



REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

TO: COLNE AND DISTRICT COMMITTEE

DATE: 10th AUGUST 2017

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO COLNE & DISTRICT AREA COMMITTEE 10th August, 2017

Application Ref: 17/0206/FUL

Proposal: Full: Demolition of existing structures and erection of single dwelling with detached garage

At: Land to South of Lyndhurst, Hall Road, Trawden

On behalf of: Ms Isobel Gudgeon

Date Registered: 20 June 2017

Expiry Date: 15 August 2017

Case Officer: Kathryn Hughes

Site Description and Proposal

The application site is an area of land to the rear of properties on Hall Road which is adjacent to but outside of the settlement boundary on land designated as Open Countryside. The site is also within Trawden Conservation Area.

There are open fields to the east, west and south of the site and semi-detached and detached residential properties to the north and terraced properties to the north east.

The proposal is to erect one three bed single storey dwellinghouse with detached double garage constructed in natural stone and blue slate.

Relevant Planning History

None.

Consultee Response

LCC Highways – No highway concerns, however, the access road does include the public right of way 13/7/FP/23 and therefore the Public Rights of Way officer might have some comments.

PBC Rights of Way

Trawden Parish Council - There was a concern regarding the access off Hall Road onto the site, but the Councillors have no issues with the proposed property. It is smaller than the footprint of the current building, which is looking dilapidated. The Councillors would like to see a condition written into any decisions stating, if passed, there are to be no additional properties within this field, as it is currently protected by being designated as a 'Site of Settlement Character' and as such, will be written into the emerging Neighbourhood Plan.

Public Response

A 65 signature petition has been submitted objecting to the proposed development.

Site and press notices posted and nearest neighbours notified by letter. Nine responses received objecting to the proposal on the following grounds:

- The site is used by many villagers for recreation and dog walking and Health & Safety concerns as pedestrians cross this land to access the local primary school;
- Access is limited due to the size of the access road which I own adjacent to my property;
- How will construction vehicles access the site and who will maintain the road up to the access road;
- There is a lot of wildlife including bats around the site which I have learned are residing in the structure to be demolished;
- How will access be gained when I own the land to be crossed to reach the site;
- How will emergency vehicles and bin wagons access the site? The access is not wide enough;
- This land has an application of a number of dwellings turned down during the 1990's due to unsuitable site access;
- Why does this application state this Ms Gudeon owns the track? This is wrong as Mr M Bracewell at Blencathra is the rightful owner. Therefore the wrong certificates have been served and the application is invalid;
- There is no other suitable access;
- Visitors park in front of the houses, more cars will mean no-one can get past without moving cars;
- The entrance/exit onto Hall Road is a blind spot and you would have to edge out to see if clear;
- Both Hazel Garth and Blencathra have trees and a wall which restrict views. Hall Road is not a through Road but it is well used;
- The track across the field carries surface water as there is no drainage onto Hall Road. On numerous occasions this water runs into our property and flooding our garden;
- If more vehicles enter and exit the site on a regular basis there will be problems to our property and land movement to our boundary;
- The proposed building is to be built on a site of settlement character which defines the overall landscape and character of Trawden, which if completed will have detrimental effects on the characteristics of Trawden;
- We have been informed that the existing huts are built on concrete footings. This is not correct as the retaining walls was added approx. ten years ago on a concrete slab without permission;
- The application has not been drawn to an adopted road. Hall Road is unadopted and last year the 54 residents clubbed together to make the road passable;
- The Design and Access Statement states it's in compliance with the Disabled Discrimination Act. We object to this as the dwelling has three bedrooms and a detached garage and disability does not come into it;
- All we can see is increased inconvenience to other residents with the road being blocked. Most residents use the access road to turn around;
- The existing structure is an old wooden shed used for storage. We thought this was situated within a Green Belt area?;
- If one application is approved it opens the way for others to follow in the same field;
- Trawden needs to remain a village. We have had plenty of development in the village over the past few years with a selection of properties available for sale on the open market;
- A new built property would be no more than a blot on the landscape; and

- The applicant has recently built an extension onto her current family home to meet the needs of a family member who requires single storey access. Why us another property required?;

17 responses have been received supporting the proposal.

Officer Comments

The main issues for consideration are impact on conservation area, impact on amenity, impact on settlement character, design and materials, drainage, landscaping and ecology and highway issues.

- Policy

The relevant adopted Pendle Local Plan policies for this proposal are:

Policy SDP1 requires the decision maker to take a positive approach in favour of sustainable development as set out in the National Planning Policy Framework (NPPF) and allows for housing sites outside of the settlement boundary.

Policy SDP3 sets out the location of new housing in the Borough in conjunction with SDP2 and LIV1.

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

Policy ENV2 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 LIV1 sets out the requirement for housing to be delivered over the plan period. This policy allows for non-allocated sites within the Settlement Boundary as well as sustainable sites outside but close to a Settlement Boundary.

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 build 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 Replacement Pendle Local Plan policies are also relevant to this application:

Policy 4D 'Natural Heritage – wildlife corridors, species protection and biodiversity seeks to protect and encourage the re-establishment of habitats and biodiversity on sites.

Policy 12 'Maintaining Settlement Character' the development of land which contributes to the openness, character and local amenity of a settlement will not be permitted, unless the development proposal is for the enhancement or improvement of existing on site facilities.

Policy 14 'Trees, Woodland and Hedgerows' have an important amenity function and should be protected. All new development should respect trees in terms of their location and the contribution they make to the local scene.

