

**REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING
SERVICES MANAGER**

TO: BARROWFORD & WESTERN PARISHES COMMITTEE

DATE: 30 MARCH 2017

Report Author: Neil Watson
Tel. No: 01282 661706
E-mail: neil.watson@pendle.gov.uk

PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

Application Ref: 16/0820/OUT

Proposal: Outline: Major: Erection of 25 dwellinghouses; Full: Demolition of 372 Gisburn Road and creation of access (Access and Layout only)

At: Land to the east of 372 Gisburn Road, Blacko

On behalf of: Mr Calvert & Mr Wilds

Date Registered: 3 January, 2017

Expiry Date: 4 April, 2017

Case Officer: Kathryn Hughes

Site Description and Proposal

This application seeks outline consent for the erection of twenty five dwellinghouses with access and layout only. Details of appearance, landscaping and scale will be dealt with at a later stage under the Reserved Matters submission.

The application site is agricultural land located in the village of Blacko and lies outside the settlement boundary in Open Countryside.

The site lies to the east of Gisburn Road and measures 0.919ha and has a gradual gradient from east to west. It is bounded by housing on Gisburn Road to the west, Malkin Close to the north and Beverley road to the east with open fields to the south.

The scheme would consist of six 2 bed affordable bungalows, six 3/4 bed 2.5 storey semi-detached, two 3 bed 2.5 storey detached with attached garage, seven 3 bed 2.5 storey detached with attached garage and four 4 bed detached with double garage.

Access to the twenty five dwellinghouses would be via a new estate road from Gisburn Road.

Relevant Planning History

None.

Consultee Response

LCC Highways – The site was visited on the 7th February 2017 at 11:15.

The Highway Development Control Section is of the opinion that the proposed site access will have a detrimental impact on highway safety in the immediate vicinity of the site, due to a combination of the proposed road narrowing of Gisburn Road and insufficient sight lines onto Gisburn Road.

Where the access and sight line issues can be addressed a section 106 contribution for £6,000 is recommended for the introduction of waiting restrictions within the site.

The proposed development is to demolish one existing dwelling and provide 25 new dwellings with a new shared access road off Gisburn Road. Gisburn Road is classified as the A682 road and is categorised as a Strategic Road with a speed limit of 30mph fronting the site access.

From or mapping system "Mapzone", the proposed development does not affect any public rights of way.

The planning application is for less than 50 new dwellings and as such the applicant does not need to provide a Transport Assessment or Travel Plan. The applicants Consultants "DTPC" have provided a Transport Assessment dated December 2016.

Lancashire County Council carried out a one week traffic study on the 21st June 2014 to the north of the site which indicates the following traffic movements along Gisburn Road:-

1. The average 5 day traffic flow was 2116 northbound and 2137 southbound
2. The average morning 5 day traffic flow was 146 northbound and 203 southbound, between the hours of 8:00 to 9:00
3. The average evening morning 5 day traffic flow was 210 northbound and 189 southbound, between the hours of 17:00 to 18:00
4. HGV movements are 6% north bound and 8% south bound.

A scheme to provide average speed cameras along the A682 have been approved and is programmed to be implemented in September 2017. This scheme should ensure the speed of vehicles passing the site around 30mph in both directions, and the sight lines from the site are to be based on the average speed of 30mph in both directions.

TRICS is the national standard system used to predict trip generation and analysis of various types of development and the "DTPC" Transport Statement has provided an acceptable TRICS report. The "DTPC" Transport Statement TRICS report for a privately owned housing development, the development will generate an estimated 168 two-way vehicular movements a day with an estimated peak flow of 14 vehicles during the morning peak period (8.00 to 9.00 am) and 15 vehicles during evening peak period for Gisburn Road (17:00 and 18:00 pm).

The Highway Development Control Section is of the opinion that the development should have a negligible impact on highway capacity in the immediate vicinity of the site.

The Lancashire County Councils five year data base for Personal Injury Accident (PIA) was checked on the 22nd February 2017. The data based indicates there has been one reported incidents near the access to the new development. The report indicates a vehicle partly on the opposite side of the road and the oncoming vehicle had to take evasive action. Whilst any accident is regrettable, the highway network surrounding the site is considered to have a good accident record and indicates there is no underlying issue which the proposed development would exacerbate.

A scheme to provide average speed cameras along the A682 have been approved and is programmed to be implemented in September 2017. This scheme should ensure the speed of vehicles passing the site is 30mph in both directions, and the sight lines from the site are to be based on the average speed of 30mph in both directions.

Using table 7.1 from Manual for Streets and the enforced speed of 30mph the sight lines of 2.4 x 43m to be provided in both directions. The traffic count provided in the "DTPC" Transport Statement indicates the actual 85th percentile speed is more than 30mph. The Lancashire County Council survey was not taken close enough to the site entrance to be relevant.

The proposed access and sight lines onto Gisburn Road are shown on page 25 of the "DTPC" Transport Statement. This drawing indicates a narrowing of Gisburn Road from 6.9m to 6.1m and the sight lines to the south are only 2.4 x 26.3m assuming no one parks fronting 370 Gisburn Road. Gisburn Road has 6 to 8% HGV movements and it is also a bus route and the Highway Development Control Section is of the opinion that the road narrowing would have a detrimental impact on highway safety for HGV's to pass the narrowing safely by introducing this deflection. The build out would push the car parking fronting 1 to 5 Hill View and 370 Gisburn Road further towards the centre line of the carriageway . As many of the properties to the south of the site are terraced properties they do not have any alternative parking, except along Gisburn Road. The width of the terraces also means that there is only room to park one car fronting each property and parking of a second car further along Gisburn Road away from the owners property has been observed and expected.

Due to cyclist and on road parking fronting 441 to 455 Gisburn Road southbound vehicles would be expected to be crossing the centre of the road on the approach to the site access and as such the proposed shown sight line would not be achievable or appropriate.

Where the build out is not provided the available sight lines to the south are only 2.4x12m, this would be acceptable for road speeds of around 10mph.

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.

Where the planning authority recommends approval of the site access, the proposed site access and off-site works would need to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Community Services before works begin on site. Further information and advice can be found at www.lancashire.gov.uk and search for 278 agreement.

With regard to the proposed internal layout of the site shown on Avalon drawing CALV/05 Dwg 03 "Proposed Masterplan":-

1. The Highway Development Control Section is of the opinion that the road layout is acceptable for all road users with facilities for cars, refuse vehicle and fire appliances to enter and exit the site in a forward gear.
2. To reduce the likelihood of on road parking from existing residents on Gisburn Road, the Highway Development Control Section is of the opinion that the applicant should provide a no waiting at any time order on both sides of the new main spine road up to plot 7. The estimated cost for these orders and implication and provision is £6,000 and the £6,000 should be secured through a section 106 agreement.
3. The Pendle Local Plan 2001-2016 Appendix 2: Car and Cycle Parking Standards - recommends the following individual parking provision : -
 - One-bedroom properties to have 100% parking.
 - Two to three bedroom properties to have 200% parking.
 - Four to five bedroom properties to have 300% parking.

