

REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

TO: WEST CRAVEN COMMITTEE

DATE: 28 MARCH 2017

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO WEST CRAVEN COMMITTEE ON 28 MARCH 2017

Application Ref: 16/0653/FUL

Proposal: Full: Major: Change of use from grazing land to accommodate 24 residential mobile homes (C3) with associated access road, parking areas and infrastructure.

At: Dalesview Caravan Park, Salterforth

On behalf of: Dales View Park Ltd

Date Registered: 6 January 2017

Expiry Date: 7 April 2017

Case Officer: Lee Greenwood

Site Description and Proposal

This application is brought to Committee as a Major development and relates to a broadly triangular plot of land, circa 0.98 hectares in size, to the north east of the existing residential park off Higher Lane.

The proposal seeks to extend the existing park in to this area, continuing the estate road and siting a further 24 homes on the land. The site is outside the settlement boundary and designated as open countryside in the Local Plan.

Some remodelling and earthworks are proposed to facilitate the development, which will be discussed in more detail below.

Relevant Planning History

N/A

Consultee Response

LCC Highways; no objections in principle, providing the sight lines onto Higher Lane are improved in the interest of highway safety.

The proposed development will increase the current capacity of the site from 115 pitches to 139 pitches. The additional pitches will be accessed from the existing site access at the south of the site with Higher Lane. Higher Lane is classified as the B6251 and is categorised as a Secondary Distributor road with a speed limit of 50mph passing the site access. The site is also used for the storage of mobile caravans and a riding centre.

The Lancashire County Council data base for injury related incidents on the highway was checked on the 22nd February 2017. The data base indicates there have not been any collisions within 500m of the site access.

As part of the planning application the applicant has provided transport statement from CoDa Transportation dated the 1st December 2016. The Highway Development Control Section agrees with report that there is sufficient capacity on the existing highway network and the overall development would not have a significant impact on highway capacity.

The Highway Development Control Section is of the opinion that the sight lines at the site access are inadequate for the increased vehicle movements expected from the site and for the existing capacity of the site.

The CoDa Transport Statement has included an acceptable speed survey for vehicles passing the site and this is comparative to a traffic survey carried out by Lancashire County Council for a full week in May 2012.

The guidelines from TA 22/81 allow a 2.5mph (4kmph) reduction in the dry road conditions recorded speeds compared to wet road conditions.

Using the survey details from the CoDa Transport Statement the 85th percentile speeds in a norther direction are (33.4mph – 2.5mph) 30.9mph and south bound direction are (38.5mph - 2.5mph) 36mph.

The sight lines of 2.4 x 45m to be provided in a southern direction from the centre of the site access onto Higher Lane. The site line requirement is based on table 7.1 from Manual for Streets and the wet road 85th percentile speed of 30.9 mph.

The sight lines of 2.4 x 55m to be provided in a norther direction from the centre of the site access onto Higher Lane. The site line requirement is based on table 7.1 from Manual for Streets and the wet road 85th percentile speed of 36 mph.

The calculations for the sight lines have been attached at the end of this report.

From Manual for Streets clause 7.7.7 "A minimum figure of 2m may be considered in some very lightly-trafficked and slow-speed situations, but using this value will mean that the front of some vehicles will protrude slightly into the running carriageway of the major arm. The ability of drivers and cyclists to see this overhang from a reasonable distance, and to manoeuvre around it without undue difficulty, should be considered".

The Highway Development Control Section is of the opinion that the carriageway width of Higher Lane is also narrow meaning approaching vehicles do not have sufficient carriageway to move out without crossing the carriageway centre line and the speeds fronting the access are not slow, based on the applicants speed survey and the Lancashire County Council Traffic Study..

Based on the recommendations and observations above the Highway Development Control Section is of the opinion that the proposed "X" distance of 2.0m would be detrimental to highway safety and a "X" distance of 2.4m should be provided. Where acceptable sight lines at the junction are not provided the Highway Development Control Section would raise an objection to the development in the interest of highway safety.

The applicant should provide accurate details of the required sight line requirement, before determining the application, ensuring the entire sight line requirement is fully over land within the applicants control and/or over the adopted highway and to fully show all works which would be required to provide the sight lines. The sight line splays will require walls, fences, trees, hedges, shrubs, ground growth, structures etc. to have a maximum height of 1.0m above the height at the centre line of the adjacent carriageway. From observations on site the sight line recommendation would be achievable over the applicant land and the adopted highway

Natural England; proposed development would not have significant adverse impacts on designated sites. The development is adjacent to the Pennine Bridleway which is a national trail. As such the access for construction traffic which is located adjacent to the trail entrance should remain safe for cyclists and horse rides.

Yorkshire Water; no comments received at time of writing.

United Utilities; no comments received at time of writing.

Lead Local Flood Authority; no comments received at time of writing.

PBC Trees and Conservation; No objection in principle. The proposed layout plan refers to a detailed landscape scheme but there does not appear to be one. If such a scheme is not to be included in the initial application, then a condition must require one to be submitted. I would expect the scheme to be on the lines of native woodland as annotated on the layout plan.

The ecology report finds there is nothing of note on site. Existing trees on site are noted as being retained. To ensure that this is successful, a condition requiring protective fencing to BS 5837 (2012) should be added.

PBC Environmental Health; recommend standard land contamination condition.

Lancashire Constabulary; no comments received at time of writing.

LCC Education; make a contribution request for the provision of 4 secondary school places.

Barnoldswick Town Council; no comments received at time of writing.

Public Response

One hundred and fifty neighbours notified, site and press notices also displayed; objections received on the following grounds;

- Would encroach in to countryside and appear incongruous
- Highway conditions already dangerous, poor existing access
- Increased pedestrian activity on dangerous road
- Impact on ecology and biodiversity
- Light pollution and noise
- Impact on water pressure and existing drainage infrastructure
- Site is a former tip, is potentially contaminated and works could lead to health risks
- Loss of views
- Risk of flooding
- Impact when viewed from Pennine Bridleway which is nationally designated
- Lack of need - empty units and properties nearby
- Loss of privacy and overbearing for adjacent properties
- Lack of services/infrastructure
- Bus service no longer operates
- Original site was passed on the basis that nothing would be seen from the highway
- Disruption during construction
- Unsustainable location
- Impact on adjacent conservation area

Policy

The starting point for consideration of any planning application is the development plan. Policies which are up to date and which conform to the provisions of the National Planning Policy Framework (the Framework) must be given full weight in the decision making process. Other material considerations may then be set against the Local plan policies so far as they are relevant.

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 paragraphs 18 to 219 of the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Local Plan Part 1: Core Strategy

The following Local Plan policies are relevant to this application:

Policy ENV1 requires developments to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

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.

Policy ENV5 seeks to minimise air, water, noise, odour and light pollution. New development should account for these issues, addressing any resulting impacts relating to unstable or polluted land.

Policy ENV7 does not allow development where it would be at risk of flooding and appropriate flood alleviation measures will be provided and/or would increase the risk of flooding elsewhere.

Policy LIV1 sets out the housing requirements for 2011 to 2030 and how this will be delivered.

Policy LIV3 provided guidance on the housing needs in order to provide a range of residential accommodation.