Policy 16 'Landscaping in New Development' requires all development proposals to include a scheme of landscaping sympathetic to the site's character and vicinity.

Policy 31 'Parking' supports car parking in new developments in line with the Maximum Car and Cycle Parking Standards. All new parking provisions should be in line with these standards unless this would compromise highway safety.

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

- Housing Requirements

This proposal seeks to demolish an existing wooden structure (293 sq.m.) and erect one dwellinghouse on a Greenfield site adjacent to but outside of the settlement boundary. The proposed dwellinghouse would be 172 sq.m. and the detached garage 46 sq.m.

The site is located outside of a settlement boundary, with its northern boundary abutting the settlement of Trawden. The site therefore falls within the open countryside. Paragraph 55 of the NPPF states that 'Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances'. However, as the site is not an isolated one as it abuts the settlement special circumstances do not have to be demonstrated here.

The current position of the Council is that there is a 5 year supply of housing land. In this instance the Council has not yet adopted the Pendle Local Plan Part 2: (Site Allocations and Development Policies). This proposal for one dwelling would further encourage the delivery of the housing requirement and is therefore supported by the aims of Policy LIV1. Policy LIV1 also states proposals for new housing development will be supported where they accord with other policies of the Core Strategy and are on sustainable sites outside of the settlement boundary.

The Council must therefore consider the sustainability of the site outside of a defined settlement boundary and support those which would not result in isolated or incongruous developments and provide links to existing services/facilities.

The site has easy access to essential services given its location near schools, employment sites and has public transport links to Colne town centre within walking distance. Taking in to account the edge of settlement characteristics of the site and its close relationship with existing development, it is not isolated for the purposes of Paragraph 55. Development in this location would not result in an unacceptable loss of open countryside.

Therefore, in terms of location, a site of this nature, which has clear and established links to associated services, would be sustainable and its development would assist with the supply of housing in the Borough. The proposed development would therefore accord with the NPPF and Policy SDP1 of the Local Plan Part 1.

- Impact on the Conservation Area

The site is within the Conservation Area and therefore any design proposed should be of the highest possible standard with materials proposed to be of natural stone and slate in keeping with Local Character deserving of its Conservation status.

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 is set behind existing housing on Hall Road and whilst it would not be overly prominent in views there are public vantage points and footpath close to the site. There are existing houses located adjacent to the site which would be to the forefront of the proposed house, which would screen this development to some extent. This, together with an appropriate landscaping scheme,

would soften the scheme so that this modest proposal would not be so detrimental as to adversely impact on the conservation area.

The Conservation Area Design and Development Guidance SPD states that new development should be well designed and detailed.

A Heritage Statement and Design and Access Statement has been submitted which assesses the design and effect on the character and appearance of the area. The report concludes that the replacement of an existing group of buildings which have no historic or architectural merit and are built in modern materials with a single storey dwelling of a similar footprint and detached garage would enhance the appearance of the conservation area and remove the modern, slightly dilapidated, redundant outbuildings.

The current buildings on the site have no merit and as they stand detract from the conservation area notwithstanding the natural materials. However, these can be removed without the need to replace if they are no longer required without affecting the merits of this case.

The proposed dwellinghouse would be finished in natural stone and blue slate with upvc grey windows and doors and existing boundary treatments as existing. Natural timber windows and doors would be more appropriate here and the agent has been requested to consider this.

Subject to appropriate materials and conditions this proposal is acceptable and accords with policy ENV1 and the Conservation Area Design and Development Guidance SPD.

- Impact on Settlement Character

This site was allocated as it helped to break up the pattern of development and maintain views of the countryside from within the village.

Para 113 of the Framework states that; "Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make".

The agent has made a case that this is a local townscape designation which is that the new building would improve the appearance and enhance the area. The proposed dwelling is of a similar scale but has a smaller footprint and therefore there would be a reduction in the impact of the building on the landscape and there would not be any loss of views when compared with the existing buildings. There would not be significant impact on the openness and character of the site. The buildings currently on site are in modern materials and do not have any historic or architectural significance.

The new building would be stone built with slate roof and be an improvement and positive contribution to the character of the village and the conservation area.

This part of the designated land is different to the rest and has been developed already. When considered in aerial photos this part of the site looks different and has different characteristics to the remainder of the land. Taking this into account the impact on the settlement character would be minimal.

In my opinion this part of the site would be appropriate for residential development as proposal is to site one dwellinghouse on the site on existing buildings which, when viewed in aerial footage, would not be any more intrusive than the existing development, this would be an acceptable form of development that would retain some element of the character of the site and still protect the remaining of the site.

Therefore this proposal is acceptable and accords with policy 12 of the Replacement Pendle Local Plan and the Framework.

- Impact on Residential Amenity

The nearest properties are on Hall Road are Hazel Garth, Sunnyfield, Ingleside, Lyndhurst and Northfield.

The proposed access runs between Hazel Garth and Blencathra.

The relationship to the properties on Hall Road is an acceptable one with appropriate separation distances and the detached dwellinghouse and the garage being sited in-between.

This is acceptable and accords with policy ENV2.

- Layout, Design and Materials

The proposed dwelling would be single storey with a lounge, kitchen diner and three bedrooms. A detached double garage would be erected adjacent to the dwelling in materials to match.

The materials proposed are natural stone and blue slate with grey upvc windows and doors. Natural timber materials for the windows and doors would be more appropriate in this location and the agent has been requested to consider this.

