

Application Recommended for Delegation

APP/2008/0376

Cliviger with Worsthorne Ward

Full Planning Application

Proposal for 9 lodge/caravan units including 1 wardens unit (accessed from Buttermere Road) (re-submission of APP/2006/0665)

LAND AT BROWNSIDE FARM BROWNSIDE ROAD WORSTHORNE-WITH-HURSTWOOD

Background:

A planning application for 17 static caravans on this site was refused in January 2007. The applicant appealed against this decision and the appeal was dismissed on the grounds of inadequate access and unacceptable effect on the landscape. The applicant has attempted to overcome these two issues by reducing the number of units and changing the access arrangements, and has re-submitted an amended application.

Objections and letters of support have been received.

Summary of Reason for Recommendation:

The development is generally in accordance with the Development Plan, in particular the policies listed below, and there are no other material considerations to indicate that planning permission should not be granted:

Relevant Policies:

Burnley Local Plan Second Review

CF20 - Caravan and camping sites

E16 - Areas of traditional construction

E27 - Landscape, character and local distinctiveness in Rural Areas and Green Belt

E3 - Wildlife links and corridors

E4 - Protection of other features of ecological value

E5 - Species protection

E6 - Trees, hedgerows and woodlands

E7 - Water bodies and water courses

E8 - Development and flood risk

E9 - Groundwater resources

EW3 - New Leisure, Tourist, Arts and Cultural Development Outside Town Centres

GP1 - Development within the Urban Boundary

GP2 - Development in the Rural Areas

Policy 19 - Tourism development

PPS1 - Delivering sustainable development

PPS7 - Sustainable Development Rural Areas

PPS25 – Development and Flood Risk

Site History:

APP/2006/0665 – Proposed static holiday caravan park for 17 units – Refused.

Appeal - dismissed

Consultation Responses:

1. 22 individual letters objecting on the following grounds:
 - Increased congestion and danger to pedestrians and traffic safety due to use of Buttermere and Thirlmere Roads
 - Access to nearby tourist facilities is poor
 - The minor changes made do not overcome the previous reasons for refusal
 - Detrimental impact on the wildlife corridor
 - Lack of evidence of need for the development

2. 67 copies of a standard letter objecting on the following grounds:
 - Proposal is contrary to national & local policy which aims to strictly control development in rural areas
 - Unsafe, inappropriate access arrangements
 - Adverse impact on the wildlife corridor
 - Detrimental effect on wide range of species
 - Fails to comply with policies E27 and CF20 (see policies above) and would result in significant visual, light and noise impact on residents and wildlife
 - Contrary to efforts to regenerate Burnley
 - No evidence of need has been demonstrated
 - Location is not sustainable, being away from local facilities and good public transport routes

(One person has since withdrawn his objection)

3. 57 letters of support stating the following:
 - The development is smaller than the original scheme and is eco friendly with natural timber frames and grass roofs
 - Tree planting will enhance the area
 - No problems with access
 - Will boost economy of the area
 - The site is close to local facilities
 - Will provide inexpensive accommodation

4. Burnley Civic Society – objects on the grounds that the development is an unnecessary intrusion into the countryside and that the proposed access along Buttermere and other roads is unfair to residents of those quiet roads.

5. Brun Valley Association – object to the proposal

6. Highway Authority (Lancashire County Council) – raise no objection subject to conditions being attached requiring all access to be via Buttermere Road, a scheme for the site access to be submitted and no development to start until the site access has been constructed.

7. Environmental Protection team:
Request conditions relating to hours of construction work and deliveries.

8. Environment Agency – initially objected to the application on the grounds that the Flood Risk Assessment submitted was out of date and because the bridge, as shown, would act as an obstruction to river flows. A new FRA has been submitted and the EA have confirmed that they are now satisfied with most of the information provided regarding flood risk, but **still maintain their objection relating to the design of the bridge across the river.** (*The applicant is aiming to address this in time for the committee meeting*).
9. Worsthorne with Hurstwood Parish Council – object on the grounds that they feel the use is inappropriate to a rural area, would severely impact on the important wildlife corridor, the access to Buttermere Road is inappropriate, and the emergency exit to Brownside Road would become the entry/exit.

Planning and Environmental Considerations:

Policy CF20, although relating to touring caravans and camp-sites is equally relevant to this proposal. It states that caravan parks will be permitted where a proposal meets several criteria, e.g. that it relates sensitively to its surroundings, does not affect residential amenity, traffic safety or wildlife or cause drainage or flooding problems.

The main planning considerations therefore **are impact on the landscape and on nearby residents, highways and access, flooding, wildlife, and the previous appeal decision.**

Previous appeal decision

The previous planning application was refused by your committee and the decision was upheld on appeal. That appeal decision is a material consideration in the determination of the current application. On that occasion, the Inspector commented that a static holiday caravan park was, in principle, an appropriate use in the rural area. He considered the appeal raised four main issues:

- a) the effect of the access onto Red Lees Road on highway safety;
- b) the effect of the design, appearance and layout of the caravans on the landscape;
- c) the effect on occupants of Buttermere Road and Thirlmere Road in terms of noise, vibration and disturbance; and
- d) the effect of the scheme on the aim of achieving sustainable development.