Policy LIV4 sets out the targets and thresholds required to contribute towards the provision of affordable housing.

Policy LIV5 requires all new housing to be designed and built in a sustainable way. New development should make the most efficient use of land and built at a density appropriate to their location taking account of townscape and landscape character. Provision for open space and/or green infrastructure should be made in all new housing developments.

The following saved policies from the Replacement Pendle Local Plan are also relevant:

Policy 31 'Parking' requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP. This is addressed in the Highways Issues/Parking section.

National Planning Policy Framework

In national terms the National Planning Policy Framework ("the Framework") provides guidance on housing requirements, design and sustainable development which is relevant to this proposal.

Paragraph 55 seeks to avoid isolated new homes in the countryside.

Para 64 of the National Planning Policy Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving character and quality of an area and the way it functions. This paragraph is unqualified. If a development is poor in design is should be refused.

Principle of Housing

Proposals for new development should be located within a settlement boundary as detailed within Policy LIV1. These boundaries will be reviewed as part of the site allocations and development policies in order to identify additional sites to meet development needs where necessary.

This site is undeveloped greenfield land and is circa 450m from the nearest point of the settlement boundary to the north along Manchester Road.

Policy LIV1 of the Pendle Local Plan: Part 1 Core Strategy states that until the Council adopts the Pendle Local Plan Part 2: Site Allocations and Development policies then sustainable sites outside but close to a Settlement Boundary, which make a positive contribution to the five year supply of housing land, will encourage significant and early delivery of the housing requirement.

The development here comprises the extension of an existing use at Dalesview and is targeted at a particular element of the housing market, in providing static homes for people over the age of 45. Policy LIV 3 supports the provision of a range of residential accommodation, with those for older people (smaller homes, bungalows etc) listed as being a medium priority but likely to grow over the plan period as the population ages.

As with the existing site, the proposal would have direct links to services within the adjacent town, there would be reliance on private vehicles however some residents may wish to travel on foot although long sections of Manchester Road provide no pedestrian refuge.

Dalesview marks the point where built form along the highway finally gives way to a more rural landscape to the south. Development as proposed here, closer to the settlement and between the existing site and the B6251, would not be so isolated as to conflict with the aims of Policy. It would appear as a natural extension of the park.

Elsewhere in the Borough, recent appeal decisions have considered new dwellings in rural locations. Inspectors have found that whilst proposals may be outside the settlement boundary, they are not necessarily isolated depending on individual circumstances.

Development here would be no less sustainable than the adjacent units and properties and is thereby acceptable in principle.

Officer Comments

The primary issues for consideration are policy issues, layout, design, access and highway safety, impact on amenity, impact on Open Countryside, flooding and drainage, ecology and landscaping.

Layout and Landscape Impact

At the request of officers, the applicants have undertaken a Landscape and Visual Impact Assessment to consider the potential impacts of the development within the open countryside. The report is based around national and local character assessments, which identifies the type of landscape and its capacity for change.

The landscape here falls under the category 'Gargrave Drumlin Field' in the Lancashire Landscape Character Assessment (2000). Here settlement patterns are dominated by the towns of Barnoldswick and Earby, the wider landscape has a relatively uniform grain with steep sided, rounded hills. The associated Landscape Strategy document advises that forces for change include the expansion of field boundaries which affect strong and historic patterns; pressure for telecommunication development on hill tops and neglect to farm woodlands. New development should be confined to undulating landforms, avoiding ridge lines or hill tops.

The site has been assessed from 31 viewpoints and finds that the landscape and surrounding area has a moderate sensitivity to the proposal. Impacts will however generally be localised accounting for the nature of the development. In the wider landscape the changes would be imperceptible. Officers agree with these findings.

The proposed units would sit comfortably within the site, with suitable areas of green space around the single storey built form, to be supplemented by a landscaping scheme (controlled by condition) which would soften the development further. Infrastructure is kept to a minimum and whilst earthworks would create an element of stepping within the site to account for topography, the changes would not be so significant as to be unacceptable.

The Pennine Bridleway runs adjacent to the site which is a national trail. The development here would not impact on its use.

In this case the development of the land would not result in an unacceptable loss of open countryside, constituting the rounding off of development in the existing park, rather than representing an unacceptable or isolation incursion in to the landscape. The proposed layout retains a sense of space and is not overly cramped, being suitable for a site such as this.

Whilst it is acknowledged that the views of adjacent residents will change as a result of the development, it would not be to an unacceptable degree.

Concerns have been raised that the development would impact on the adjacent Conservation Area (Calf Hall and Gillians). However it is suitably removed from the boundary to have any immediate or direct impact on its setting.

In light of the above the proposed development is acceptable in terms of impact on the Open Countryside and accords with policies ENV1, ENV2 and LIV1.

Amenity

Concerns have been raised that the development would be overbearing and result in a loss of privacy for dwellings opposite. The nearest proposed unit within the site would be roughly 40m from the houses adjacent and whilst those closer to the existing park would be set higher due to level changes, separation distances are even greater between existing and proposed.

As stated above, whilst the outlook of these properties would change, the scale and nature of the development is not so substantial as to be overbearing or unacceptable.

Potential light pollution has been raised as an issue. The scheme proposed low level bollard lighting and substantial screen planting to the site boundary, details of which can be controlled by condition.

Concerns regarding disruption during the construction process are noted. A condition will be added to any consent requiring the submission of a method statement to ensure that any disruption, highway related or otherwise, is kept to a minimum.

Highway Safety

Vehicular access to the proposed development is to be via the existing site entrance and estate road through the park. At its northernmost point the development site tapers towards an existing access on to Lister Well Road. It is not intended to have traffic using this lane, although pedestrian access will be provided to allow direct access to the adjacent bridleway and footpaths beyond. This will also be available to existing park users who would currently need to take a more convoluted walking route through the site and on to Higher Lane.

A transport statement has been submitted with the proposal and assessed by Lancashire County Council Highway Engineers. They raise no objection to the scheme, subject to improved sight lines at the main entrance to accommodate the increase in movements. This request has been relayed to the Agent, who is to provide a response. Any comments will be reported by way of an update.

Should this matter be satisfactorily addressed, the proposed scheme would not have a significant or unacceptable impact on highway safety or capacity.

Drainage and Flood Risk

The site is not within a flood zone and standing guidance advises that the Environment Agency need not be consulted in this instance. Comments on such cases should be provided by the Lead Local Flood Authority and a response is awaited at the time of writing.

The provision of a suitable drainage scheme can be controlled by condition, subject to attenuation which limits flows to no greater than greenfield run off rates.

Ecology

An ecological appraisal has been undertaken to establish whether protected species or their habitats are present on the site.

The survey found no clear evidence and subsequently no mitigation is proposed. It is however suggested that undeveloped areas are left to regenerate naturally and any dry stone walls are retained/repared as they can offer some refuge to reptiles or nesting birds.

Contamination

As highlighted by residents and denoted on some ordnance survey plans, the site has previously been used for the tipping of waste.

The Council's Environmental Health Officers have assessed the proposal and raise no objections subject to the necessary investigations and remediation of any identified contamination. This can be controlled by pre-commencement condition.

Landscaping

The application provides some indicative landscaping details, including native woodland, which would help to screen the development and aid its integration in to the countryside.