Subject to changes to the windows and doors the design and materials are acceptable and are in keeping with the area and therefore accord with policy ENV2 and the Conservation Area Design and Development Guidance SPD.

- Landscaping and Ecology

An Ecology report has been submitted in support of this application which advises precautionary mitigation measures as part of the proposed development.

This can be conditioned by an appropriate condition.

An appropriate landscaping scheme would need to be submitted and agreed. This can be controlled by an appropriate condition.

This is acceptable and accords with policies 4D and 16.

- Drainage

Details have been submitted of the proposed drainage which indicates that a soakaway will be provided within the site.

A condition would need to be attached to ensure acceptable details of the drainage proposals are submitted and agreed.

- Highways Issues

Three parking spaces are proposed including a double garage and a drive constructed in permeable materials and natural stone paving to path and patio. Crushed limestone will form the access track 500mm wide with a 1m wide grass strip.

Given the small increase in vehicular movements any issues can be addressed or controlled by appropriate conditions.

There is no objection to the scheme in principle on highway grounds.

The detached dwelling would have a double garage and driveway to accommodate three cars.

This is acceptable and accords with policy 31.

Summary

The proposal for a residential unit is acceptable in this location with the design and materials being appropriate for this site. The proposal would not adversely impact on residential amenity and is acceptable in terms of design, material and parking provision and therefore accords with policies SDP1, SDP3, ENV1, ENV2, LIV1, LIV5 of the Adopted Local Plan Part 1 and policies 4D, 12, 14, 16 and 31 of the Replacement Pendle Local Plan.

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 proposal for one dwellinghouse is acceptable subject to appropriate conditions. The development 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 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:

ADM/16/47/01, 16/47/02A & 16/47/03.

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

3. Prior to the commencement of development samples of all the materials, including a sample panel of the proposed stonework, to be used in the construction of the development hereby permitted (notwithstanding any details shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter 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. The window and door openings shall be set back from the external face of the wall. The depth of the reveal shall be at least 75mm unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development in the interest of visual amenity.

5. Prior to the commencement of development a scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority. 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: To control foul and surface water flow disposal and prevent flooding.

6. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason: To prevent stones and mud being carried onto the public highway to the detriment of road safety.

7. Prior to the commencement of development a detailed landscaping scheme shall have 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 entire 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: To ensure that the development is adequately landscaped so as to integrate with its surroundings.

8. The proposed garage shall only be used for the parking of vehicles and not for any other use including storage or ancillary accommodation.

Reason: In order to provide sufficient off street parking for the development in the interests of highway safety.

9. The proposed development shall not be brought into use unless and until the car parking shown on the approved plan has been constructed, surfaced, sealed, drained and marked out in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The parking spaces and turning area shall thereafter always remain unobstructed and available for parking and turning purposes.

Reason: In order to provide sufficient off street parking for the development in the interests of highway safety.

10. The development shall be carried out in accordance with the recommendations set out in the Ecological Appraisal dated March, 2017 by Pennine Ecological.

Reason: For the avoidance of doubt and in order to prevent loss of biodiversity.

11. Before the dwelling unit is occupied waste containers shall be provided on each plot.

Reason: To ensure adequate storage facilities for domestic refuse, in the interest of residential amenity.

REPORT TO COLNE & DISTRICT AREA COMMITTEE 10th AUGUST, 2017

Application Ref: 17/0287/FUL

Proposal: Full: Alterations to parish hall to form a day nursery with extension to rear, ramp to the side and formation of a play area.

At: Church Hall, Church Street, Trawden

On behalf of: Mrs P Hargreaves

Date Registered: 13 June 2017

Expiry Date: 08 August 2017

Case Officer: Kathryn Hughes

Site Description and Proposal

The application site is a Church Parish Hall located within Trawden Forest Conservation Area and the settlement of Trawden.

The proposal is alter the building to form a day nursery with an extension to the rear, ramp to the side and a form a play area.

The extension has been increased from 56 sq.m. to 108sq.m. in order to facilitate two drop off spaces to the front of the premises.

No change of use is required as a church Hall and children's day nursery both fall within the same use class of D1.

There are mature trees to the rear of the buildings which are not protected by Tree Preservation Order but as they are within a Conservation Area might be protected by this.

Relevant Planning History

None.

Consultee Response

LCC Highways – Thanks for your email which confirms that the proposed nursery would be allowed to begin trading without requiring planning permission as it already has an approved D1 use.

This application 17/0287 seeks approval for a rear extension (approximately an increase by 25% of the existing floor area), a ramp to the side and outdoor play areas to facilitate the Nursery and therefore our comments are provided as follows.

Extension

The proposed 56m² extension to the building for a D1 Nursery use would require an amount of off-street parking and dropping off area in accordance with Pendle Borough Councils parking standards. The amount of parking is calculated at a ratio of 1.5 to 2 staff employed at the nursery with a dropping off area of 1 space per 10 children.

There are no off-street parking spaces at the site as the existing Church Hall would have attracted a small amount of visitors in vehicles when it was used for its original purpose.

It is necessary to consider the extension in isolation and therefore the increase in the number of vehicles will be a small, however this small increase will magnify an existing congested section of the highway network which cannot accommodate any additional vehicles.

Therefore the impact of any additional vehicles on this section of the highway is considered severe and would result in a highway safety concern.

The Highway Authority would raise an objection to the extension of the D1 building which is proposed to facilitate the opening of a nursery.

Ramp

The proposed ramp will be on the adopted highway and therefore a license will be required under the Highways Act 1980.