4. The Highway Development Control Section is of the opinion that the proposed drives fronting plots 22 to 25 and plot 7 etc. will not provide two car parking spaces if the roads are adopted.
5. All planting within 2m of the carriageway should have a maximum growing height of 600mm to aid forward visibility from drives and along the carriageway, taken from Manual for Streets.
6. The minimum internal single garage size to be 6x3m and this includes integral garages.
 - The minimum internal dimension for all single garages to be a minimum of 6x3m and individual garages, of minimum dimensions of 6 x 3m, count as one parking space. A garage is counted as one parking space. Where constructed garages should have minimum dimensions of 6 x 3 metres. The Highway Development Control Section is therefore of the opinion that where garages are smaller than the recommended minimum internal dimension of 6 x 3m they should not be counted as a parking space and the applicant should provide an additional parking space for each garage affected.
 - Clause 8.3.41 on page 109 from Manual for Streets also recognises the many authorities now recommend a minimum garage size of 6 x 3m.
 - The recommended length of 6m is based on the length of a large family car (Ford Mondeo Estate 4.58m long), clearance between the car and the garage door, with room to open and close the garage door (600mm), room at the front of the car (800mm) for possible access to the dwelling, work bench, storage, storage of cycles, bins gardening equipment etc.
 - The recommended width of 3m is based on the width of a large family car (Ford Mondeo Estate 2.09m wide), clearance at the passenger side to the wall (200mm), clearance at the drive side of the car and the garage (700mm), with room to open car door for less able bodied.

The following comments are regarding the future highway adoption under a section 38 agreement with Lancashire County Council and the applicant is advised to consider these comments as part of this planning application, where they wish to offer the road for adoption. Where the recommendations below are not implemented the highways may not be suitable for adoption. Further guidelines regarding acceptable prescribed highway adoptable layouts can be found on the Lancashire County Council Residential Road Design Guide and the Lancashire County Council Specification for Estate Roads 2011 edition. Some minor variations to these documents may be considered on a case by case basis but the emphasis will be on highway safety and maintenance.

1. A 2m wide service verge and/or footpath is required on both sides of the new carriageway. The 2m wide service verge and/or footpath is required for locating statutory undertakes equipment and should be provided where buildings front onto the road. The minimum width of the opposite service verge, where properties do not front the carriageway, can be reduced to 0.5m providing there is no street lighting. If street lighting is required on the narrow service verge the minimum verge width is 800mm is required. Please note - the car parking spaces must not be over the service verge area and sight lines from private drives over the narrow service verge to be considered, based on the guide lines from Manual for Streets and an estimated 85th percentile speed of 20mph.

2. All trees should be removed from the service verge, as they are not performing a highway function and they are a highway maintenance and safety issue which the highway authority is not willing to accept. The trees would only be permitted within the adoptable highway if a section 96 agreement of the 1980 Highways Act is entered with the district authority and they accept full liability for the trees for perpetuity. The section 96 agreement would need to be entered with the district authority before the section 38 agreement is entered. Where the district authority is willing to accept liability for the trees the sight lines from private drives to be considered, based on the guide lines from Manual for Streets and an estimated 85th percentile speed of 20mph.
3. All planting within the adopted highway to have a maximum growing height of 600mm to aid forward visibility and sight lines from drives, taken from Manual for Streets. The planning must not be thorny poisonous or root invasive to services

The Highway Development Control Section recommends the local planning authority attaches conditions requiring the applicant to provide details of the proposed arrangements for future management and maintenance of the proposed streets within the development and to include dates for the phasing of entering either a section 38 agreement of the Highways Act 1980 or the establishment of a private management and Maintenance Company.

Where an acceptable access and sight lines are provided, the Highway Development Control Section recommends conditions should be attached to the planning decision relating to wheel washing, provision to enable vehicles to enter and leave the highway in forward gear, estate road construction, visibility splays, off-site highway works, traffic management plan, estate road phasing and completion plan and future management and maintenance.

LCC Education – an education contribution for £81,214.36 for four secondary school places is required with regards to this development.

Architectural Liaison Unit – Request condition relating to site security during construction and clarity on boundary treatments.

Natural England – No comments.

Environment Agency –

Lead Local Flood Authority – Objection based on inadequate flood risk assessment.

United Utilities – No objection subject to appropriate drainage conditions.

Lancashire Fire & Rescue – comments relate to Building Regulation submissions.

PBC Environmental Health – No comments.

Blacko Parish Council – Recognises the need for rural development which meets with both planning and health & safety requirements.

We have four areas of concern with this application:

- Road safety
- Flooding
- Residential amenity
- Education provision

Road Safety – the application proposes reducing the width of the A682 to 6.1m in an attempt to provide adequate sight lines. Yet the submitted transport document acknowledges that the requirement is not fully delivered. The document has numerous errors.

This is a major route to Yorkshire and we note the traffic assignment figures show that movements in the morning are 325 (both directions combined) over the 1 hour period measured. What is not shown is any analysis of the type of vehicle; we estimate that 10% of these are HGV's. Reducing the carriageway width would have a significant impact on traffic flow. The proximity of the school should be noted particularly as the measure was taken between 8-9am. The number for the afternoon period is higher, 384.

The report also suggests that the peak trip movements will be 13/15. If we consider only 1 car per dwelling this suggests 50% of residents are inactive. We estimate the increase will be twice that suggested which is inconsistent with the proposed reduction in carriageway of 15%.

Parking – on road parking will be affected by double yellow lines, no provision has been made for these displaced cars. The photographs taken in the traffic report looking North to South along Gisburn Road were obviously taken during a working day and imply unimpeded traffic. We have pictures which provide a truer reflection. We also believe that there is a lack of provision for visitor parking.

Flooding – The submitted report dismisses the likelihood of flooding; this is inconsistent with actual events which have been described at some lengths in letters from neighbours.

Residential Amenity – Reference has been made to the recent appeal at Brownley Park Farm and the impact that would have occurred within the view of Stansfield Tower and that this application is different in that regard, we have to agree with this but note that no mention has been made with regard to residential amenity in particular the relationship of bedroom windows and adjoining land proposed for development. The conditions in this respect are almost identical as the field is at the same level of the bedroom windows.