A condition will therefore be added to secure a suitable scheme.

Open Space

Policy LIV5 requires all proposals for residential units to provide on-site open space. The development provides a spacious layout with direct access to open countryside adjacent. This is sufficient in this instance and does not conflict with the intentions of Policy.

Other Issues

Amongst issues raised as part of the notification process, residents have raised concerns regarding loss of views, impacts on property prices and the presence of empty dwellings in the area. Whilst these points are noted, they do not constitute material considerations in the determination of the application.

Summary

Subject to the imposition of necessary conditions, the proposed development would be acceptable and compliant with local and national policy.

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: location plans, 501-A, 526 - A

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

3. Prior to the commencement of development samples of the external materials to be used (notwithstanding any details shown on previously submitted plan(s) and specification) shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development in the interest of visual amenity of the area.

4. A scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority within two weeks of the commencement of development. The scheme shall provide for separate systems for foul and surface waters and be constructed and completed in accordance with the approved plans before the first dwelling is occupied.

Reason: In order to control foul and surface water disposal and to prevent pollution and flooding.

5. The development hereby permitted shall not be commenced until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:
- a. the exact location and species of all existing trees and other planting to be retained;
 - b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
 - c. an outline specification for ground preparation;
 - d. all proposed boundary treatments with supporting elevations and construction details;
 - e. all proposed hard landscape elements and pavings, including layout, materials and colours;
 - f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its entirety approved form within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

Reason: In the interests of visual amenity and to ensure that the site is suitably landscaped.

6. No development shall take place, including any works of demolition, 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 and access 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) Wheel-washing facilities
 - v) Measures to control the emission of dust and dirt during construction.

Reason: In the interests of amenity and highway safety.

7. The car parking shown on each plot shall be provided prior to occupation of the unit it relates to. The spaces shall thereafter be retained at all times for the parking of cars in association with the occupants of the dwelling

Reason: To allow for the effective use of the parking areas.

8. There shall be no vehicular access to the development from the Lister Well Road/Higher Lane junction to the north of the application site.

Reason: In the interest of highway safety.

9. The finished land levels of the site shall be no greater than as shown on approved drawing number 526 – A.

Reason: In the interests of visual amenity and to ensure the character of the landscape is not significantly altered.

10. Unless approved in writing by the Local Planning Authority no ground clearance, changes of level or development or development-related work shall commence until protective fencing, in full accordance with BS 5837 : 2012 has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land, and no work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including service runs, the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction.

All works involving excavation of soil, including foundations and the laying of services, with in the recommended distance calculated under the BS 5837 (2012) of the trees to be retained on the site, shall be dug by hand and in accordance with a scheme of works which has been submitted to and approved by the Local Planning Authority, prior to the commencement of works.

Reason: To ensure that the trees are suitably protected throughout the construction process.

11. Prior to the commencement of development the applicant shall have submitted to and have agreed in writing by the Local Planning Authority a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site. The method statement shall detail how:-

a) an investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority; and

b) A comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority.

All agreed remediation measures shall thereafter be carried out in accordance with the approved implementation timetable under the supervision of a geotechnical professional and shall be completed in full accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

In addition, prior to commencing construction of any building, the developer shall first submit to and obtain written approval from the Local Planning Authority a report to confirm that all the agreed remediation measures have been carried out fully in accordance with the agreed details, providing results of the verification programme of post-remediation sampling and monitoring and including future monitoring proposals for the site.

Advisory Notes:

(i) Where land identified as having the potential to be contaminated is undergoing redevelopment, a copy of the leaflet entitled 'Information for Developers on the investigation and remediation of potentially contaminated sites' will be available to applicants/developers from the Council's Contaminated Land Officer. The leaflet will be sent to the developer by request.

(ii) Three copies of all contaminated land reports should be sent to the Local Planning Authority.

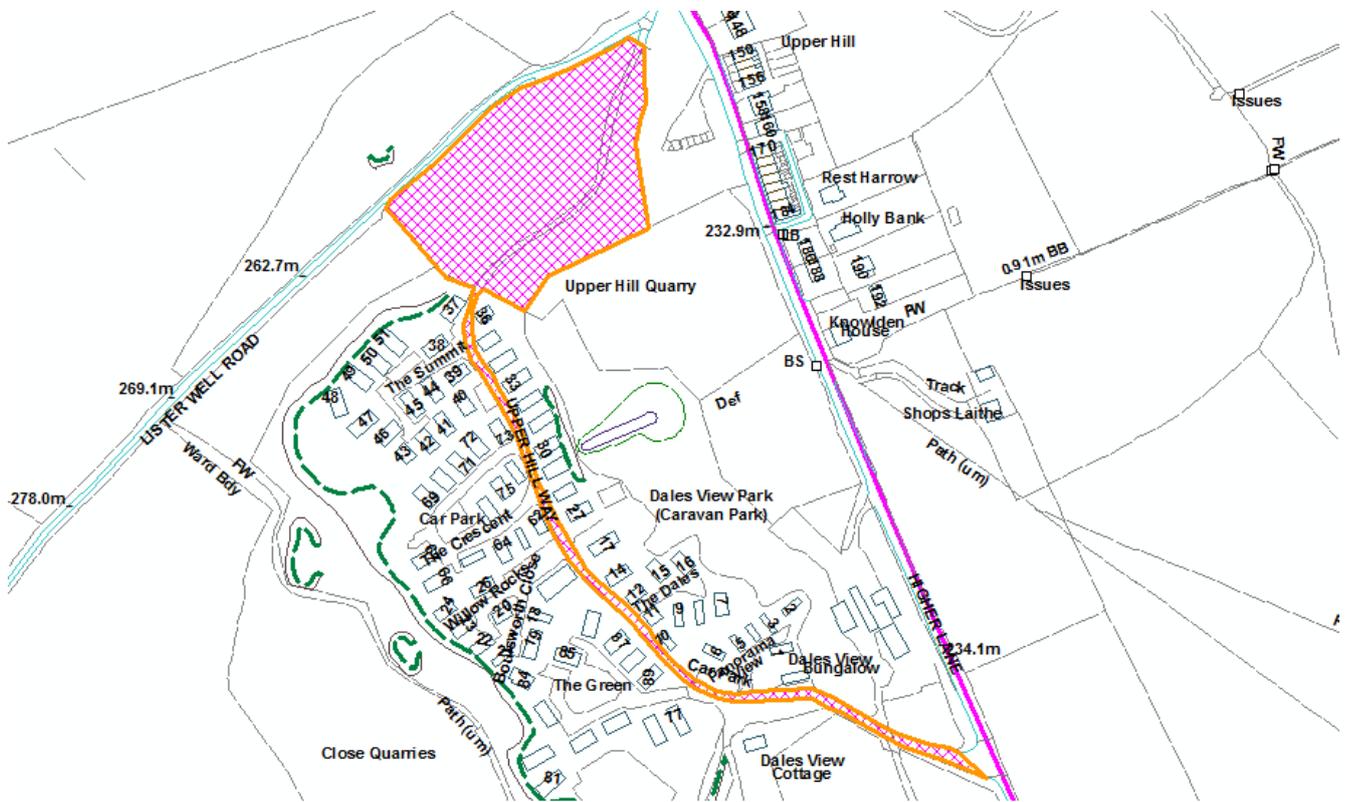
(iii) This condition is required to be fully complied with before development is commenced. Failure to comply with the condition prior to commencement of work may result in legal action being taken.