The area where the ramp will be constructed currently houses wheelie bins and therefore a suitable location will be required for the displaced bins which is off the adopted highway.

Architectural Liaison Unit – The Crime Impact Statement is formed based on local crime figures and trends, incidents reported and community knowledge gathered from local policing teams. It is with this policing knowledge that recommendations are made which are site specific, appropriate and realistic to the potential threat posed from crime and anti-social behaviour in the immediate area of the development.

Crime Risks

Over the past 12 months there have been 86 reported crimes within the rural incident location surrounding the proposed development, including burglary, criminal damage, vehicle crime (majority) and assaults.

Educational establishments, including children's nurseries, can be attractive to criminals and are often targeted for burglary as they generally store large quantities of IT equipment, such as computers, laptops, projectors, cameras, etc. for use by the pupils and staff, and also petty cash. Buildings are also often targeted for criminal damage and arson, which can be due to location and also the fact that buildings are generally unoccupied at regular times of the day, weekends and school holidays.

There have been a number of reported crimes at nursery premises across Lancashire over the past 12 months, such as;

- Offender approached children's nursery and using stone threw same at window causing it to shatter before leaving the scene in unknown direction undetected.
- Offender during hours of darkness has approached empty nursery building currently under renovation and has smashed rear window to gain entry and smashed further window inside property to open inner door. Offender has then removed wooden panels also at rear in order to exit premises undetected.
- Offender has climbed onto the roof of nursery on busy main road and removed lead flashing from the roof and made off undetected.
- Offender has approached rear of nursery and forced entry into premises causing damage and gone through the premises altering the CCTV cameras. Various items have been taken including the CCTV hard drive and electronic tablets.
- Suspect approached nursery building via the rear of the building and using an implement smashes casing surrounding CCTV camera covering the rear of the premises. Suspect then forces open small window accessing the toilet area at the rear of the premises and climbs through window. Offender searched 2 safes and removed a third digital lock safe from the property.

Security recommendations

In order to mitigate the risk of crime and anti-social behaviour that can affect pupils, staff and the community I recommend that the proposed development is designed in accordance with the principles of „Secured By Design“ and incorporates the following recommendations;

□ A secure boundary will help the nursery staff manage the site by limiting trespass and by channelling visitors to the site through appropriate entrances. A secure boundary will also frustrate the intruder intent on breaking into the building or limit the quantity or type of goods that can be stolen. Also, a secure boundary can also provide for the security and safety of the young children, keeping them in and the „uninvited“ out. The proposed site/elevation plan makes reference to a combination of 1.8m close boarded wood fencing and bow top railings along the perimeter. Instead of the wood fencing, consideration should be given to installing 1.8m anti-climb weldmesh fencing (without creating gaps underneath where the terrain is at different levels) which is more durable and has an aesthetic appearance. It is important that there are no structures close to or over the fence that will aid climbing, e.g. trees, lamp columns or buildings. The children’s play areas should be designed as defensible space and have good natural surveillance from the building that allows close supervision. The site should also be secured with matching lockable gates or other suitable electronic access control gates.

□ Access into the building must be restricted by installing an effective access control system main entrances and also internal doorsets to restrict unauthorised deeper access into the building. Should an intruder gain access into the building they should not be able to easily access private areas such as the offices where valuable equipment is stored and cash may be stored. These doorsets should be restricted with proximity card access or a digital push button door entry system for staff.

□ Preventing easy access onto the flat roof areas should be carefully considered as, depending on materials, may be more vulnerable to intrusion either by cutting through the deck or forcing open roof lights and other openings. Low-level flat roofs may also create a risk of falling by a person who has climbed onto the roof recklessly. Also, external rainwater pipes can be used for climbing and should be either square or rectangular in section, flush fitted against the wall or contained within a wall cavity or covered recess. Bends in pipes and horizontal runs should be minimized. They should be of fire resistant material.

□ A bespoke wireless or hardwired and monitored Intruder Alarm system should be installed to EN50131 (Grade 1-4) and comply with the National Police Chiefs Council Policy „Guidelines on Police Requirements and Response to Security Systems“. The alarm installation company should be certified by the National Security Inspectorate (NSI) or Security Systems Alarm Inspection Board (SSAIB), as both organisations promote high standards of service within the security community. A risk assessment should identify whether the design of the alarm system incorporates a combination of internal passive infrared detectors, magnetic door and window contacts, break glass acoustic or vibration detectors, wall or ceiling sensor cable and personal attack facilities.

□ All door sets should be PAS24/2012 (16) certificated (or an alternative accepted standard such as LPS 1175). Glazing must include one pane of laminated glass that is securely fixed in accordance with the manufacturer’s instructions and certified to BS EN 356 2000 rating P1A.

□ Ground floor windows or other easily accessible windows (including any glazed curtain walling) must meet the requirements of PAS 24:2012 (16) and incorporate laminated glazing. Opening vents must also have key operated restrictors fitted to reduce the risk of opportunist „sneak-in“ type offences.

□ As part of the overall security plan, the scheme should be covered by a recorded HD digital colour CCTV system. The CCTV cameras should aim to capture clear full body images of those entering or exiting the building. Cameras must not be located where they can be easily disabled or tampered with. If they can be reached, they must be housed in a casing to protect them from

damage. Recorded data should be stored for a 30 day period before being destroyed, if not required, and staffed trained in the system use and retrieval. Signage should inform visitors of the presence of CCTV.