Education – Again quoting from the referenced appeal:

“not enough attention has been given to the education provision”

The submitted Planning Policy Statement says at section 5.28

For major housing development, Lancashire County Council (LCC) require an assessment for the capacity of local schools that will need to accommodate any new pupils that may be generated by this development. That is funded by financial contributions for the development and secured by way of a section 106 agreement. The final amounts will be calculated by LCC and accommodated by the applicant accordingly.

Whilst this would be a welcome source of revenue for LCC it will not help with the provision of school places at Blacko as the school is full to absolute capacity.

Summary

We believe this application should be refused for the reasons outlined above and that no decision should be made without full reports from both the highways and flood authorities and these reports should be based on a site visit.

Public Response

Site and press notices posted and nearest neighbours notified by letter.

Thirty six letters, web comments and emails received objecting to the proposal on the following grounds:

- Gisburn Road is very busy with cars often speeding;
- A legal visibility splay can not be achieved from the site without narrowing the main road;
- Cars are often parked on the roadside in both directions;
- The village has no amenities and the school is oversubscribed;
- The planning department are under pressure to build affordable houses, these do not class as affordable housing for the first time buyers;
- Under new policies from UU no water can put into main drains, they need soakaways. How will this work in an already flooded area?
- Gisburn Road at times is a single track road in places. You can't take away people parking outside their own homes. How can this development be safe and of any added benefit for the village;
- The fact that some suitable sites don't have permission for housing does not alter the fact that the land is available and could be developed in the five year period if there was a wish to do so. There is no need for this additional land to be granted permission in order to meet the five year supply;
- The scheme makes no provision for emergency access if the access from Gisburn Road is blocked;
- The flood risk report is incorrect as part of the site frequently floods no a theoretical 1 in 100 years. The removal of trees and construction of roadway and house will increase the water runoff and reduce the natural drainage. The plans to introduce suds will mitigate this but will not solve the drainage problem. There is also doubt about the capacity of the existing culvert which is not addressed;
- The visual impact is no minimal as this green space outside the settlement boundary has long been recognised and should not be turned into suburbia;
- Blacko is a rural village where new residential development should be restricted to what is required to meet local needs;
- Development of green field sites should only be considered if there is a shortage of suitable land within the urban area and on brownfield land – as a last resort. Other options exist within the 5 year supply plan;
- If this scheme was accepted it would send a message that any greenfield site in Pendle is fair game for new housing development if it abuts existing development. The Council should be wary of creating that precedent;
- This scheme should be strongly resisted on the grounds of inadequate access, risk of flooding, loss of open countryside, poor location relative to services and facilities and lack of need for further general residential development in Blacko outside the settlement boundaries;

- The village school is just up the road and this road could be used as a drop off point which would be far more dangerous than Malkin Close;
- The access road will rise upwards and this has implications in icy/snow conditions meaning more cars parking on Gisburn Road. The access road does not appear to have passing places and traffic could back up to the main road;
- The Design and Access Statement states that there are no gradient issues. However, the house to be demolished is on a much lower level than the field where the houses would be sited. Our property is on an elevated level and will be completely exposed with potential for car headlights shining straight into the back of our house;
- We urge you to consider the responsibilities of the Council under the Human Rights Act in particular Protocol 1, Article 1 which states that a person has the right to peaceful enjoyment of all their possessions which includes the home and other land. We believe the proposed development would have a dominating impact on use and all neighbouring properties;
- When Malkin Close was built in the 1970's drainage sinks were put in to run off naturally into the stream which bordered all the gardens. It seems the builder of 372 did not allow for this as he had already culverted the stream. This is land to be used for the access road;
- Who will maintain the culvert and prevent flooding onto the access road, the existing house acts as a partial flood defence;
- Who will maintain the proposed SUDS drainage system and what will be the financial implications to them?
- The culvert is going to be open and exposed next to the access road. What safety precautions will be put in place to protect children and animals? This culvert has also been blocked many times;
- We dispute that the overall density is low and that they have large gardens when compared to Malkin Close and Willaston Drive estates. Malkin Close has average size gardens and those proposed are not more than the length of a car which is disproportionate to the surroundings;
- Blacko is losing open green space and could have approx. 45 more cars;
- Blacko has poor transport links and no local amenities apart from an oversubscribed school, a barbers shop and a pub;
- Blacko already has community housing at Hill View to fulfil this need;
- This estate would not be effectively camouflaged and would change the overall aspect of the village when viewed from the surrounding area;
- We have lived here 30 years and bats fly over our gardens;
- We are concerned that the trees which are outstanding features of the natural landscape are to be cut down. Two big ash trees are incorrectly marked on the plan and will overhang the gardens and the access road;
- The site is open and visually prominent location and this proposal would impact the open rural character and adversely affect the character of the area;
- The development is not considered to be sustainable development contrary to policy ENV1;
- The majority of housing proposed do not make any contribution to the housing supply and the adorable bungalows would not prove affordable to the intended audience;
- The access road is singular vehicle width with no passing places.
- The width of the access road does not meet the 5.5m suitable for refuse vehicles and does not indicate a 6m radius to prevent the need to reverse when another vehicle is leaving the access road. Vehicles will need to wait for access;

- Residents enjoy pleasant views over the open land. Development would be visually intrusive and oppressive creating unacceptable living conditions;
- The proposal would be contrary to the NPPF as it does not respect local character and would have a landscape that is clearly valued by local people;
- The proposal would have significant irreversible and detrimental impact on the habitat, loss of diverse ecological presence and importance of this parcel of land;
- The protection of Blacko village visual, historic and archaeological qualities should be supported by the Local Plan for Blacko. Para 64 of the National Planning Policy Framework states the permission should be refused for development of poor design;
- Most houses in the surrounding area of cottage dwellings, thus design should be recognised as an important factor. I believe this proposal to be over-bearing, out of scale and out of character in terms of its appearance;
- There is no need for this kind of open market housing in the village. Pendle District has more than five years' supply of housing land to meet the requirements. Pendle already has enough large houses;
- A recent appeal was dismissed harm to character and appearance. Other reasons to look at include loss of light/overshadowing or overlooking and loss of privacy/visual amenity;
- Gisburn Road is to have 5 cameras installed by the end of 2017 due to road traffic dangers;
- This development is likely to have a significant impact on the Blacko environment so I feel that this should be made subject to an environmental impact assessment so the implications can be fully explored before any planning decision is made;
- Should this proposal go ahead it will create huge health and safety issues for the children of the school, pedestrians and the thousands of vehicles that use this road;
- The submitted documents are inaccurate and misleading;
- The design is based on incorrect site drawings as boundaries are not correct and buildings not shown will need to be demolished;
- The position of one of the houses breaches planning regulations;
- Some of the properties will be 3 floors and overlook dormer bungalows with small gaps between them;
- Public car parking would have to be supplied to accommodate the large number of cars that use this affected stretch of road;
- This area of Blacko is very poorly served by local public transport;
- Potential debilitating impact on award winning Pendleside village;
- Why does the village need affordable bungalows;
- A further 25 houses will decrease the value of other properties due to lack of demand;
- Crime rate in the village is increasing, more houses means more opportunity for thieves and criminals; and
- The lower east end of the development abuts garden properties which have retaining walls, a hedge on top of this would produce an 8-10ft barrier to the view and sunlight enjoyed by these properties and infringe their entitlement to Ancient Lights.

