its long term appearance harmonises with its surroundings, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
8. To allow for the charging of electric cars, in the interests of sustainable travel, in accordance with the National Planning Policy Framework.
9. To ensure the adequate drainage of the site and to reduce the risk of flooding, in accordance with Policy CC4 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development to ensure that the measures identified in the scheme can be carried out at the appropriate stage of construction.
10. To ensure that adequate and appropriate funding, responsibility and maintenance mechanisms are in place for the lifetime of the development, in order to ensure the appropriate drainage of the site and to reduce the risk of flooding, in accordance with Policy CC4 of Burnley's Local Plan (July 2018).
11. To ensure adequate drainage and reduce the risk of flooding and contamination of groundwaters, in accordance with Policy CC4 of Burnley's Local Plan (July 2018).
12. To safeguard the occupiers of neighbouring properties from late night and early morning noise and disturbance, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
13. To safeguard the occupiers of neighbouring properties from late night and early morning noise and disturbance, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
14. To ensure adequate safeguards and protection for bird nests which are protected under the Wildlife and Countryside Act 1981 and in accordance with Policy NE1 of Burnley's Local Plan (July 2018).
15. To ensure an appropriate edge to the boundaries of the site and to take into account the risks associated with the railway embankment, in accordance with SP5 of Burnley's Local Plan (July 2018).
16. To ensure a satisfactory appearance to the development, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
17. To ensure that the safety and amenities of pedestrians, drivers and residents in the vicinity of the development are satisfactorily protected, in accordance with Policy NE5 of Burnley's Local Plan (July 2018). The Construction Management Plan is required prior to the commencement of development to ensure that the measures contained therein can be carried out at the appropriate phases of the construction period.

18. To protect the amenities of local residents, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).
19. To ensure that deliveries and servicing has adequate regard to traffic, site safety and residential amenities, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
20. To encourage the use of cycles as a sustainable means of travel, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).
21. To limit the number of access points to, and to maintain the proper construction of the highway, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).
22. To ensure appropriate and not excessive lighting, having regard to the amenity of the local area, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

In addition to the above conditions Members requested that a note be added to the permission requesting that the applicant consider installing further electric charging points adjacent to the coffee shop; and also that they consider the proximity and invasive nature of Japanese Knotweed on the nearby railway embankment.

<p>40. APP/2018/0376 - Phase 4 Station Road Development, Station Road</p>
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Minor Material Amendment to Planning permission APP/2014/0151 as amended by APP/2018/0273 in respect of variation of layout and house types (Condition 14 - approved plans); and Variation of Condition 6 (materials); 7 (landscaping); tree protection); 10 (surface water drainage); 11 (contamination); 12 affordable housing); 13 (public open space).

Phase 4 Station Road development Padiham Burnley

Decision: That planning permission be granted subject to the following conditions.

Conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans Planning site boundaries, drg.no. 1771-02 rev3; Phasing plan, drg.no. 1771-101 rev3; and Illustrative Masterplan, drg.no. 1771-103 rev 3; Materials Schedule; Tree Retention, Protection and Removals Plan received 25 Jul 18.

Street Elevations drg.no. 1771-104 rev3; Site Plan drg.no. 1771-105 rev5; Ground floor Site Layout, drg.no. 1771-106 rev 5; First floor site layout, drg.no.1771-107 rev5; Roof site plan drg.no. 1771-108 rev5; Landscape Plan, drg. no. 1771- 109 rev 5; House types drg nos 115, 116, 120, 121, 125 and 126 received 29 Aug 18.

Drainage Layout Plan SPB-AJP-XX-00-DR-C-1000 revP1 received 11 Sep18.

2. Unless otherwise approved in writing by the local planning authority, all works and ancillary operations in connection with the construction of the development, including the use of any equipment or deliveries to the site shall be carried out

only between 0800 hours and 1700 hours on Mondays to Fridays; between 0800 hours and 1300 hours on Saturdays; and at no time on Sundays, Bank Holidays or Public Holidays.