□ Landscaping within and around the site perimeter should not hinder sightlines as natural surveillance should be promoted throughout to deter crime and promote feelings of safety. Landscaping should be designed in conjunction with the lighting and the CCTV scheme, so one does not have a negative impact on the other.

□ The building should be illuminated with vandal resistant „dusk to dawn“ photoelectric cell lights at all external doors and ground floor windows. The lighting design should be co-ordinated with the CCTV installation to ensure that the lighting is sufficient to support a CCTV system.

□ Waste containers, particularly those with wheels, can be used for climbing and the contents used to start fires. Therefore, consideration should be given to using waste containers with lockable lids. Any boundary treatments to the bins store/service areas should allow some natural surveillance into these areas to reduce the risk of them being targeted for burglary, damage and nuisance.

□ Fire escapes can be vulnerable to intruder attack and vandalism and should be free from external hardware and kept clear at all times. They should be illuminated to promote natural surveillance and be linked into the intruder alarm system to deter crime and anti-social behaviour.

□ All valuable equipment, such as laptops, computer tablets etc., should be clearly property marked and the details stored securely. This equipment should be securely locked away when the building is closed and not visible from windows.

Unfortunately, there have been a large number of reported thefts and burglaries at construction sites across all areas of Lancashire. High value plant, machinery, white goods and boilers are targeted as the development nears completion. This is placing additional demand on local policing resources. Therefore, the site must be secured throughout the construction phase to include robust perimeter fencing and a monitored alarm system (with a response provision) for site cabins where tools, materials and fuel could be stored. **Condition:** *The site must be secured throughout the construction/redevelopment phase as part of the construction management plan. The site should be secured at the perimeter with security fencing and gates as well as other measures such as monitored digital CCTV accredited with either National Security Inspectorate (NSI) or Security Systems & Alarm Inspection Board (SSAIB).*

Trawden Forest Parish Council – The Councillors are unanimously opposed to this proposal. We have already reported to Lancashire County Council that traffic calming measures need to be investigated for the junction near to the Parish Hall, as the Councillors feel that this is a dangerous junction with the volume of traffic that come into Trawden to access Burnley Road as short-cut.

There is no parking provision for this application, and it is proposed that it will be in an area that is already over-loaded with vehicles. There is no provision for dropping off children, and there is a bus stop right outside the Parish Hall. There are concerns that it will be a danger to people using the bus stop. If people are to park outside numbers 2-8 Church Street, this would then block the road, as the Parish Hall is set right on the road side, there is nowhere for vehicles to pull into if there is something coming up the road.

This is also a bus route, which operates every 30 minutes, and is used by children going to Park High School. There is currently another double decker school bus that is coming to Trawden to collect children who have to travel further to school. If people park inconsiderately outside the proposed nursery, it would create grid-lock. Children who attend Trawden School cross the road on the corner across from the Parish Hall in a morning and after school, and it is already very

dangerous. If cars are parked, it would mean that the children cannot see properly when they cross.

To bring in to an already busy village, another potentially 13 staff vehicles that would have to park when people are still at home would create huge parking and manoeuvring issues for everyone within the village and those who pass through.

Public Response

Nearest neighbours notified by letter. 16 responses received raising objections on the following grounds:

- The proposed nursery is on the junction of 3 roads which are already congested from early to mid-morning and then from mid-afternoon to late evening;
- Serious concerns regarding access and parking;
- Bus stop outside and no off-street parking;
- Arrival of number of cars carrying small children at similar times, morning and afternoon, could cause chaos as well as endangering the occupants;
- Staff (13 FTE) will need to find parking spaces;
- Visibility at the junction is restricted;
- Lanehouse is a dead end leading to approximately 300 dwellings will the resulting vehicle movements;
- All the roads are restricted in width;
- The village road and this junction in particular were never designed to handle the volume of traffic that currently exists and to increase the traffic and exacerbate the problems would be both dangerous and detrimental to the amenity of the village;
- The proposal suggests a link with the Community Centre which does not exist and there is no available parking at the Community Centre it is fully utilised;
- This building is not suitable for this use;
- I am all for bringing business to Trawden but this is not needed especially as there is a perfectly good business at the top of Cotton Tree which actually does provide a car park;
- There is nowhere safe to turn vehicles round;
- I am not, in principle opposed to a nursery but the Parish Hall is not a good location and I have reservations as the viability of the project;
- I am concerned that there are bats flying around which may be roosting at the parish hall and any alterations could disturb them;
- The bus stop is where the proposed ramp would be located;
- People use Burnley Road as a short cut to avoid North Valley Road from 7am onwards, then normal traffic and twice an hour bus service. This is bad enough in summer but in dark mornings and evenings and in bad weather and icy conditions?
- The Evening Telegraph quoted 78 children together with 13 staff would mean a minimum of 92 cars twice a day;
- No mention of storage and disposal of waste? There is no suitable place for wheelie bins;
- No mention of evacuation plan in the event of fire;
- No safe place for deliveries of food and cleaning materials;
- there is talk of no change of use being required as the premises have been used for play groups, cubs, brownies etc. but these operate for an hour here and there and not 10.5 hours a day 5 days a week;
- there is no footpath on the Hall side and residents usually park on the side without pavement which narrows the road to the width of one car;
- If this gets the go ahead then we would have to consider the option of residents parking;
- The 3 play areas when in use would dramatically increase noise levels in that area;
- I have concerns over the play areas which would require high secure fences;

- The access ramp is straight of the road (no pavement) with a very tight turning for prams;
- Large cracks have appeared in the north elevation joining the existing building and extension this could need underpinning and mean extra building work resulting in Church Street being cordoned off to ensure a safe work space;
- These type of establishments can be attractive to criminals and recommend the building is illuminated with vandal resistant dusk-dawn lighting at all windows and doors which would dramatically increase light pollution in the area; and
- Residents already suffer with low water pressure;

Officer Comments

The main issues are impact on amenity, impact on the Conservation Area, design and materials, trees and highway issues.