He concluded that the appeal should fail on a) and b), but considered that in assessing c) and d) the proposal met local plan policies.

Although the scheme has now been amended to remove the access to Red Lees Road, thus directing all traffic along Thirlmere and Buttermere Roads (the previous scheme proposed a one-way system with traffic entering the site from Red Lees Road and leaving via Buttermere Road) the number of units proposed has been reduced by half so the number of vehicle movements along Buttermere Road will be similar to the number involved in the previous application.

Concerns have been raised by residents about the effect on wildlife in the vicinity. However, the Inspector did not consider this to be a significant issue and nothing has changed as a result of the new application. Conditions can be attached to ensure wildlife habitats are protected.

As the Inspector was satisfied with the issues at c) and d) above, and did not consider the effect on wildlife to raise any significant issues, it would be inappropriate to refuse the current application on any of these grounds. The two remaining issues therefore are **access** and **effect on the landscape**.

Access

As mentioned above, one of the reasons for dismissal of the appeal was that the Inspector considered the access from Red Lees Road to be dangerous as it was likely to lead to vehicles reversing onto Red Lees Road or waiting on the highway for traffic to leave the track. There was also a potential conflict between vehicles entering the application site and pedestrians using the track.

This access arrangement has now been removed from the application and all access and egress will be via Buttermere Road. Although several objections have been received to this part of the proposal, the Highway Authority does not consider there to be any highway safety implications and, as referred to above, the Inspector at appeal was satisfied with the use of Buttermere Road for the number of vehicle movements involved.

Effect on Landscape

In the previous application, 17 caravans were proposed on this flat site adjacent to the river. The Inspector in the appeal accepted that they would be located on the valley floor and their low lying position, combined with the presence of nearby trees, meant that they would not be a prominent feature in views from nearby public vantage points, but would be visible from surrounding dwellings and gardens. He considered they would have a significant effect on the undeveloped nature of the rural area, particularly as the 17 caravans were closely spaced and arranged around a central access road. In addition, he raised concerns about the design being at odds with local buildings, which were traditionally stone/slate, 2-storey, with steeply pitched roofs.

To overcome these concerns, the applicants have reduced the number of units from 17 to 9 removing those that were to be situated in the flat open area adjacent to the river. They have also amended the layout of the remaining units to create a more random effect, rather than the regimented layout proposed before, using the position of existing trees to screen the buildings wherever possible. Additional tree planting will also be carried out between the buildings and the river. In addition, to minimise the impact on the landscape, the proposal involves simple timber chalets with a sedum roof to blend more readily into the landscape.

Flooding

As national planning policy (PPS25) had changed since the previous application was submitted, a revised Flood Risk Assessment was required to address the requirements of the new policy. The Environment Agency initially objected on the basis of inadequate information in the FRA, but following the submission of further information is now satisfied that the proposal will not unacceptably increase the risk of flooding and that satisfactory measures can be put in place to minimise the risk to occupants of the cabins. However, they have advised that they would object to any bridge over the river that included supports within the river channel. A new bridge

design has been submitted and forward to the EA for comments. At the time of writing they have advised verbally that it appears to be acceptable, but needs to be checked by their engineer before they can withdraw their objection.

Conclusion

In reaching the decision on the appeal, the Inspector accepted the principle of a caravan park on this land, but rejected the proposal on the grounds of highway safety and impact on the landscape. These issues have now been overcome by amendments to the scheme as discussed above.

Recommendation: That subject to the Environment Agency confirming their agreement to the bridge details, the Head of Planning & Environment Services be delegated to approve the application, subject to the following conditions and any additional conditions required by the Environment Agency:

Conditions:

1. The development must be begun within three years of the date of this decision.
2. No part of the development hereby approved shall start until a scheme for the construction of the site access at Buttermere Road has been submitted to and approved in writing by the Local planning Authority, in consultation with the Highway Authority.
3. NO lodge shall be sited on the land, and NO base, hard surface, or any water supply, drainage or sewerage equipment or pipes shall be installed on the land (in connection with the development hereby granted) BEFORE the vehicular access scheme referred to in Condition 2 has been implemented as approved for the purposes of that Condition. The vehicular access scheme shall be retained as implemented at all times that any lodge is occupied or available for occupation.
4. All access/egress in connection with the development hereby approved shall be via Buttermere Road and the proposed field gate on the track above Buttermere Road, shown on the approved drawing, shall be kept locked at all times when not in use for access to nearby agricultural land.
5. Before any unit is first occupied the footpath shown on the approved plan between the site and Brownside Road shall be provided to a minimum width of 1.5m. The path shall be retained thereafter at all times for use in connection with occupation of the lodges.
6. Occupation and use of the lodges and the application site shall be as follows:
 - (a) The lodges shall only be occupied for holiday purposes; and,
 - (b) The lodges shall not be occupied as any person's sole, or main place of residence; and,
 - (c) The operators of the site shall maintain an up-to-date register of the names of all occupiers of any lodge on the site, and their main home address, and shall make this information available for inspection by the Local Planning Authority (for the purposes of verification of occupation