Officer Comments

The issues for consideration are policy issues, principle of housing, layout and impact on amenity, impact on Open Countryside, flooding and drainage, ecology and highways issues, open space and contributions.

1. 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 SDP3 sets out the housing distribution for Pendle.

Policy ENV1 Protecting and Enhancing Our Natural and Historic Environments 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. The proposal's compliance with this policy is addressed in the design and amenity sections.

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. The proposal's compliance with this policy is addressed in the flooding and drainage section.

Policy LIV1 sets out the housing requirements for 2011 to 2030 and allows for sites to come forward for housing outside of the settlement boundary prior to the site allocations being adopted and where the site is sustainable and close to a Settlement Boundary and can make a positive contribution to the five year supply of housing land.

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. Developments in rural Pendle are expected to provide 20% 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 4D requires appropriate ecological surveys to be undertaken.

Policy 13 considers the style, design and materials and how these compliment nearby properties/areas and the need for natural materials in certain locations.

Policy 16 'Landscaping in New Development' requires that developments provide a scheme of planting which is sympathetic to the area.

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.

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 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. The SHLAA was updated in support of the publication of the Core Strategy. This is dealt with in detail below.

Section 7 of the Framework deals with design and makes it clear that design is a key aspect of sustainable development. Paragraph 64 of the Framework states that "permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions".

The Framework expects that Councils meet their full objectively assessed housing needs and to annually update their supply of specific deliverable sites to meet a five year supply. Where there has been persistent under delivery a 20% buffer needs to be added to the 5 year supply.

The Framework states that good design is a key aspect of sustainable development and is indivisible from good planning. Design is to contribute positively to making places better for people (para. 56). To accomplish this development is to establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live and responding to local character and history (para. 58). It is also proper to seek to promote or reinforce local distinctiveness (para. 60).

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 it should be refused. There is no balancing exercise to be undertaken with other sections of the Framework as poor design is not sustainable development and the requirement under paragraph 14 is to allow sustainable development to come forward.

2. Principle of Housing

Proposals for new development should be located within a settlement boundary. 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 Greenfield land which lies within the village of Blacko.

It is likely that if permission for housing was approved here that the site would be brought into the urban area as part of the settlement review.

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.

Whilst the site lies outside the settlement boundary the site is immediately adjacent to the settlement boundary to the north would be sustainable as the surrounding residential housing and would be accessible in terms of public transport with a primary school, pub, shop and play area located close by.

In this instance the proposed site would be sustainable and the principle of housing acceptable and accords with policy LIV1.

3. Layout and Impact on Amenity

The application site is wholly outside the settlement boundary which bounds the site on its north, east and west boundaries with the southern boundary abutting open fields.

The site is surrounded by residential properties on three sides. The site proposes a mix of housetypes and although the details of the scale and design have not been applied for the layout indicates that acceptable distances between existing and proposed units can be achieved.

The site is accessible in terms of distance from public transport routes along Gisburn Road and whilst there might be potential implications on this in the future at present there is provision which can be utilised by any future residents.

Six of the 25 dwellings are proposed to be affordable and offered for social rent or through another mechanism. This meets the requirement in policy LIV4 for 20% affordable housing provision on site within Rural Pendle. This would result in 5 houses and the agent is offering up 6 units which complies with policy requirements. This can be controlled by an s.106 obligation attached to any grant of permission.

Plots 1 – 6 would be 2 bed 1.5 storey bungalows in one block of six. These units would be sited to the north west part of the site close to the access and to the rear of properties at No.'s 362 – 370 Gisburn Road. A total of 9 parking spaces would be provided for these units which equates to 1.5 spaces per unit. These units are proposed as affordable units. Distances vary between 24m and 18m from rear elevation to rear elevation. These bungalows would have an eaves height of 2.5m and a ridge height of 6.4m which would be acceptable if there were no windows above ground floor level.

Plots 7 and 19 would be 3 bed 2.5 storey detached units with attached single garage and two parking spaces per unit. Plot 7 would be sited to the south of the site abutting the allotments gardens which is acceptable and unit 19 sited to the north east abutting the rear gardens of 8, 9 and 10 Malkin Close. These properties have long rear gardens at an angle to the site and the distance here are acceptable.

Plots 8 and 9 would be 3/4 bed 2.5 storey semi-detached units with three parking spaces per unit. These would be sited to the southern boundary of the site abutting open countryside which is acceptable.

Plots 10 - 15 would be 3 bed 2.5 storey detached with a single/shared double garage and two parking spaces per unit. These units would be sited to the southern boundary of the site abutting open countryside which is acceptable.

Plot 16 would be 4 bed 2.5 storey detached property with a double garage and two parking spaces. This unit would be sited to the south east of the site abutting open countryside to the south and Beverley Farm to the east at a distance of 20m rear to corner which is acceptable.

Plot 17 would be 4 bed 2.5 storey detached property with a double garage and two parking spaces. This unit would be sited to the east of the site abutting the rear gardens of No.'s 26 and 28 Beverley Road at a distance of at least 21m rear to rear which is acceptable.

Plot 18 would be 3 bed 2.5 storey detached property with a single garage and two parking spaces. This unit would be sited to the east of the site abutting the rear garden of No. 26 Beverley Road at a distance of 21m rear to rear which is acceptable.

Plots 20 and 21 would be 4 bed 2.5 storey detached property with a double garage and two parking spaces. These units would be sited to the north east of the site abutting the rear gardens of No. 7 Makin Close at a distance of at least 22m rear to rear which is acceptable.

Plots 22 - 25 would be 3/4 bed 2.5 storey semi-detached properties with three parking spaces. These units would be sited to the north west of the site abutting the rear gardens of no.'s 5, 6 and 7 Malkin Close at distance of over 21m from rear to rear and corner this is acceptable.

The site is not prominent in terms of views, however, details of heights, design and materials for the proposed housing will be essential in terms of how this development would affect the landscape and visual amenity of the area. Some indication of these details have been included in the Design and Access Statement.

Whilst all of the properties would have garden areas and off-street parking provision some of these rear gardens are shallow and the off-street parking provision on some of the plots is not sufficient to ensure adequate off-street parking can be provided. Therefore the layout

Details of boundary treatments can be submitted at Reserved Matters stage or controlled by condition if necessary at that stage.