- 12.** The development shall be confined to the layout as shown on approved drawing 501-A and the number of units on the site shall not exceed 24 at any time.

Reason; The layout and number of units shown are suitable for a site of this size and in order to protect the landscape character of the open countryside.

- 13.** Prior to their first installation, details of the type, luminance levels, number and location of the proposed bollard lighting within the site and any other external lighting proposed, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in strict accordance with the approved details.

Reason: to avoid light pollution within the open countryside.



Application Ref: 16/0653/FUL

Proposal: Full: Major: Change of use from grazing land to accommodate 24 residential mobile homes (C3) with associated access road, parking areas and infrastructure.

At: Dalesview Caravan Park, Salterforth

On behalf of: Dales View Park Ltd

Application Ref: 17/0001/OUT
Proposal: Outline: Major: Residential development (0.42 hectares) (Access Only).
At: Land To The West Of Birtwistle Court, Kelbrook Road, Barnoldswick
On behalf of: Mr Ian Birtwistle
Date Registered: 07/02/2017
Expiry Date: 09/05/2017
Case Officer: Alex Cameron

Site Description and Proposal

The application site is an open field located adjacent to the settlement boundary of Barnoldswick. To the north west is West Craven High School, to the south west is Kelbrook Road with dwellings opposite, to the south east is a detached dwelling and open land and to the north east is a group of dwellings at Birtwistle Court.

This is an outline planning application for access only for a residential development. A layout plan has been provided showing 10 dwellings, this is merely indicative at this stage, the number of dwelling proposed and their layout would be assessed at the reserved matters stage.

Relevant Planning History

None.

Consultee Response

PBC Environmental Health – No adverse comments.

PBC Public Rights of Way – The access from Kelbrook Road forms part of public bridleway 29 which is part of the Pennine Bridleway National Trail. New tarmac can cause particular problems for horse riders by making the surface slippery. Therefore, if there is a requirement to resurface the access the proposed surfacing material should be approved by the public rights of way section at LCC.

United Utilities – No objection subject to foul and surface water drainage and sustainable urban drainage management conditions.

Yorkshire Water - A water supply can be provided under the terms of the Water Industry Act, 1991.

Lead Local Flood Authority – No objection subject to the following conditions:

Reserved Matters to include an appropriate surface water drainage scheme.
Surface Water Lifetime Management and Maintenance Plan.

Barnoldswick Town Council

Public Response

Press and site notices has been posted and nearest neighbours notified, this publicity expires 7th April 2017 – Numerous responses have been received objecting to the development on the following grounds:

The proposed development would increase traffic and affect the safety of an already dangerous road, which is used regularly by school children and is often obstructed by parents picking up children.

The access road is an extremely busy road, leading to the marina, the additional traffic from the proposed development would result in an unacceptable impact upon the safety of users of the public right of way which runs along the road.

The access road to Birtwistle Court was not adopted when that development took place. The road should be brought up to an adoptable standard at least as far as the existing Birtwistle Court development.

Traffic noise from Kelbrook Road would adversely impact on residents of the proposed development.

The development would exacerbate existing surface water flooding issues.

There is a watercourse crossing the field. Could this be a flood risk?

Impact on local public services.

The proposed plan is overbearing and out of scale with the character of Birtwistle Court.

There is a covenant on the land prohibiting the construction of two or more storey houses.

The development is below the threshold for to warrant any affordable homes and would not benefit the community.

The development will be extremely visible from Birtwistle Court and an eyesore for existing residents.

The proposed dwellings would adversely impact upon the privacy of existing properties.

The area provides habitat for protected species and would adversely impact upon protected species.

The proposal would result in the loss of a prominent green field.

Officer Comments

The issues for consideration are compliance with policy, principle of housing, impact on amenity, ecology, drainage and highways issues.

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 roles each settlement category will play in future growth. Barnoldswick is defined as a one of the Key Service Centres which will provide the focus for future growth in the borough and accommodate the majority of new development.

Policy SDP3 identifies housing distribution for West Craven Towns as 18%. The amount of development proposed here is not disproportionate to the level of housing development Brierfield would be expected to provide, as a minimum, over the plan period.

Policy ENV1 of the Replacement Pendle Local Plan 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 of the Pendle Local Plan Part 1 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.

Policy ENV7 does not allow development where it would be at risk of flooding and appropriate flood alleviation measures will be provided and/or would increase the risk of flooding elsewhere.

Policy LIV1 sets out the housing requirement identified in Policy SDP3 above. At the present time sites have not yet been allocated in The Pendle Local Plan Part 2: Site Allocations and Development Policies.

Policy LIV4 sets out targets and thresholds for the provision of affordable housing. For West Craven Towns the requirement for 5-14 dwellings is 0% affordable housing.

Policy LIV5 states that layout and design should reflect the site surroundings, and provide a quality environment for its residents, whilst protecting the amenity of neighbouring properties.

Replacement Pendle Local Plan

Policy 4D (Natural Heritage - Wildlife Corridors, Species Protection and Biodiversity) States that development proposals that would adversely impact or harm, directly or indirectly, legally protected species will not be permitted, unless shown to meet the requirements of The Conservation (Natural Habitats, &c.) Regulations 1994.

Policy 31 of the Replacement Pendle Local Plan sets out the maximum parking standards for development.

Development in the Open Countryside SPG

This document has been highlighted in some neighbour responses. This guidance document was published in 2002 and was prepared under previous government guidance which has since been superseded by the National Planning Policy Framework. Under previous planning policy and guidance housing development beyond settlement boundaries was generally unacceptable unless it met specific exceptions, this is no longer the case. Although the SPG is still of some weight in decision making, its weight is limited and more applicable agricultural developments etc. Its guidance holds very limited weight in determining an edge of settlement housing development such as this.

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 paragraphs 18 to 219 of the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Housing supply

Paragraph 47 of the Framework requires local planning authorities to identify a supply of deliverable housing sites to provide five years' worth of their housing requirements.

Paragraph 55 of the Framework states that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.

Principle of Housing

The application site abuts the settlement boundary of Barnoldswick, taking this and its proximity of services and facilities in nearby Barnoldswick into account, it is not an isolated site for the purposes of paragraph 55 of the Framework. Therefore, in location terms and in terms of the development's contribution to the economic role of sustainable development the proposed development accords with the Framework.

Pendle Borough Council has demonstrated in the Strategic Housing Land Availability Assessment a five-year supply of deliverable housing sites. This site has not been included in this assessment, however, it would positively contribute towards the five-year supply of deliverable housing sites and is acceptable in principle.

Visual Amenity

This application is in outline for access only, the design, scale, layout and landscaping of the development would be considered in a separate reserved matters application. This application merely considers whether, in principle, a residential development could be accommodated on the site without unacceptable visual amenity impacts.

The site is an open field but has developments on three sides and lines of trees to the south east and south west boundaries. Taking this into account a residential development could be accommodated within the site without unacceptable impacts upon the landscape character and visual amenity of the area in accordance with policies ENV1, ENV2 and LIV5.