as prescribed by this Condition ONLY) at all reasonable times; EXCEPT THAT

- (d) One unit only may be used for the accommodation of a Site Warden or other person or persons employed in the management, supervision, maintenance or upkeep of the site. The site of that unit shall be identified to and confirmed in writing by the Local Planning Authority before the start of any such use, and if such use ceases that unit shall be occupied in accordance with parts (a), (b) and (c) of this Condition.
7. Not more than 9 lodge/cabin units shall be sited on the land at any one time unless a further planning permission is sought and granted.
8. Notwithstanding the details of the cabins submitted in the application, full details of their external appearance (including colour and texture of external materials), size, siting and height above existing ground level shall be submitted to and approved in writing by the Local Planning Authority before the start of any development. The cabins shall ONLY be installed on the site in accordance with the approved details.
9. No development shall be started before a scheme for the provision and implementation of a surface water regulation system attenuating surface water run-off to existing rates has been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The scheme shall be carried out as approved before any caravan sited under this permission is first occupied.
10. Full details of a scheme for the foul water drainage of the caravan site (including the siting, design and external appearance of the proposed drainage pumping station) shall be submitted to and approved in writing by the Local Planning Authority before construction thereof. The scheme shall be implemented as approved before any caravan is first occupied.
11. The proposed bridge across the River Brun shall be constructed in accordance with the approved details shown in drawing no MY/04 Dwg 02 before any of the lodges are first installed or constructed.
12. A Plan of Action in Case of Flooding in accordance with a scheme having the prior written approval of the Local Planning Authority in consultation with the Environment Agency shall be operative at all times that any caravan on the site is occupied or available for occupation.
13. Before the start of any development a wildlife and habitat protection scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved before any caravan is first occupied and any the measures shall be retained as implemented at all times that any lodge is occupied or available for occupation.
14. A landscape scheme shall be submitted to and approved in writing by the Local planning Authority before the start of any development. The scheme shall include a survey of existing trees, specifying those to be retained; and, details of: the position and species (which shall be selected from the range of locally common and naturalised species) of trees and shrubs to be planted; fencing

and boundary treatment including the boundaries of access roads/tracks/footpaths provided in connection with the development; hard surfacing (including surfacing of tracks and footpaths); lighting (including intensity, angle of luminance and period of operation); signage; and any above ground plant, cables and equipment. The landscape scheme shall be implemented as approved before any caravan is first occupied.

15. Full details of the siting, design and external appearance of any store for liquid petroleum gas containers shall be submitted to and approved in writing by the Local Planning Authority before construction thereof.
16. No construction work, or delivery of goods or materials in connection with either the construction or use of the lodge park, shall take place outside the hours of 0800 to 1800 on weekdays and Saturdays, and not at all on Sundays.

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. In the interests of highway safety and the amenities of residents close to the access to the development.
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4. To prevent direct access to/from Red Lees Road/Brunshaw Road in the interests of highway safety.
5. To enable ease of access to public transport and encourage modes of transport other than the private car, in accordance with Policies TM6 and TM7 of the Burnley Local Plan Second Review.
6. To ensure that the caravan site is occupied only as holiday accommodation, in accordance with Policy GP2 of the Burnley Local Plan Second Review and Policy 19 of the Joint Lancashire Structure Plan.
7. To enable control over the amount of development for which permission is hereby granted, for the avoidance of future doubt, in accordance with Policy 19 of the Joint Lancashire Structure Plan.
8. To ensure that the finished caravan site has minimal visual impact on the character of the rural landscape, in accordance with Policy E27 of the Burnley Local Plan Second Review.
9. To minimise any increase in flooding, in accordance with Policy E8 of the Burnley Local Plan Second Review.
10. To ensure that provision is made for drainage of the caravan site, and that the building has minimal visual impact on the character of the rural landscape, in

accordance with Policies GP7 and E27 of the Burnley Local Plan Second Review.

11. To ensure that considerations of visual amenity, wildlife habitats and flood risk are considered in design and siting of the bridge.
12. In the interests of safety of occupiers of the site.
13. To ensure that proper provision is made to safeguard wildlife and habitats in accordance with Policies E3 and E5 of Burnley Local Plan Second Review.
14. To ensure that the land remains generally in character with the rural landscape, in accordance with policies CF20 and E27 of the Burnley Local Plan, Second Review.
15. To ensure that the structure has minimal visual impact on the character of the rural landscape, in accordance with Policy E27 of the Burnley Local Plan Second Review.
16. To protect the amenity of nearby residents, in accordance with policy CF20 of the Burnley Local Plan, Second Review.

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