Subject to appropriate conditions and details of the appearance, scale and landscaping this layout would be acceptable in terms of design and impact and accords with policies ENV1 and ENV2.

The lack of green space on the site and the shallow rear gardens of plots 18, 19 and 20 in particular does not result in a spacious layout and the position of some of the garages and narrow access to shared driveways exacerbates this contrary to policy LIV5. The agent has been requested to address this issue.

4. Impact on Open Countryside

Although the site is in Open Countryside as mentioned above it lies immediately adjacent to the settlement boundary. The site is not over prominent and views and is limited in terms of its landscape value.

Sites within Rural Pendle require a range of types and sizes and lower densities may be appropriate depending on the built form, townscape and landscape character. Linkages should be made to the surrounding countryside.

The proposed layout would result in a density of 27dph which is acceptable in itself; however, some of the plots have shallow rear gardens and no on-site open space provision or green corridors have been indicated which would assist in providing a spacious layout which would benefit this location outside of the settlement boundary.

Whilst all of the properties would have garden areas and off-street parking provision the rear gardens of plots 16, 18, 19 and 20 are less than 7m in depth. The off-street parking provision on plots 7, 8, 9, 22, 23, 24 and 25 are not sufficient to ensure adequate off-street parking can be provided. Therefore the layout does not address the requirements set out in policy LIV 5 and the agent has been requested to address this.

A number of existing trees will remain and further details of the proposed landscaping of the scheme can be controlled as part of the Reserved Matters.

As it stands the scheme would fail to accord with requirements in LIV5 for on-site provision of open space and although the density proposed is acceptable the large plots, detached double garages and shallow gardens result in a cramped linear development which could be improved to create a more spacious layout. Any amended plans will be reported to the meeting.

5. Flooding and Drainage

The site lies within Flood Zone 1. A Flood Risk Assessment has been submitted.

In terms of drainage this scheme proposes that a Sustainable Drainage System will be installed and details of this can be controlled by an appropriate condition at this stage. Drainage issues are technical ones which can be resolved and will result in betterment than the existing drainage situation and reduce fluvial flooding issues.

The Lead Local Flood Authority has objected to this scheme on the basis that the submitted Flood Risk Assessment is not satisfactory. Further information has been submitted by the agent and comments are awaited from LLFA on this additional information. An update on this will be provided at the meeting.

As it stands the current proposal does not accord with policy ENV7.

6. Ecology

An ecology report, bat survey and Arboricultural report have been submitted with this application which are acceptable and accord with policies 4C and 14.

7. Highways Issues

LCC Highways have objection to this scheme as the proposed access from Gisburn Road would result in any adverse impact on highway safety issues due to the proposed build-out onto Gisburn Road which would reduce the width here from 6.9m to 6.1m which would reduce the sight lines to the south to 2.4m x 26.3m this would not be acceptable due to the restrictions this would impose on passing traffic on Gisburn Road which includes upto 8% HGV movements and buses.

This build out would also result in the car parking to the front of 1 to 5 Hill View and 370 Gisburn Road further towards the centre line of the carriageway. Many of the properties on Gisburn Road are terraced without any off-street parking provision.

The National Planning Policy Framework requires all developments to provide a safe and suitable access to the site to be achieved as set in para 32 and that developments should only be prevented or refused on transport grounds where the residual cumulative impact of development are severe. This would be the case in this instance.

The agent has been requested to address the concerns raised by the resulting build out onto Gisburn Road and the narrowing of this road at this point there would be insufficient sight lines onto Gisburn Road.

Further information has been submitted relating to the outstanding objection from LCC Highways regarding the access road, build out and visibility splays. Any comments received will be reported to the meeting.

This scheme would provide off-street car parking for vehicles in a combination of garages and driveways. However, some of the garages and parking spaces do not meet the required standards and therefore can not be considered as parking spaces. The six affordable units only have nine shared spaces between them and plots 7, 8, 9, 22, 23, 24 and 25 have insufficient parking provision. The agent has been requested to address this. Any amended plans will be reported to the meeting.

The scheme as submitted would not provide the minimum off-street car parking spaces required by policy 31 and therefore fails to accord with policy 31 of the Replacement Pendle Local Plan.

Conditions have been requested by LCC Highways to be attached to any grant of permission.

8. Open Space

The site lies within Blacko. Policy LIV5 requires all proposals for residential units to provide on-site open space which can take the form of Green Corridors and spacious layouts.

The site layout provides ample private amenity spaces for the plots and also some green amenity space which helps to soften the scheme and provide some visual interest in the overall layout.

The proposal as submitted therefore fails to accord with policy LIV5. The agent has been requested to amend the layout to reflect this requirement. Any amended plans will be reported to the meeting.

9. Contributions

A request for £81,214.36 for secondary school education contribution has been requested by LCC.

This has been accepted and agreed by the agent and can be controlled by means of a s.106 to secure the funding.

Summary

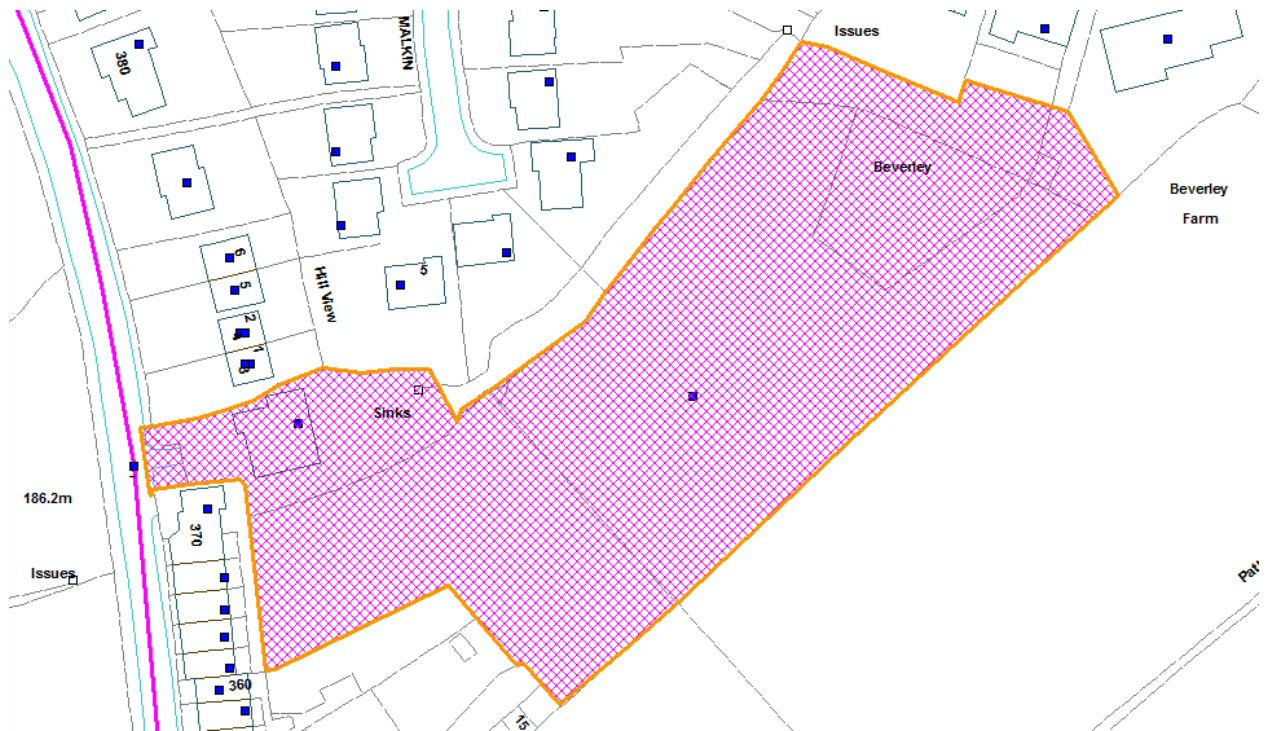
The principle of residential development in this location is acceptable. However, the proposal does not have an acceptable Flood Risk Assessment nor would it provide a safe access as required by National Planning Policy Framework para. The proposed development could therefore have a detrimental impact flooding in the area and would lead to a severe impact on highway safety and therefore fails to accord with the adopted police ENV7 of the Pendle Local Plan: Part 1 and the National Planning Policy Framework in particular paragraph 32.