Residential Amenity

Habitable room windows of existing properties facing the site are a minimum of approximately 18m from the boundary of the site, the indicative layout plan demonstrates that a residential development could be accommodated on the site without unacceptable impacts upon privacy, overbearing impacts or unacceptable loss of light to adjacent dwellings.

Concerns have been raised regarding the impact of traffic noise on future residents of the properties, the proximity to the road would be likely to be similar to that of existing properties facing Kelbrook Road and would not result in an unacceptable residential amenity impact.

The proposed development is therefore acceptable in terms of residential amenity in accordance with policies ENV2 and LIV5.

Ecology

An ecology survey of the site has been submitted with the application. This concludes that the site has low ecological value and that the proposed development is unlikely to cause significant disturbance to protected species. No mitigation measures are necessary. The proposed development is acceptable in terms of its ecology impact in accordance with policy 4D.

Open Space

Policy LIV5 requires that provision for public open space and/or green infrastructure is made in all new housing developments. The provision of open space and/or green infrastructure would be considered when details of the layout and landscaping are submitted at the reserved matters stage.

Drainage and Flooding

The Lead Local Flood Authority and United Utilities have raised no objection to the development subject to drainage conditions. With these conditions in place adequate surface water drainage of the site would be ensured. The proposed development is therefore acceptable in terms of drainage and flood risk.

Education

An education contribution of 13 primary school and 6 secondary school places is necessary to offset the impact of the development on local schools. The applicant has agreed to provide a Section 106 contribution to meet the cost of the school places.

Highways

It is proposed to bring the access road up to adoptable standard to the point of access to the development, this access would be acceptable to accommodate the additional traffic generated by the development. The proposed development is therefore acceptable in terms of highway safety.

Public Rights of Way

With a condition to ensure that appropriate surfacing materials are used on the access road, the proposed development would not result in an unacceptable impact upon the public right of way passing the site.

Other issues

Concerns have been raised regarding a covenant on the land restricting the type of dwelling that can be erected. This is a civil legal matter that has no impact upon the determination of this application.

Concerns have been raised that the development would increase strain on public services. The Council is required to maintain a five year supply of housing land, the figures for this are based on projections for Pendle future housing needs, similar projections are used to plan for the delivery of public services.

Summary

The access to and principle of the proposed housing development are acceptable in policy terms and in terms of visual amenity, residential amenity, drainage, ecology, and highway safety. It is therefore recommended that the approval of the application is delegated to the Planning, Building Control and Licencing Services Manager subject to the expiry of the publicity period.

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 development is compliant with policy, the principle of residential development is acceptable and the proposed access is acceptable in terms of highway safety. 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: Delegate Grant Consent

Subject to the following conditions:

1. An application for approval of the reserved matters (namely the appearance, scale, layout and landscaping of the site) shall be submitted in writing to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Details of the appearance, scale, layout and landscaping (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: In order to comply with the requirements of Section 92 of the Town & Country Planning Act 1990.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, 2686.

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

4. The new estate road for the approved development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any development takes place within the site and shall be further extend before any development commences fronting the new access road.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

5. The development shall not commence unless and until a Traffic Management Plan for the construction works has been submitted to and approved in writing by the Local Planning Authority department. This shall include:-

- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials used in the construction of the development;
- Storage of such plant and materials;
- Wheel washing facilities;
- Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
- Routes to be used by vehicles carrying plant and materials to and from the site;
- Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

The development shall be carried out in strict accordance with the approved Traffic Management Plan.

Reason: to protect existing road users.

6. No development shall be commenced unless and until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the standards that estate streets serving each phase of the development will be completed. The Estate Street Phasing and Completion Plan shall set out dates for entering of the section 38 agreement of the Highways Act 1980 and/or the establishment of a private management and Maintenance Company.

Reason: To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential financial security and highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway.

7. No dwelling shall be occupied unless and until the estate street fronting that property has been completed in accordance with the Estate Street Phasing and Completion Plan.

Reason: To ensure that the estate streets serving the development are completed and maintained to an acceptable standard, and are available for use by the occupants, and other users of the development, in the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway

8. No development shall be commenced unless and until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.

Reason: To ensure that the estate streets serving the development are completed and maintained to an acceptable standard.

9. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

10. Foul and surface water shall be drained on separate systems. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

14. No development shall commence unless and until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

a) the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company

b) arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:

i. on-going inspections relating to performance and asset condition assessments
ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;

c) Means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

15. As part of any reserved matters application and prior to the commencement of any development, the following details shall be submitted to, and approved in writing by, the local planning authority. Surface water drainage scheme which as a minimum shall include:

a) Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change – see EA advice <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in AOD;

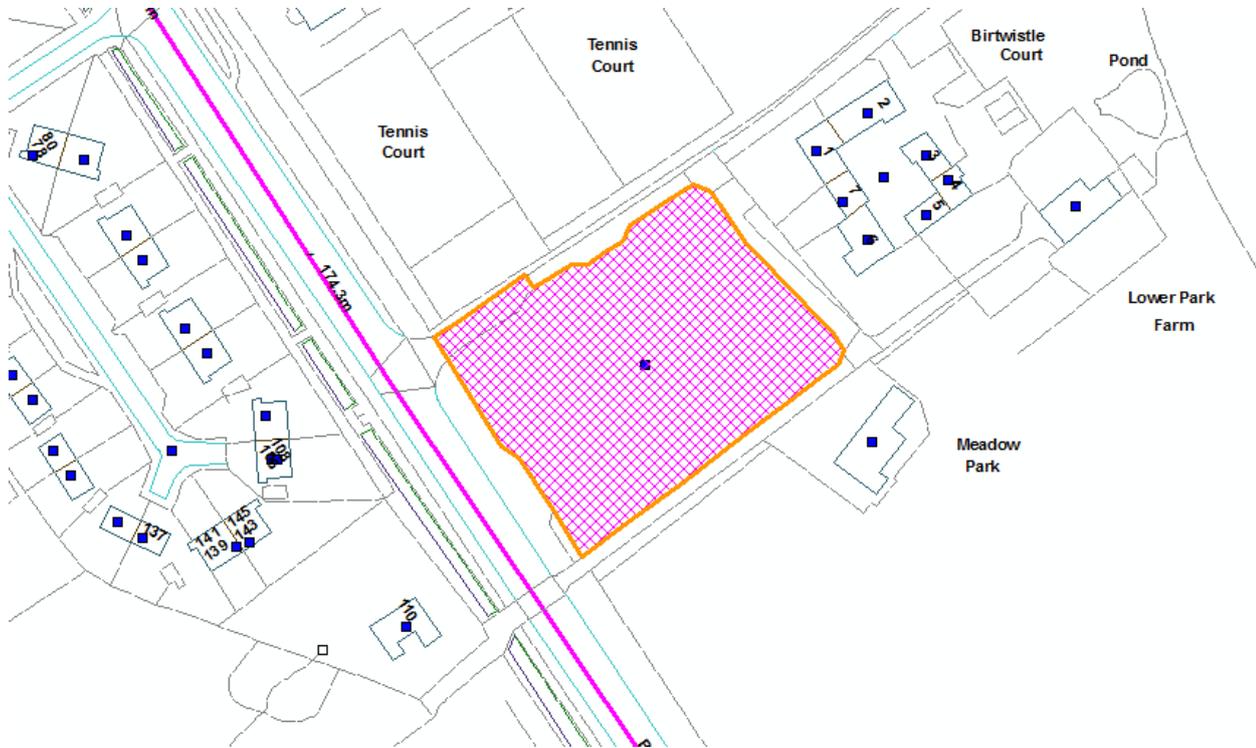
- b) The drainage scheme should demonstrate that the surface water run-off must not exceed the existing pre-development greenfield runoff rate. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- c) Any works required on or off-site to ensure the adequate discharge of surface water without causing flooding or pollution (which should include the refurbishment or removal of any existing watercourses, culverts, headwalls or unused culverts where relevant);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing where applicable;
- f) Site investigation and test results to confirm infiltrations rates;
- g) Details of water quality controls, where applicable.
- h) Details of finished floor levels.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to reduce the risk of flooding to the proposed development, elsewhere and to future users and to ensure that water quality is not detrimentally impacted by the development proposal.

