

Development Control Committee
Meeting to be held on 19 July 2023

Electoral Division affected:
Nelson East

Pendle Borough: application number LCC/2022/0008

**Erection of 2.3m high wooden fence to the layby along land and road boundary behind the existing railings.
Southfield Lane Layby, Southfield Lane, Catlow nr Nelson**

Contact for further information:
Jonathan Haine, 01772 534130, Head of Development Control
Devman@lancashire.gov.uk

Executive Summary

Application - Erection of 2.3m high wooden fence to the layby along land and road boundary behind the existing railings.

Southfield Lane Layby, Southfield Lane, Catlow nr Nelson.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling time limits, working programme and protection of vegetation.

Applicant's Proposal

The application is for the erection of 86 metres of 2.3m high wooden slatted fencing.

Description and Location of Site

The proposed fencing would be located alongside the western side of Southfield Lane in Southfield, 2.5km south east of Nelson town centre. Southfield Lane is an unclassified road. The proposed fencing would be located to the rear of a layby area alongside the north bound carriageway of Southfield Lane and alongside the highway for a short distance to the north and south.

Land on either side of Southfield Lane is comprised of land that has previously been quarried for stone and has now regenerated following filling and reclamation works. There are residential properties located off Southfield Lane approximately 20 metres to the north of the proposed fence alignment.

The application site is located within a conservation area.

Background

History: There is no relevant planning history.

Planning Policy

National Planning Policy Framework (NPPF): The following paragraphs are considered particularly relevant to this application: 8-11 (presumption in favour of sustainable development), 130 (design), 199–207 (heritage assets).

Pendle Local Plan Core Strategy

Policy SDP1 Presumption in Favour of Sustainable Development
Policy ENV1 Protecting and Enhancing Our Natural and Historic Environments
Policy ENV2 Achieving Quality in Design and Conservation

Consultations

Pendle Borough Council: No comments to make.

Nelson Town Council: No observations received.

Lancashire County Council (LCC) Highways Development Control: No objection.

Representations – The application has been advertised by press and site notice and neighbouring residents informed by individual letter. One representation has been received making the following comments:

- The fencing will not relieve the problem of fly tipping and the fencing is out of character with the conservation area.
- There should be consideration of more sensitive materials.
- What is the reason for continuing the fence to the north? There is no layby in this location where fly tipping occurs. It would be better if the existing fence in this area was repaired.
- How will the new fence affect access to an area of land that is required for access to a septic tank?

Advice

The application is for a new length of fencing alongside part of Southfield Lane near Nelson. The County Council owns the land on the western side of the lane as it formed part of a former land reclamation site following quarrying and tipping operations.

On the western side of Southfield Lane is a layby. There are frequent incidents of fly tipping where tipped waste is either deposited in the layby or thrown onto the County Council owned land. At present there is only a low and very old fence to the rear of



the layby which present no deterrent to fly tippers. The application is therefore for a new higher fence to reduce the incidence of waste being thrown onto the Council's land and associated costs of clearance.

The main issue relates to the visual impact of the fencing given the location within the countryside and in a conservation area.

Policy ENV1 of the Pendle Core Strategy concerns protection and enhancement of natural and historic environments. In relation to historic environments, the policy requires that the significance of a heritage asset should not be harmed or lost without clear and convincing justification. Policy ENV2 of the Pendle Core Strategy concerns design quality. It requires that proposals make a contribution to sense of place and make a positive contribution to the historic environment and local identity and character. Proposals should have high standards of design using materials appropriate to the setting.

The application originally proposed the erection of 2.4m high steel mesh fencing. However, it was considered that this design, whilst providing a high degree of security, would have an overly industrial appearance in this rural location within a conservation area. The application has therefore been modified to propose a 2.3m high slatted timber fence around the rear of the layby with a post and rail fence to the north to replace the existing dilapidated metal railings. It is considered that this fencing design and materials would be more acceptable in this location. Along some parts of the current fence alignment are small trees and other vegetation. If the new fence is installed on the same alignment, the existing vegetation can be retained which will help to minimise the visual impacts of the development. This matter can be the subject of a planning condition. Subject to a condition relating to vegetation protection, it is considered that the proposal would have no impact on the character of the conservation area and complies with policies ENV1 and ENV2 of the Pendle Core Strategy.

The fencing would contain a pedestrian access gate to permit access to the land to the side of the layby and would not restrict access to any private septic tank any more than the current fencing.

In view of the location, scale, and nature of the development, it is considered that no Convention Rights set out in the Human Rights Act 1998 would be affected.

Recommendation

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

Time Limits

1. The development shall commence not later than 3 years from the date of this permission.

Reason: Imposed pursuant to Section 91 (1)(a) of the Town and Country Planning Act 1990.



Working Programme

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:
 - a) The Planning Application and supporting statement received by the County Planning Authority on 4 May 2021 as modified by the email from Richard McCann dated 2 May 2023.
 - b) Submitted Plans and documents.

Unreferenced application plan dated 26 April 2023.

Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with policies ENV1 and ENV2 of the Pendle Core Strategy.

3. The fencing shall only be installed on the alignment shown in red and blue on the unreferenced plan dated 26 April 2023.

Reason: In the interests of the visual amenities of the area and to conform with Policies ENV1 and ENV2 of the Pendle Core Strategy.

4. No trees shall be removed in order to install the fencing.

Reason: In the interests of the visual amenities of the area and to conform with policies ENV 1 and ENV 2 of the Pendle Core Strategy.

Local Government (Access to Information) Act 1985 List of Background Papers

Paper	Date	Contact/Directorate/Ext
LCC/2022/0008	July 2023	Jonathan Haine Planning and Environment 01772 534130

Reason for Inclusion in Part II, if appropriate

N/A