The proposal would also result in a cramped layout with shallow rear gardens and no open space/green corridors within the site. Some of the proposed parking spaces are not adequate in terms of size and this would lead to parking on the highway which would also impact on the layout contrary to policy LIV 5 of the Pendle Local Plan: Part 1 and policy 31 of the Replacement Pendle Local Plan.

Reasons for Refusal

1. The proposal would fail to provide a safe and suitable access to the site and therefore would not be in accordance with National Planning Policy Framework paragraph 32.

2. The proposal has failed to provide adequate provision for potential flood risk and therefore would not be in accordance with policy ENV7 of the Pendle Local Plan Part 1: Core Strategy 2011-2030.
3. The proposed development would result in a cramped layout due to the modest rear gardens, particularly to the northern and eastern sides of the proposed estate road, lack of on-site open space provision and insufficient off-street car parking provision for the residents. The application therefore would not be in accordance with policies ENV2 and LIV5 of the Pendle Local Plan Part 1: Core Strategy 2011 -2030 and saved policy 31 of the Replacement Pendle Local Plan.



Application Ref: 16/0820/OUT

Proposal: Outline: Major: Erection of 25 dwellinghouses; Full: Demolition of 372 Gisburn Road and creation of access (Access and Layout only)

At: Land to the east of 372 Gisburn Road, Blacko

On behalf of: Mr Calvert & Mr Wilds

Application Ref: 17/0044/FUL

Proposal: Full: Retention of caravan to be used for welfare facilities in association with dog exercising track.

At: Land Adjacent Locks 46 And 47 Leeds And Liverpool Canal, Colne Road, Barrowford

On behalf of: Mr Lee Duerden

Date Registered: 06/02/2017

Expiry Date: 03/04/2017

Case Officer: Alex Cameron

Site Description and Proposal

This application has been brought before Committee as more than three letters of objection have been received.

The application site is a strip of woodland/scrub between the Leeds and Liverpool Canal, Colne Water and Wanless Water which is in use as a sled dog exercise area. There are dwellings to the east on Greenfield Road and an existing vehicular access to the utilities compound from Greenfield Road to the north. A public footpath also runs through the site from the side of 117 Greenfield Road through to the canal towpath. Although the land immediately adjacent is within the green belt the site itself is undesignated and therefore falls within open countryside.

The proposed development is retrospective retention of a static caravan which has been sited on the land. The caravan is 11m x 3.6m and 2.73m in height and is sited in the centre of the site adjacent to the off-lead compound.

Relevant Planning History

13/14/0394P - Full: Change of use of land to site for exercising dogs including formation of a car park, 1.8m wide exercise track and off lead compound with 1.8m high fencing. Approved, 09/01/2014.

Consultee Response

National Grid – Please attach notes relating to working near gas pipelines.

Barrowford Parish Council - No objection in principle: But would need conditions regarding duration of time that the static caravan can remain on site and safeguards that this permission does not lead to a future permanent structure within the Green Belt.

Public Response

A site notice has been posted and nearest neighbours notified – Responses have been received objecting to the application on the following grounds:

Adverse impact on views from adjacent properties.

The caravan is an eyesore.

The dog track has not been used as it was intended.

Are there any toilet facilities?

How is rubbish disposed of?

The footpath has been changed without permission.

The track results in noise and parking issues and should not have been granted permission in the first place.

The access is not suitable to accommodate the traffic generated by the use.

Officer Comments

Policy

Policy ENV1 states that the historic environment and heritage assets of the borough (including Listed Buildings, Conservation Areas, Scheduled Monuments, non-designated assets and archaeological remains), including and their settings, will be conserved and where appropriate should be enhanced.

Policy ENV2 (Achieving Quality in Design and Conservation) states that all new development should seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving heritage assets.

Policy WRK5 (Tourism, Leisure and Culture) supports the provision of new or improved facilities for leisure where they are of an appropriate scale and will not have a significant detrimental effect on the natural or historic environment, local amenity or character of the area.

Visual Amenity and Heritage Impact

The site is not designated and falls outside of a settlement boundary and therefore is open countryside. The caravan provides welfare facilities in association with the authorised use of the site as a sled dog exercise track. Policy WRK5 supports the provision of new or improved facilities for leisure where they are of an appropriate scale and will not have a significant detrimental effect on the natural or historic environment, local amenity or character of the area.

Although the caravan is visible in glimpses from the adjacent footpaths and towpath, the site is relatively well screened by surrounding trees and the caravan's visual impact is limited to views from within and gaps between the foliage in immediately adjacent views. It has no impact upon the wider landscape and does not have an unacceptable visual impact. The caravan also does not result in an unacceptable impact on the setting of the adjacent Listed canal locks. The caravan is therefore acceptable in terms of visual amenity in accordance with policies ENV1, ENV2 and WRK5.

Residential Amenity

Concerns have been raised regarding the impact of the existing use on adjacent dwellings. This application is for the retention of the caravan, the impacts of the use of the site were assessed in the previous planning application. The caravan itself is located approximately 100m from the nearest dwelling and, taking this into account, would not result in any unacceptable residential amenity impacts. The caravan is therefore acceptable in terms of residential amenity in accordance with policy ENV2.