Note:

Applicants must obtain Land Drainage Consent from Lancashire County Council before starting any works on site, should their intention be to dispose of surface water via an ordinary watercourse. Information on the application process and relevant forms can be found here:
<http://new.lancashire.gov.uk/roads-parking-and-travel/roads/flooding/alterations-to-a-watercourse.aspx>
For the avoidance of doubt, this response does not grant the applicant permission to connect to an ordinary watercourse(s) and, once planning permission has been obtained, it does not mean that land drainage consent will be given.



Application Ref: 17/0001/OUT

Proposal: Outline: Major: Residential development (0.42 hectares) (Access Only).

At: Land To The West Of Birtwistle Court, Kelbrook Road, Barnoldswick

On behalf of: Mr Ian Birtwistle

Application Ref: 17/0117/REM

Proposal: Reserved Matters: Erection of eight dwellings (13/13/0600P) (Appearance, Landscaping, Layout and Scale) (Re-submission)

At: Land to the east of former Bank House Applegarth Barnoldswick

On behalf of: Mr R Southwell

Date Registered: 10 March 2017

Expiry Date: 5 May 2017

Case Officer: Kathryn Hughes

Site Description and Proposal

The site is within the defined settlement boundary and is designated as an area of Maintaining Settlement Character. There are numerous trees on the site, many of which are protected by TPO no. 2, 1974 and TPO no. 4, 2000.

The application site occupies a prominent hillside location overlooking the Leeds-Liverpool Canal and countryside beyond to the west. The site is bounded by existing residential development to the north, east and south. The canal is located to the west and is a Biological Heritage Site; on the opposite side of the canal is Rolls Royce.

This residential element of the scheme would be sited to the east on land which is designated in the Replacement Pendle Local Plan as Maintaining Settlement Character. This designation was addressed at outline application stage.

The remainder of the site was approved in full for allotments, woodland school, car park and play space and garden extensions.

A separate dwellinghouse to the south east of the site has already been approved under planning reference 13/15/0095P and this is currently under construction.

A further house which was part of this house is also under constructed to the north of the site which was approved on appeal under 13/14/0268P with access off Lockfield Drive.

Relevant Planning History

17/0011/REM - Reserved Matters: Erection of eight dwellings (13/13/0600P) (Appearance, Landscaping, Layout and Scale) – Withdrawn.

13/13/0600P - Outline: Major (Access only): Erection of eight dwellings with access from Applegarth; Full: formation of nine allotments and woodland school, change of use to residential curtilage and formation of car park and play space – Approved.

13/03/0128P - Outline application for residential development (7 dwellings) - Refused

13/03/0595P - Outline application to erect two dwellings (0.2 ha) - Withdrawn 30th September, 2003.

Consultee Response

LCC Highways – Comments on the previous application - current planning application is concerned with the internal layout of the site only and the site access and impact on the surrounding highway infrastructure was approved by planning application 13/13/0600/P.

Applegarth is a private road and is not subject to any future adoption agreement. The applicant should check with their solicitor that they have rights over this road to access the site and rights to make any alterations to the private access road.

Based on the car parking recommendations in the Replacement Pendle Local Plan 2001-2016 Appendix 2: Car and Cycle Parking Standards the applicant has provided adequate off road parking provision for this type and size of development.

A turning head is required to allow refuse vehicle and emergency vehicles to turn within the site.

The Highway Development Control Section is of the opinion that proposed highway layout is not adoptable and the roads will remain private.

As the roads will remain private the Highway Development Control Section recommends the local planning authority attaches conditions requiring an agreement between the applicant and the local highway authority regarding the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes Reason: - To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway.

The Highway Development Control Section recommends conditions relating to wheel washing, layout, estate road construction and phasing, car parking, restriction on use of garages, traffic management plan and management and maintenance of proposed streets as part of the formal planning decision.

Canal & River Trust

Yorkshire Water – no comments to make but the developer should be aware that there is an existing private water pipe which enters site near plot 8. The developer will need to request that this is capped off should it no longer be required.

United Utilities – no objections in principle to these proposals, but for the avoidance of doubt no surface water shall be discharged in the public combined sewer network.

Architectural Liaison Unit

PBC Environmental Health – The property is located in an area where 3% - 10% of properties affected by Radon. Basic protective measures should be installed or a BR211 report should be carried out to determine if no protective measures or basic protective measures are applicable.

PBC Environment Officer – Trees on the site are subject to TPO but no survey report information has been provided.

Several of the trees are not correctly positioned and the required Root Protection Area distances have not been applied. The two Ash trees in the middle of the site have not been plotted at all and the line of three trees along the site of the north/south track should be four.

If the Root Protection Areas are correctly plotted then the layout would need to be amended.

The agent has been advised of this and any update will be presented to the meeting.

Public Response

Nearest neighbours notified by letter. Six objections were received on the previous scheme mainly objecting to the proposed access from Applegarth. Publicity expires on the 4th April and any comments received will be reported to the meeting.

Officer Comments

The main issues to consider in this application are compliance with policy, impact on amenity, design and materials, internal highways layout, impact on protected trees and landscaping.

As this is a reserved matters application, the principle of residential development on this site and the acceptability of the access have already been established by the outline permission. Only the layout, appearance, scale of the development and landscaping can be considered as part of this application.

1. Policy

The following Pendle Local Plan Part 1: Core Strategy policies are relevant to this application:

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 seeks to deliver the highest possible standards of design and meet future needs while enhancing and conserving our heritage assets.

Policy LIV5 states that all housing will be designed and built in a sustainable way and follow the design approach in policy ENV2 and strongly encourage the use of the Building for Life standards. Provision for open space and/or green infrastructure should be made in all new housing developments.

The following saved Replacement Pendle Local Plan policies are also relevant:

Policy 14 'Trees, Woodlands and Hedgerows' recognises the importance and amenity function of trees, woodlands and hedgerows. This issue is addressed under the Trees/Landscaping section.

Policy 16 'Landscaping in New Development' requires all development proposals to include a scheme of landscaping sympathetic to the site's character and vicinity. This issue is addressed under the Trees/Landscaping section.

Policy 31 'Parking' requires that new developments provide parking in line with the levels set out in Appendix 1 of the Replacement Pendle Local Plan. This is addressed in the Highways section below.