Many objections are based upon the use of the premises as a children's nursery, however, as mentioned previously there is no requirement for a material change of use of the premises as both a church hall and children's day nursery fall within Use Class D1 Non-residential institutions of the Town and Country Planning (Use Classes) Order 1987.

1. Policy

The relevant policies are:

ENV1 covers protection and enhancement of the natural and historic environment including biodiversity, ecology, trees, landscapes, open space and green infrastructure and historic environment.

ENV2 sets out general design principles, historic environment and climate change.

Policy WRK6 encourages the provision of well-designed work places. Innovative projects that re-use and/or adapt existing workplaces for new employment uses will normally be supported.

Policy SUP1 resists the loss of community facilities that require a change of use application.

The following saved Pendle Replacement Pendle Local Plan policies apply:

Policy 14 seeks to protect trees, woodland and hedgerows.

Policy 31 sets out the requirement parking standards.

2. Impact on Amenity

The proposal would have a limited impact on the amenity of the area as it is an existing building located within a settlement boundary. The proposed extension and external alterations would not have a detrimental impact on the amenity of the area.

Subject to appropriate conditions there is unlikely to be any undue loss of amenity for neighbouring properties and the use would accord with policy ENV2 and the Conservation Design Guidance SPD.

3. Impact on 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 is set at a higher level than the general streetscene and therefore is prominent in views especially as it is sited on the corner of the junction with the highways. There are traditional terraced houses located near to the site. This, together with the retention of the trees and an appropriate landscaping scheme, would soften the scheme so that the proposal would not be so detrimental as to adversely impact on the conservation area.

The Conservation Area Design and Development Guidance SPD states that new development should use good quality and predominately natural building materials, be well detailed and respect local architectural details and styles.

The proposed extension to the rear (west) would be finished in render with pebbledash to match the existing. The existing window on the south elevation is proposed to be extended to form a door opening in white upvc. Aluminium or dark grey timber would be more appropriate here and the agent has been requested to consider this.

The ramp and handrail would be concrete and steel with timber panel fencing and railings to the boundaries.

These are acceptable subject to appropriate conditions and accord with policy ENV1 and the Conservation Area Design and Development Guidance.

4. Design and Materials

The proposed extension to the rear (west) would measure 6m x 18.1m with a flat single ply membrane roof finished in render with pebbledash to match the existing. The existing window on the south elevation is proposed to be extended to form a door opening in white upvc.

These two elevations are not readily visible in the streetscene and the materials proposed are in the main acceptable. The large window/door opening in the south gable elevation is proposed to be white upvc. Aluminium or timber painted in a dark grey would be more appropriate here and the agent has been requested to consider this.

The ramp and handrail to the north gable is extensive, however, it would be sited between two existing buildings and would not be readily visible in the streetscene. This is proposed to be concrete and steel. The handrail should be simple in design and a dark grey in colour.

Timber panel fencing and railings are proposed to the boundaries. Again the railings should be simple in design and a dark grey in colour.

A decked area is also proposed to the rear and no details of materials have been provided for this.

The external changes proposed are acceptable and would not adversely affect the design of the existing building subject to appropriate conditions to ensure that the materials and colours are acceptable in this location.

These can be controlled by appropriate conditions and therefore this proposal is acceptable in terms of design and materials and accords with policy ENV2 and the Conservation Area Design and Development Guidance.

5. Trees

There are five mature trees along the boundary of the building to the rear of the site and it is proposed to remove two Ash trees in order to facilitate the extension, play areas and boundary treatments. Three other mature trees are shown to be retained.

No tree survey has been submitted with this application.

There is existing hard surfacing and boundary treatments to the western boundary and therefore it is unlikely that these proposals would adversely affect the trees any more than the existing building, however, the existing stone wall to rear would need to be removed and the rear extension projects out by 6m and this could extend into the Root Protection Area of the trees to be retained. The levels also drop here quite substantially. Further information on this has been requested from the agent as well as further details of these trees and how they are likely to be affected by this proposal.

Subject to satisfactory details this application would accord with policy 14.

6. Highway Issues

The proposed use does not require planning permission and therefore the issue here is the extension of the premises and the additional parking requirement that would have.

At present there is no vehicular access or parking within the site. Two drop off spaces are now shown to the front of the site. LCC Highways comments on this have been requested. These spaces are within the ownership of the applicant but along with the ramp are on highway land and therefore require a licence from the Highways Authority.

Whilst the amount of parking is normally calculated at a ratio of 1.5 to 2 staff employed at the nursery with a dropping off area of 1 space per 10 children as stated previously the use of the existing building does not require permission and therefore we are considering the extension only and therefore the land use calculation does not

The agent has been asked to consider provided some parking/drop off spaces within the site in order to assist with this. Two drop off spaces are proposed to the front of the building.

Whilst this is not ideal it does create a drop off zone close to the entrance which will ensure that there is a facility for parents to drop children off adjacent to the building which is an improvement on the existing situation. Taking into account the existing use of the building this accords with policy 31.