3. The materials to be used in the development of Phase 4 shall be in strict accordance with the approved Materials Schedule (Ainsley Gommon Architects June 18) received 25 July 2018 unless otherwise approved in writing by the Local Planning Authority.
4. The landscaping details shall be carried out in full accordance with Drg.No. 1771-109 rev 5 received 29 August 2018, prior to the occupation of the development, to the satisfaction of the local planning authority.
5. The approved tree protection measures as set out on the Tree Retention, Protection and Removals Plan (drg.3116 101 received 25 Jul 18) shall be adhered to during the construction of the development.
6. The approved Drainage Plan (drawing no. SPX-AJP-XX-00-DR-C-100 P1) received 11 September 18 shall be implemented prior to the first occupation of the dwellings on Phase 4 of the development.
7. Provision shall be made for affordable housing in accordance with Policy HS2 of Burnley's Local Plan (adopted July 18). This shall be provided on site as part of Phase 4 of the development or delivered off-site in accordance with a scheme to be submitted to and approved in writing by the local planning authority, unless a sufficiently robust justification is submitted to demonstrate that such delivery is not a viable option.
8. Prior to first occupation of the development hereby approved a verification plan in respect of the contamination remediation measures on the site, providing details of the data that will be collected in order to demonstrate that the works identified are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be submitted to and approved in writing by the local planning authority before any of the houses are first occupied. Any changes to these components require the express written consent of the local planning authority.
9. Public Open Space requirement in respect of the development hereby approved shall be delivered by the developer, in accordance with the terms of the previous approved Unilateral Undertaking, pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) under planning application APP/2010/0713, given by Renaissance (Padiham) Limited and dated 7 March 2011.
10. Insofar as in relates to Phase 4, the development permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (reference 1801/DRS001/Rev4 dated 4/4/14) for the site and the following mitigation measures:
The mitigation measures outlined in the report shall be fully implemented prior to occupation of any of the dwellings and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be approved in writing by the local planning authority.

Reasons

1. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
2. To safeguard the amenities of the neighbouring residents having regard to Policy NE5 of Burnley's Local Plan adopted July 18.
3. To ensure a satisfactory development which harmonises with its surroundings, in the interests of visual amenity.
4. To ensure that the landscaping works contribute to a satisfactory standard of completed development and the long term appearance of the site harmonises with its surroundings.
5. In order to protect ensure that the vegetation on the site is adequately protected in the interests of visual amenity
6. To ensure that appropriate drainage is provided to the development.
7. Having regard to Policy HS2 of Burnley's Local Plan (adopted July 18) to ensure appropriate provision of affordable housing in the Borough.
8. To ensure that all risks posed the contamination of the site have been adequately assessed and dealt with.
- 9 To ensure that appropriate provision is made for public open space relating to the site having regard to Policy HS4 of Burnley's Local Plan adopted July 2018.
10. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site having regard to Burnley's Local Plan adopted August 2018).

41. APP/2018/0304 - Carlton Road, Burnley
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**Full Planning Application
Proposed conversion of dwelling into 3no. apartments
25 CARLTON ROAD BURNLEY**

Decision: That planning permission be granted subject to the following conditions

Conditions:

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 01 (1:1250 location plan), 05B, 06, 07B and 08, received on 27 June 2018.

3. No apartment shall be first occupied until its associated off-street parking provision of a minimum of two parking spaces for Apartment 1 (ground floor) and a minimum of one car parking space for each of Apartments 2 and 3 (first floor) have been constructed and are available for use in accordance with the approved plans. The approved car parking spaces shall be retained at all times for purposes of car parking.
4. No apartment shall be first occupied until its associated refuse and recycling storage has been provided and is available for use, as indicated on the approved plans. The approved bin and refuse storage provision shall be retained for the purposes of each apartment at all times.
5. No apartment shall be first occupied until a scheme of soundproofing to protect against internally generated noise has been carried out and completed in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority.
6. No construction work shall take place on the development hereby approved outside the hours of 8am to 6pm Monday to Friday and from 8am to 1pm on Saturday and shall not take place at all on Sundays and Bank Holidays.

Reasons:

1. 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. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. To ensure adequate off-street parking, in the interests of highway safety and street amenity, in accordance with Policy IC3 of Burnley's Local Plan (July 2018).
4. To ensure adequate refuse and recycling storage away from public views, in the interests of visual amenity, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
5. To provide adequate levels of amenity for the adjoining property and future occupiers, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
6. To protect the amenities of nearby residents, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

42. APP/2018/0392 - Market Hall, Curzon Street, Burnley
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Regulation 3 Application
Proposed 3no. extract flues to Market Hall roof

MARKET HALL CURZON STREET BURNLEY

Decision: That planning permission be granted subject to the following conditions

Conditions:

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 Location plan, 1:500 Site plan, BMH 01/01 and BMH 01/02 received 14th August 2018.
3. The approved extract ventilation system and odour control equipment indicated on the above drawings shall be maintained in good working order at all times. The extract ducting shall be removed as soon as possible when no longer required.

Reasons:

1. 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. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. To protect the surrounding environment, including occupiers of nearby premises, from nuisance from cooking odours.

43. Decisions taken under the Scheme of Delegation

Members received for information a list of decision taken under delegation for the period 11/06/18 to 02/09/18

44. Appeals and Other Decisions

Members received for information the outcome of an appeal in relation to:

APP/2016/0427 Appeal against the refusal of planning permission for the development of the land as a traveller site, the siting of 5 static caravan pitches and erection of one new dwelling.