Highways

The caravan is sited away from the public right of way crossing the land and raises no specific highway safety issues.

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 acceptable in terms of policy, visual amenity, residential amenity and 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: Approve

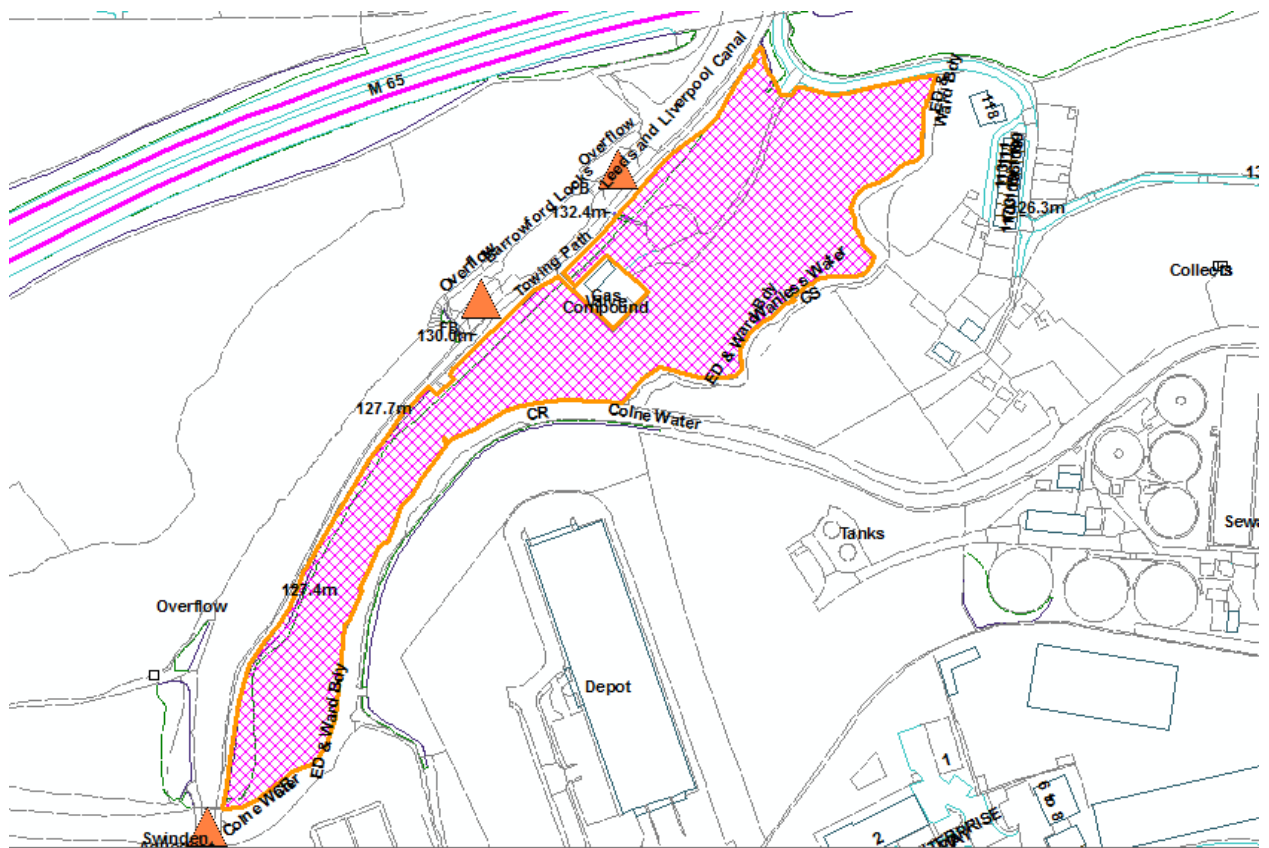
Subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 17/005/1.

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

2. The caravan shall be used solely as a welfare facility in connection with the use of the site as a dog sled exercise track. It shall not be used for any other purpose including overnight residential accommodation and if the dog sled exercise track ceases the caravan shall be removed from the land within one month of the cessation of the use.

Reason: For the avoidance of doubt and to ensure that the caravan is removed if it is no longer necessary.



Application Ref: 17/0044/FUL

Proposal: Full: Retention of caravan to be used for welfare facilities in association with dog exercising track.

At: Land Adjacent Locks 46 And 47 Leeds And Liverpool Canal, Colne Road, Barrowford

On behalf of: Mr Lee Duerden

Application Ref: 17/0050/ADV

Proposal: Advert Consent: Display one 7.5m x 0.725m illuminated fascia sign, one 0.65m x 1.5m illuminated projecting sign and one 1.1m x 0.75m illuminated door sign.

At: 79-81 Gisburn Road, Barrowford

On behalf of: Miss J Pilling

Date Registered: 18 January 2017

Expiry Date: 15 March 2017

Case Officer: Kathryn Hughes

Site Description and Proposal

The application site has permission for a café/wine bar. The site lies within Barrowford Conservation Area.

This application seeks consent for three illuminated signs to the frontage.

Details of the three signs are:

Sign A is an illuminated fascia sign which measures 0.725m high x 7.5m wide x 0.05m deep 2.4m above the ground with halo illumination with black text on a timber background.

Sign B is an illuminated projecting sign which measures 1.5m high x 0.65m wide x 0.2m deep 3m above the ground with halo illumination with black text on a timber background.

Sign C is an illuminated sign adjacent to the entrance door which measures 1.1m high x 0.75m wide x 0.05m deep 0.9m above the ground with a spotlight to illuminate black text on a timber background.

Relevant Planning History

16/0621/FUL – Full: Change of use from hairdressers (A1) to mixed use coffee shop/wine bar (A3/A4) and external alterations to the frontage including raised seating area – Approved 23rd November, 2016.

13/03/0654P – Advert Consent: Signage to front of shop – Granted 20th November, 2003.

Consultee Response

LCC Highways – The proposal raises no highway concerns and I would therefore raise no objection to the proposal on highway safety grounds, subject to conditions being attached to any planning approval relating to screening external sources of lighting and limiting the illuminance.

Barrowford Parish Council – The Council considers that proposed signage is of an inappropriate design and materials and is excessive given the size of the frontage and proposed design of the fencing to the seated area. The illumination also raises concerns as the property abuts a residential property. The Council feels that the proposed signage would detract from the character and amenity of Barrowford Conservation Area, and set a precedent for future signage quality within the conservation area. The Council considers it appropriate that the application should be referred to the Conservation Officer for comment.

Public Response

Nearest neighbours notified by letter without response.

Officer Comments

The issues to consider in this application are Impact on Amenity and Highway Safety.