The proposed ramp will be on the adopted highway and therefore a license will be required under the Highways Act 1980.

The area where the ramp will be constructed currently houses wheelie bins and therefore a suitable location will be required for the displaced bins which is off the adopted highway.

The agent has been requested to consider this.

Summary

The external alterations are acceptable in terms of policy, impact on amenity, design and materials and would not adversely impact on highway safety subject to appropriate conditions.

Subject to the applicant being able to provide acceptable information of the existing trees and subject to appropriate conditions then these external alterations would be acceptable.

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 external alterations are acceptable subject to appropriate conditions and satisfactory impact on trees. The development 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 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:

2017/12/A1, 2017/12/2B & 2017/12/3A

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

3. Notwithstanding the submitted plan samples of all the external materials to be used on the elevations of the proposed development including the ramp, handrail, and boundary treatment shall be submitted to and approved in writing by the Local Planning Authority prior to any development commencing on site. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to ensure that the materials are appropriate to the locality and to control the external appearance of the development.

4. The proposed development shall not be brought into use unless and until the two drop off spaces have been constructed, surfaced, sealed, drained and marked out in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The drop off spaces shall thereafter always remain unobstructed and available for parking and turning purposes.

Reason: In order to provide off street parking for the development in the interests of highway safety

REPORT TO COLNE & DISTRICT COMMITTEE 10 AUGUST 2017

Application Ref: 17/0321/FUL
Proposal: Full: Major: Erection of twenty dwelling houses with car parking and landscaping.
At: Land North Of New Shed, Warehouse Lane, Foulridge
On behalf of: Bowsall Ltd
Date Registered: 07/06/2017
Expiry Date: 06/09/2016
Case Officer: Alex Cameron

This application is brought to Committee as a major development.

Site Description and Proposal

The proposed scheme seeks to erect 20 dwellings on land at Warehouse Lane, Foulridge. The site comprises open grassland, roughly 0.55 hectares in area. The topography of the land means that there are significant level changes to the eastern boundary at the rear of the site. Remodelling works are proposed here in order to facilitate the proposed development.

Of the 20 units, it is intended for 8 to be within the definition of affordable housing (2 rent to buy and 6 shared ownership).

The site straddles two designations within the Local Plan, with the front section adjacent to Warehouse Lane falling within the settlement boundary and the rear within the Open Countryside. The surrounding area is mixed, with a combination of industrial, residential and commercial/leisure uses in close proximity.

This is a resubmission of an application approved in February. The development still consists of 20 semi-detached dwellings in a similar layout, the only material change being plots 13 and 14 moving 4m to the east. The design of the house types remains similar to that of the previously approved application however it is proposed to alter the housing mix as follows:

Plots 1-8 changed from 2 bedrooms to 3.
Plots 9-10 changed from 3 bedrooms to 4.
Plots 11-12 changed from 3 bedrooms to 2.
Plots 17-18 changed from 2 bedrooms to 3.
Plots 19-20 changed from 4 bedrooms to 3.

Relevant Planning History

16/0778/FUL - Full: Major: Erection of twenty dwellinghouses with associated car parking and landscaping. Approved, 10/02/2017.

Consultee Response

PBC Conservation - The submitted Heritage Statement sets out an accurate assessment of the significance of the nearby listed buildings and their settings, and the impact of the proposed development on that significance.

The settings of Canal House and its attached former barn, and Great House Farm (all listed Grade II) would be affected to some degree; however I consider there would be no significant adverse impact on the setting of those listed buildings, subject to the comments below. The form, scale, layout and contemporary design approach would all seem to be appropriate to the setting.

In order to enhance the setting and the approach to the group of listed buildings along Warehouse Lane, natural stone and slate would be appropriate for those houses that front onto the lane, also the retention of as much as possible of the existing dry stone boundary wall and grass verge to the front of the site, in order to retain the semi-rural and historic character of the area. It will also be important to retain existing stone walls around the perimeter of the site, particularly adjacent to the listed buildings to both the front and rear of the site. Stone boundary walls would also be preferable to the timber fences which are shown to both sides of the access road at the entrance to the development.

LCC Highways – The visibility splays and swept path analysis are acceptable.

The proposed culvert is subject to approval first by LCC as Lead Local Flood Authority. It will be necessary, should approval be granted, for the applicant to submit detailed engineering drawings for the culvert to be provided to LCC adoptable standards.

The proposed road widening and footway provision scheme for Warehouse Lane is acceptable subject to an additional dropped crossing point on both sides of Warehouse Lane to the south of the site access and the positions of the existing road gullies will require amending to tie into the new kerb line.

A street lighting scheme is necessary to ensure a safe suitable access to the site. There are no details submitted with this application.

Subject to the amendments to the proposed offsite highway works are acceptable in principle and will be subject to a detailed design and technical approval at the agreement stage.

The overall number of parking spaces provided at the development site is in accordance with the Pendle Borough Council parking standards. The following amendments to the location of the spaces are required as follows.

1. The parking spaces for plot 2 should be relocated adjacent to the parking for plot 1 as the current location will result in multiple manoeuvres across the footway and adjacent to the site access.
2. The parking spaces for plot 3 have been amended and are now acceptable.

The turning head is sub-standard and needs increasing in size.

The gradient of the estate road at the site access should be on a level for a minimum of a single car length. The gradient of the remaining length of estate road should not be steeper than 8%.

The drainage plan shows surface water attenuation pipes under the estate road. This would only be considered acceptable where they are to be adopted by United Utilities or they only retain highway surface water.