Land at Spa Wood Farm, Billington Road, Burnley

The Inspector considered the main issues to be:

Regarding the gypsy and traveller site:

1. whether or not the site is reasonably located in relation to services and facilities;
2. whether the proposal is acceptable in highway safety terms
3. any other matters in support of the proposal including, the general need for, and provision of, gypsy and traveller sites in the area.

The site is currently in a lawful use as a traveller site for 6 mobile homes. It is occupied by the Appellant, his wife and his extended family, as well as his adult children and their dependents. The appeal site comprises a rectangular area of land located to the south-west of Burnley town centre, just outside the smaller settlement of Hapton.

Local Plan policy H16 confirms that where there is an identified need for sites. Three proposals for gypsy and traveller sites will be permitted where a number of criteria are satisfied. The Council accepts that it has an identified need for sites and that the appeal site is suitable for its intended use and can provide acceptable living conditions. It is also located relatively close to shops, schools and other facilities both in Hapton and in Burnley town centre which is approximately 1.6 km away. The site is well designed and landscaped and contained by mature boundary planting such that the Inspector was satisfied it causes no material harm to landscape character.

The only contentious issue in relation to the criteria in policy H16 is the question of the suitability of the access road to the site, as raised by a number of local residents and others. The site is accessed via Billington Road which runs off the main road and through an industrial estate before becoming an unmade track running into the rural area beyond. The unmade private track comprises a section of approximately 900 metres which runs to the site entrance and which also serves a handful of other residential developments and farms in the vicinity.

In addition a public footpath route runs along the unmade track which is single width and is rutted and uneven along its surface. Any vehicle travelling along the track must proceed at low speeds due to the uneven surface. The track is located in a wide and open landscape such that any walkers proceeding along its length would have ample notice of vehicles proceeding in either direction along the track and would have the opportunity to step aside on the grass verges which line it.

The mobile homes are permanent structures and the touring caravans are smaller units which would move onto and off the site. The track serves the appeal site and a small number of other agricultural and equestrian uses. As such, it is already used by a handful of properties and of course there is the now lawful established use of the site for 5 gypsy pitches.

Therefore it is evident that the appeal proposal would not materially increase the use of the access road over and above the current level of use. The Inspector noted that the Highways Authority, Lancashire County Council, did not raise any objections to the proposal.

Having regard to all of the above matters, the Inspector was satisfied that the appeal proposal is satisfactory in highway terms and concluded that the gypsy and traveller element of the appeal proposal is in conformity with Local Plan policy H16 given that all of the criteria are satisfied.

The National Planning Policy Framework (the Framework) identifies one of the core principles of the planning system as recognising the intrinsic character and beauty of the countryside. The Framework advises that it should be read in conjunction with the PPTS which explains how gypsy and traveller accommodation needs should be assessed, and sets out relevant policies and criteria for considering such proposals. Policy C of the PPTS advises that the scale of development in rural areas should not dominate the nearest settled community. There is no suggestion that this would be the case here.

Paragraph 25 of the PPTS directs authorities to very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Two points are relevant here: firstly the proposal would not represent new traveller site development given that there is an established lawful use as a traveller site. Secondly, whilst the site is in the open countryside, the Inspector did not consider it to be remote or 'away from existing settlements'.

The general need for sites

The Framework advises that it should be read in conjunction with the PPTS which explains how gypsy and traveller accommodation needs should be assessed, and sets out relevant policies and criteria for considering such proposals. Policy B of the PPTS requires local planning authorities, in preparing local plans, to set targets which address the likely permanent and transit site accommodation needs of gypsies and travellers in their area. Local planning authorities are encouraged to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets, whilst protecting local amenity and the environment.

The Council accepts that it does not currently have a five year supply of gypsy and traveller sites. It is already noted that the emerging LP now relies upon a commitment to produce a Site Allocations DPD in relation to gypsy and traveller site provision. Paragraph 25 of the PPTS provides that where a Council cannot demonstrate an up-to-date five year supply of sites, this should be a significant material consideration when considering applications for the grant of temporary planning permission. In this case, the Inspector concluded that the Council does not have a five year supply. In the first instance the Appellant is seeking a permanent planning permission. In these circumstances, she considered that the lack of a five year supply and the general unmet need attracts moderate weight in support of a permanent permission.

In relation to the consideration of a permanent planning permission, she found that the proposal would be contrary to LP policies H1 and H2 which seek to control development in the open countryside. However the policies predate the Framework and PPTS and are now somewhat dated. It is noted that PPTS confirms that rural sites should respect the scale of, and not dominate, the nearest settled community as well as avoiding placing an undue pressure on local infrastructure. For all of these reasons The Inspector attached limited weight to the harm by virtue of the contravention of these policies.