Amenity

The site lies within Barrowford Conservation Area

Local Authorities have a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve and enhance the appearance and character of Conservation Areas.

The site has planning permission to alter the shopfront with bi-fold timber doors and a timber decked area.

The Conservation Area Design and Development Guidance Supplementary Planning Document para 4.108 states that signs should relate well to the building and to the surrounding area. Para 4.109 states that more impact can be achieved by good design and quality materials than by size and brightness. Simple and restrained signs are often more effective than over-large and garish ones. Para 4.111 states that hanging or projecting signs may be permitted where they respect the street scene and are traditional or simple in design and in proportion with no more than one per frontage and not normally placed higher than fascia level. Natural materials are preferred.

Sign A fascia would be quite long at 7m and the applicant has been requested to reduce this to a more appropriate size. The applicant has agreed to reduce this to 6m x 0.6m which would be acceptable. Amended plans are expected.

Sign B would not be acceptable in terms of its size and siting at first floor level which would adversely affect the amenity of the area and in Barrowford Conservation Area and therefore should be refused.

Sign C would be illuminated by means of a spotlight details of which have been requested, this would not adversely affect the amenity of the area and is acceptable.

The position and size of Sign B would not be appropriate in this location and would detract from the Conservation Area and therefore fail to accord with policy 13 of the Replacement Pendle Local Plan and the Conservation Area Design and Development Guidance SPD.

Timber is an appropriate natural material in the Conservation Area and accords with the Conservation Area Design and Development Guidance SPD in this respect.

Subject to the amendment of Sign A to a more appropriate size then Signs A and C are acceptable in terms of their size, colours and design in this location and accord with policy 13 of the Replacement Pendle Local Plan and The Conservation Area Design and Development Guidance Supplementary Planning Document.

Highway safety

The proposed scheme will not impact on highway safety subject to appropriate conditions and therefore is acceptable in this aspect.

Summary

Signs A (as amended) and C would not adversely affect the amenity of the area and are acceptable in terms of design and would not raise any highway safety concerns. These signs therefore accords with saved policy 13 of the Replacement Pendle Local Plan and The Conservation Area Design and Development Guidance SPD.

Sign B is not acceptable in terms of its position and size and therefore fails to accord with policy 13 of the Replacement Pendle Local Plan and The Conservation Area Design and Development Guidance SPD.

Reason for Decision

The proposed signage A and C are acceptable and would not impact on amenity or highway safety.

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:

01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11 & 12.

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

3. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the land entitled to grant permission.

Reason: Condition imposed by the Regulations.

4. No advertisement shall be sited or displayed so as to -
 - a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: Condition imposed by the Regulations.

5. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: Condition imposed by the Regulations.

6. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: Condition imposed by the Regulations.

7. Where an advertisement is required under these Regulations to be removed, the site shall be left in condition that does not endanger the public or impair visual amenity.

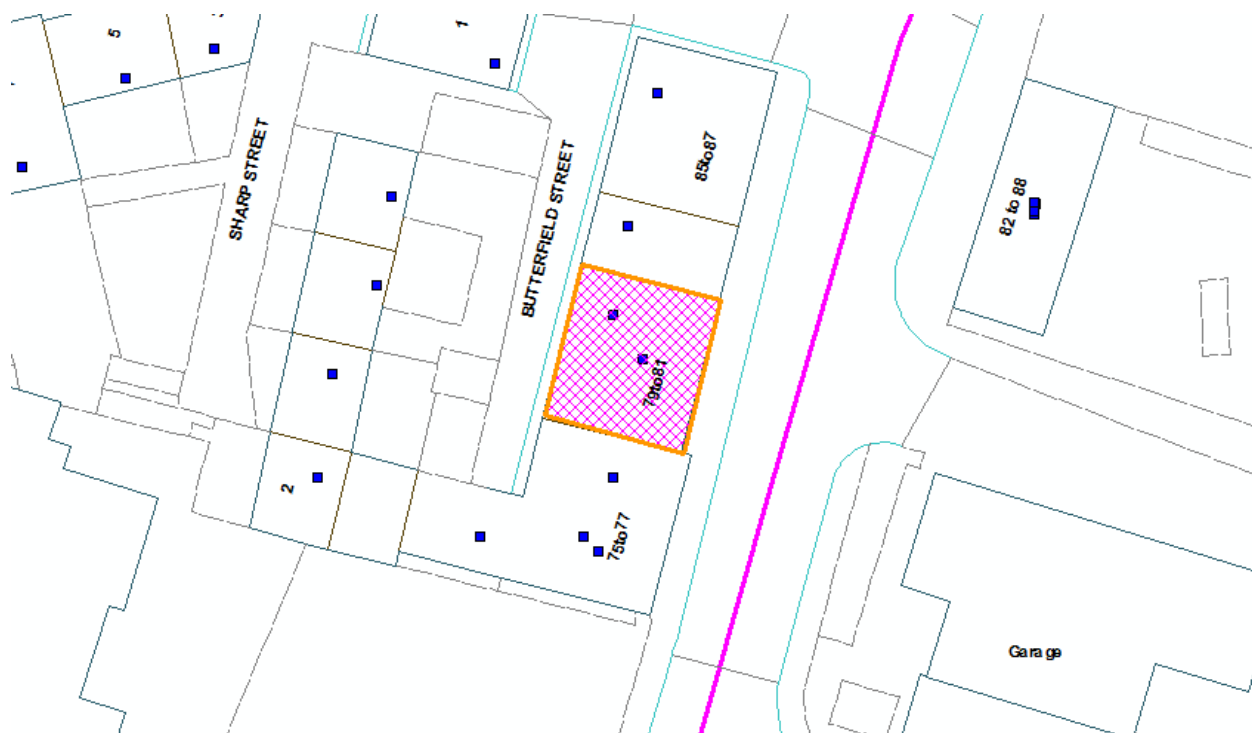
Reason: Condition imposed by the Regulations.

8. The surface brightness of the advertisement shall not exceed 500 candelas/sq. metre and shall not include any intermittent light source, moving features or reflective material.

Reason: Condition imposed by the Regulations.

RECOMMENDATION: Refuse

1. Proposed sign B would, by virtue of its size and position, adversely affect the amenity of the conservation area. The proposed sign would fail to accord with saved policy 13 of the Replacement Pendle Local Plan and the Conservation Area Design and Development Supplementary Planning Document.



Application Ref: 17/0050/ADV

Proposal: Advert Consent: Display one 7.5m x 0.725m illuminated fascia sign, one 0.65m x 1.5m illuminated projecting sign and one 1.1m x 0.75m illuminated door sign.

At: 79-81 Gisburn Road, Barrowford

On behalf of: Miss J Pilling

LIST OF BACKGROUND PAPERS

Planning Applications

NW/SM

Date: 22 March 2017