2. Principle of Housing

The site has already been granted outline consent (13/13/0600P) which established the principle of residential development.

3. Impact on Amenity

The eight dwellings would be site on either side of a proposed estate road. All of the units are four bedroom detached with a media/playroom in the second floor roof space.

Plots 1 – 3 are Kensington housetypes and would be sited to the west away from the existing properties and are acceptable in terms of distances from nearby properties.

Plot 4 is a Grosvenor housetype located at the northern edge of the site and backs onto the properties located at Bank Edge (two storey dwellings) at a distance of 5m from the side boundary. The properties are located to the north east part of the curtilage and therefore would not be unduly affected by this proposal although they would be some overlooking of the western part of the curtilage there is existing foliage planted along this boundary and an outbuilding located within the grounds that will provide some screening.

There would be a distance of 12.6m from the side elevation of plot 4 to the front of the new house currently under constructed to the east. Plot 4 would not have any windows in that gable and therefore would not lead to any undue overlooking or privacy issues.

Plot 5 is a Sandringham housetype located to the east and is set slightly forward of the house currently under constructed (two storey) at a distance of 13m garage to gable and backs onto Rose Bank Lodge (two storey dwelling) at a distance of 12m side to side. This housetype has ground floor windows to the side elevation which serve the garage, kitchen and utility and would be screened by the existing fence erected along the boundary and therefore is acceptable.

Plot 6 is a Sandringham located on the eastern side and backs onto No.4 Pasture Close (bungalow) with a distance of 10.5m side to side. There are habitable rooms with windows in this side elevation which face the site and there will be a kitchen window at ground floor in the side facing this property. However, with the existing fence and trees this will provide some screening. At its nearest point this property would be 8.8m corner to corner and this would result in a building 6m to eaves very close to the rear elevation and boundary of this property between 4.5m and 9m from the boundary fence. This would be very close to this property which has limited garden space on this elevation. Whilst this is marginal in terms of its acceptability, the two storey element of this plot would be viewed side on, at an angle which would limit the impact when viewed from the outside space.

There is also an unauthorised annexe building which has been erected in the rear curtilage 2m from the rear boundary which is used in conjunction with No. 4. As this is unauthorised it can be given little weight and with the majority of the windows being on the front elevation there is only an obscure glazed bathroom window to the rear and plot 6 sited at an obscure angle it is unlikely to lead to any overlooking issues for either property.

Plots 5 and 6 back onto each other with habitable room windows on all three floors at a distance of 16m with plot 6 at an angle this would reduce the loss of privacy to these properties which have rear gardens of 9m for plot 5 and a maximum of 12.5m to the corner for plot 6.

Plot 7 is a Grosvenor housetype located on the eastern side and backs onto Westwood (two storey house) at a distance of 18m rear to rear which is just about acceptable with the first floor windows set back to a distance of 22.5m. There is a self-contained annexe (two storey) attached to the rear elevation which has apparently been used a separate dwelling and therefore the distance to this

needs to be considered. This distance would be 12.5m and there would be rear windows overlooking this property from plot 7, however, there are no first floor windows facing plot 7 in the annexe at Westwood and the annex and existing trees along the boundary would help to screen the proposed plot 7 from Westwood to an acceptable degree.

Plot 8 is a Grosvenor housetype on the eastern side and would back onto the recently finished property Thornwood at a distance of 26m rear to rear. This property is a dormer bungalow and has lounge windows to the rear at ground floor as well as two bedroom windows to the first floor. There is an existing 2m high Leylandii hedge to the rear boundary as well as mature protected trees which provide some screening this distance is sufficient to prevent overlooking and loss of privacy to this property.

Therefore in terms of impacts on amenity for existing residents, the proposed development would provide suitable separation distances to avoid any adverse issues of overlooking or privacy loss. The application therefore accords with policy ENV2.

4. Layout, Design and Materials

The houses in this location are of varied styles and material finishes, with pre and post -1960 developments visible in the area. Whilst there is no strict or regular architectural style to reflect in this location it is important that this site creates its own identity with appropriate housetypes and materials.

The proposed curtilages for the dwellings are modest compared to the footprint of the buildings and this does result in a less spacious layout and shallow rear gardens of only 5m and less in some instances. This results in a rather cramped layout. Whilst smaller gardens are not unacceptable as some occupiers do not want or need large amenity space, however, this outside space also helps to ensure that adequate levels of privacy are provided.

Whilst Plots 1, 2 and 3 would have rear gardens of 5m, 7m and 7m (on average) respectively these back onto the unmade access track and then undeveloped land which has permission for garden extensions, play area, car park and woodland school and therefore will retain a somewhat open outlook to the rear.

Plot 4 would have a rear garden of 5.8m in depth which is shallow but as it would back onto the side curtilage of Bank Side this would not lead to any undue impact in terms of overlooking as mentioned above.

Plots 5 and 6 are sited so they also back onto each other at an angle with rear gardens depths of 9m (plot 5) and 9m on average (plot 6) with a protected tree in between these plots which provides some screening in terms of outside space provision.

Plot 7 would have a rear garden with a depth of between 9m -12m which ensures the privacy distances to the neighbouring properties.

Plot 8 would have a rear garden with a depth of 18m at the longest point which ensures the privacy distances to the neighbouring properties.

This would result in a layout which is just about adequate; however, it would not affect the amenity of the proposed residents of these properties and therefore is in accordance with policy ENV2 of the Pendle Local Plan Part 1: Core Strategy.

The proposed dwellings are quiet elaborate in style with natural stone heads and cills and quoins, gables to frontages and flat roofed dormers to the front and rear elevations.

All three of the proposed housetypes have a living space in the roof served by at least one dormer to the front or rear and roof lights to the roof slope. Finish materials are to be natural stone to the lower storey and K render above with blue slate roofs and Dark Grey dormers and upvc windows and doors which are acceptable in this location. Details can be controlled by condition.

The curtilages would be enclosed by high boarded fencing to the side and rear and up to 2m high stone walls to the frontages. Details of this can be controlled by condition.

In terms of its overall design, materials and layout the proposed development is acceptable and does not raise privacy any undue privacy issues with the existing properties. The application therefore accords with policy ENV2 and LIV5 subject to appropriate conditions.

5. Internal Highways Layout

Comments on this revised layout are awaited from LCC Highways in relation to the road layout and in turning head.

An update on this will be given at the meeting.

Objections have been received relating to the access to the site. This was addressed at the Outline stage and a condition attached to that permission requires a scheme for all highway works to facilitate the proposed access along Applegarth to have been submitted and approved prior to development taking place and the estate road to be constructed and completed prior to the occupation of the first unit.

The access track which served Bankside will remain as it after the estate road separates with a cobble rubble strip to mark the unmade track.

In terms of parking each property can accommodate at least three parking spaces which is acceptable. It would be prudent to ensure that the garages are kept available for parking of vehicles and this can be controlled by an appropriate condition and therefore the scheme accords with policy 31.

6. Impact on Protected Trees and Landscaping

The application site and a number of adjacent properties contain a number of protected trees.

Several of the trees are not correctly positioned and the required Root Protection Area distances have not been applied. The two Ash trees in the middle of the site have not been plotted at all and the line of three trees along the site of the north/south track should be four.