The site is in a relatively accessible location with regard to the distance to services. There is also an accepted current general, unmet need for sites, to which she attributed moderate weight. In addition the 2018 LDC and existing use of the site is a significant material consideration. In coming to an overall conclusion she found that the limited harm identified is not outweighed by the other factors in support of the grant of a permanent planning permission in relation to the gypsy and traveller site component of the appeal.

Regarding the new dwelling:

4. Whether the new development is acceptable, having regard to national plan policies in relation to new dwellings in the open countryside.
5. Whether or not the new dwelling is acceptable having regard to highway safety considerations.

As a new dwelling in the rural area it does not fit within any of the categories listed in Local Plan policy GP2. It is therefore contrary to this policy.

Paragraph 55 of the Framework sets out criteria for the assessment of new houses in rural areas and cautions against allowing isolated new homes in the countryside unless there are special circumstances. The Inspector bore in mind that the Council has accepted that the appeal site constitutes previously developed land and there is the established residential use as a gypsy and traveller site conferred by the 2018 LDC.

The new dwelling would not be isolated and would complement the existing residential use. It would sit within a well-screened site and would cause no material harm to landscape character. She had already concluded that the site is in a relatively accessible location, with local services and facilities nearby. Having regard to all of these matters she was satisfied that the special circumstances required by paragraph 55 are met. Whilst the proposal for a new dwelling is contrary to LP policies she concluded that the proposal would be in conformity with this later national policy.

The appeal proposal in combination would result in 5 mobile homes, 5 touring caravans and one modest new dwelling. There is already an established residential use for 6 mobile homes. The difference in traffic generation terms, between what is already established as lawful and what is proposed, would in the Inspector's view be negligible. As such she concluded that the proposal would be acceptable in highway terms.

Other matters

In respect of the concerns raised about flooding around the small bridge over a watercourse which sits at the end of Billington Road at the entrance to the countryside, she already concluded that the appeal proposal would not generate materially more traffic than that which is generated by the existing lawful use.

She appreciated that the local plan process is the mechanism by which future gypsy and traveller sites will come forward but that is some time in the future.

The Inspector has assessed the proposal against the current policy framework and light of the existing lawful use and other material considerations.

She has read other concerns about poor levels of water pressure and the ability of existing infrastructure to cope with the proposal. Again, having regard to the existing lawful use I am satisfied that the proposal would not materially increase demands on these services.

Appeal Decision –

The appeal was allowed and planning permission was granted subject to conditions as set out at the end of this report.

Approximate cost of appeal: £7,100.00

Gypsy and traveller site

- 1) The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 to the Planning Policy for Traveller Sites.
- 2) There shall be no more than 5 pitches on the site and on each of the 5 pitches hereby approved no more than two caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed at any time of which only one caravan shall be a residential mobile home.
- 3) There shall be no burning of waste or other materials on the site.
- 4) There shall be no external lighting on the site (whether affixed or freestanding) unless details of any such lighting have been previously submitted to and approved in writing by the Local Planning Authority.
- 5) No commercial activities shall take place on the land, including the storage of materials or plant relating to any commercial activity.
- 6) No more than one commercial vehicle per plot shall be kept on the land for use by the occupiers of the caravans hereby permitted, and they shall not exceed 3.5 tonnes in weight.

The new dwelling

- 7) The development in relation to the new dwelling must be begun within two years of the date of this decision.
- 8) The development shall be carried out in accordance with the following approved plans: site location plan, existing site plan, proposed site plan dated January 2017 drawing number 3A, proposed elevations and floor plan dated January 2017 drawing number 4A.
- 9) No development in relation to the new dwelling shall commence until such time as the structure described on the existing site plan as 'Main dwelling' has been removed in its entirety from the site.
- 10) No works of demolition or construction in connection with the new dwelling shall take place outside the hours of 0800 hours to 1800 hours Mondays to Fridays inclusive; 0800 hours to 1300 on Saturdays and there shall be no works on Sundays, Public Holidays and Bank Holidays.
- 11) Prior to the commencement of development on the new dwelling details of the external materials to be used in the external faces of the new dwellings shall be

submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details.

12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no development within Classes A, B, E or F of Part 1, of Schedule 2 of that Order shall be carried out in relation to the dwelling hereby permitted.

13) No development in relation to the new dwelling hereby permitted shall take place until drainage plans for the disposal of surface water and foul sewage in accordance with paragraph 20 of the Planning Practice Guidance have been submitted to and approved in writing by the Local Planning Authority.