The proposed landscaping scheme requires more details. Whilst there is a landscaping condition attached to the outline permission this consent seeks permission for this element and therefore the agent has been requested to supply these details.

The issue of ecology was addressed as part of the previous approval with a satisfactory Ecological survey and report submitted.

Summary

The layout, design and materials of the proposed development are acceptable subject to amended plans which adequately address the root protection areas of the protected trees. The proposal therefore accords with policies ENV1, ENV2, LIV5 of the Pendle Local Plan Part 1: Core Strategy and policies 14, 16 and 31 of the Replacement Pendle Local Plan.

As publicity does not expires until the 4th April thus after the meeting the recommendation is to delegate consent to the Planning, Building Control and Licensing Manager.

RECOMMENDATION: Delegate Grant Consent

Subject to the following conditions:

1. This notice constitutes an approval of matters reserved under Condition 1 of Planning Permission No.13/13/0600P and does not by itself constitute a planning permission.
Reason: The application relates to matters reserved by Planning Permission No.13/13/0600P.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

16/106/1B, 16/106/2B, 16/0106/3, 16/106/4 & 16/106/5.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. Notwithstanding any details on the approved plans, forms or supporting documents, within two weeks of the commencement of development samples of the external materials to be used in the construction of the roofs, walls, boundary/retaining walls and paving and samples of the colour and finish of windows and doors of the development hereby approved, together with details of proposals for the reuse of existing materials, shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved materials and details.
Reason: To ensure a satisfactory form of development in the interest of visual amenity of the area.
4. The window openings shall be set back from the external face of the wall. Unless otherwise agreed in writing by the Local Planning Authority, the depth of reveal shall be at least 75mm.
Reason: To ensure a satisfactory appearance to the development in the interest of visual amenity.
5. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A, B, C, D, E of Part 1 of Schedule 2 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.
Part 1
 - A) no extensions shall be erected
 - B+C) no alterations to the roof of the building shall be carried out
 - D) no porches shall be erected

Reason: To enable the Local Planning Authority to control any future development on the site in order to safeguard the character and amenity of the area and impacts on neighbouring properties and in order to ensure the protected trees on the site are not adversely affected.

6. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and the vehicular turning space shall be laid out and be available for use before any development commences and maintained thereafter.

Reason: Vehicles reversing to and from the highway are a hazard to other road users, for residents and construction vehicles.

7. The new estate road for the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any development takes place within the site and shall be further extended before any development commences fronting the new access road.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

8. The car parking areas shall be surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan, before the use of the premises hereby permitted becomes operative.

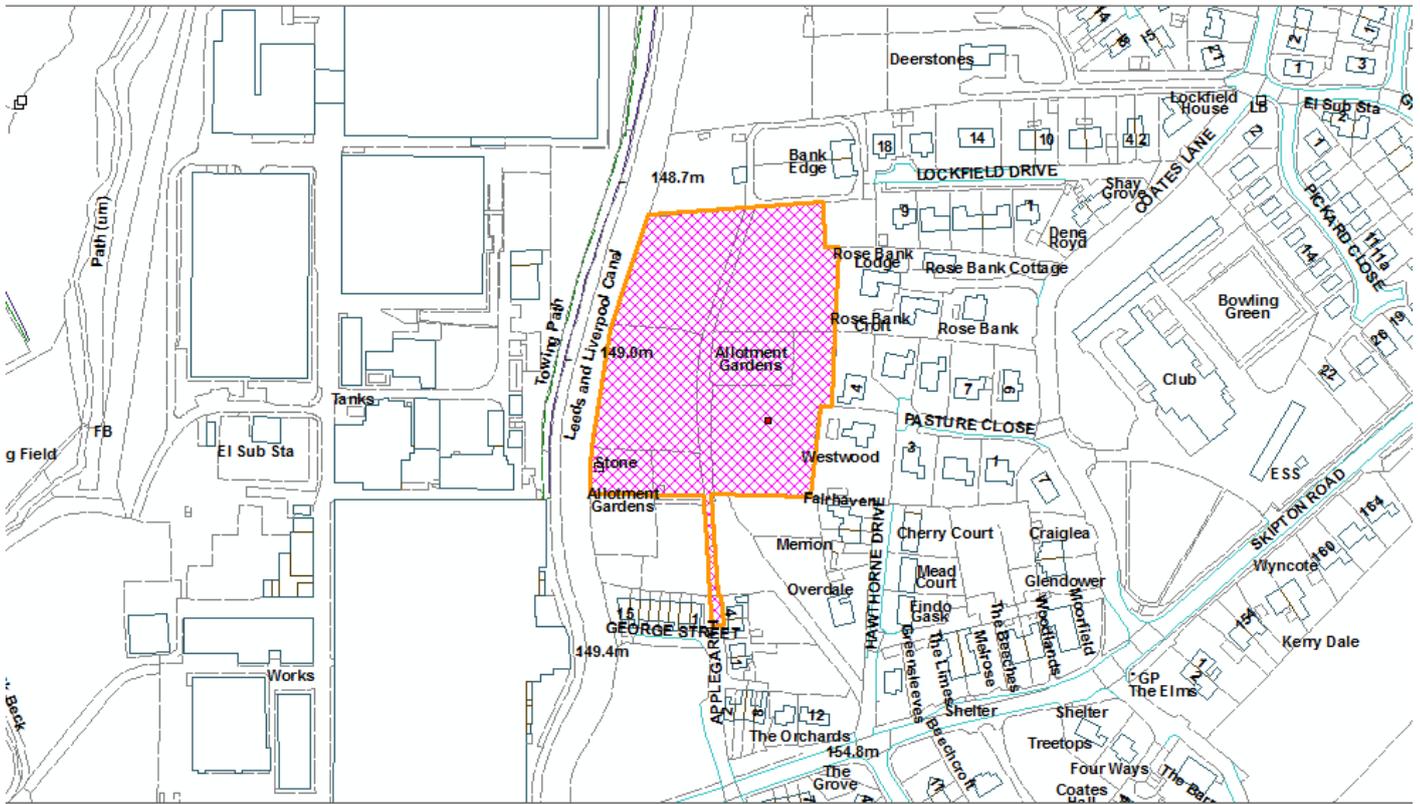
Reason: To allow for the effective use of the parking areas.

9. Notwithstanding the provisions of the Town and Country Planning (General Development Procedure) Order 1995 and the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008, or any subsequent Orders or statutory provision re-enacting the provisions of these Orders, all garages shown on the approved plan shall be maintained as such and shall not be converted to or used for living accommodation without the prior written approval of the Local Planning Authority

Reason: In order to ensure that sufficient off-street parking can be accommodated within the site.

10. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details.

Reason: To ensure the streets are maintained in an acceptable and appropriate manner.



Application Ref: 17/0117/REM

Proposal: Reserved Matters: Erection of eight dwellings (13/13/0600P) (Appearance, Landscaping, Layout and Scale) (Re-submission)

At: Land to the east of former Bank House Applegarth Barnoldswick

On behalf of: Mr R Southwell

LIST OF BACKGROUND PAPERS

Planning Applications

NW/SM

Date: 20 March 2017