The applicant is advised that the adoptable highway surface water drainage system must not be used for the attenuation of any flood waters from the adoptable United Utility surface water system or any private surface water drainage system etc.

It is noted that under the previous application 16/0321 that LCC as Lead Local Flood Authority raised an objection to the application and that early discussions are essential to overcome the concerns.

The Highway Authority would seek to formally adopt a development for more than 5 houses subject to the layout being to adoptable standards. There are concerns relating to the culvert along Warehouse Lane and the surface water attenuation system under the estate road which will prohibit the formal adoption of the estate road unless they are addressed as detailed above. There is also a minor amendment to the turning head to be made.

The following conditions are recommended:

Turning areas, estate road construction, visibility splays, car parking and manoeuvring, construction access and off-site highway works, highway survey, traffic management plan, estate street phasing plan and implementation, estate street maintenance scheme, estate street lighting/drainage/construction details.

Yorkshire Water - Based on the information submitted (surface water draining to watercourse), no observation comments are required from Yorkshire Water.

Canal & River Trust – There is potential for silty water or other contaminants to enter the canal during the construction phase. In line with the aims of paragraphs 109 and 120 of the National Planning Policy Framework, there is a need to avoid development resulting in potential water pollution. As a result, we would request that any permission includes provision for the submission of a Construction and Environmental Management Plan,

The development site is accessed off Warehouse Lane, which forms the sole access to the canal. There are risks that construction activities could result in disruptions to the operation of this route, through the temporary parking of construction vehicles, or the spilling of mu onto the highway. We therefore would request that details are provided, which could be reserved by condition, via a Construction Management Plan

The proposed landscape plan does not fully clarify the materials for the frontage of the houses along this road, except for the retention of some sections of the stone wall, whilst the application forms indicate the use of post fences. Looking at the local environment, the use of hedgerows and shallow stone walls would be more in character with this road frontage. We would request that the full detail for the frontages are fully clarified, to ensure that appropriate materials are utilised here.

Natural England – No comments

LCC Lead Local Flood Authority

Foulridge Parish Council

Public Response

Press and site notices posted and nearest properties notified by letter. Objections received raising the following concerns:

Pendle Polymer Engineering require and use the space in front of the building to provide access for employees, customers and deliveries. Larger deliveries and collections are instructed to use the space at the rear of the building which provides additional room for parking and manoeuvring. (Complete ownership of this space was also purchased in 2015). In addition to our needs, Warehouse Lane also provides parking for the residents' vehicles and is used frequently by the

heavy goods vehicles needing access to the Commercial Units at the bottom end of Warehouse Lane.

Having looked at previously submitted plans I notice that plot 13 & 14 have been moved closer to my house, and also raised higher than previous plans. The land rises more steeply the closer you get to my property so this has had a serious effect on the height of the plot 13 & 14 in relation to my property. I would like to see plot 13 and & 14 moved back towards plot 11 & 12 and also lowered to the same height as the said plots. I also wish to object as I believe my privacy is being compromised with four bedroom windows looking directly in to my living room. There are no indications of the levels of my house on the plans and I believe these should be taken in to consideration when making a final decision.

Officer Comments

Policy

Local Plan Part 1: Core Strategy

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

Policy ENV2 seeks to encourage high standards of design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Policy ENV4 advises that development should have regard to the potential impacts they may cause to the highway network. Where these impacts are severe, permission should be refused.

Policy ENV5 seeks to minimise air, water, noise, odour and light pollution.

Policy ENV7 requires developments to consider the potential for flood risk on and off site.

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.

Replacement Pendle Local Plan

Saved Policy 31 of the Replacement Pendle Local Plan details the current parking standards for new development.

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.

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).

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

Principle of Housing

Policy LIV1 states that to encourage significant and early delivery of the housing requirement, proposals for new development will be supported where they accord with other policies of the Core Strategy and are on non-allocated sites within a settlement boundary where there are sustainable and make a positive contribution to the five year supply of housing land.

Also for consideration, until such time as the adoption of the Local Plan part 2, will be sustainable sites outside but close to a settlement boundary which make a positive contribution to the five year supply of housing land, including those within the SHLAA.

This site here technically meets both definitions due to the split designation across the land. Dwellings to the front of the site would be within the settlement (also identified in the SHLAA) and those within the open countryside would be located and not isolated for the purposes of the Framework.

The principle of housing is therefore acceptable and accords with policy LIV1.

Design and Heritage

The proposal takes the form of a cul-de-sac, accessed directly from Warehouse Lane. Plots 1 to 6 would present a frontage to Warehouse Lane either side of the proposed vehicular access point. Internally the remaining plots would be located around the estate road terminating at Plots 15 and 16 at the eastern boundary of the site it. As the site is an irregular shape, the orientation of the properties (all to be semi-detached) varies throughout. Each property would have curtilage areas to the front and rear providing for off-street parking, outdoor amenity space and bin storage.

The design of the dwellings combines traditional and more contemporary elements, with windows of varying sizes with a vertical emphasis. The proposed walling material is artificial stone and the roofs would be of blue/grey slate and windows/doors to be of grey upvc. The surrounding area is characterised by a mix of development types and styles, as such there is no strong architectural vernacular to replicate or adhere to. In the absence of this, there is an opportunity to accommodate something with individual character, in a site which is not part of a regular or defined street scene.

The more contemporary elements would avoid pastiche or replication of more traditional forms and create what is effectively a stand-alone development. Any built form at the site would struggle to form a tangible visual relationship with the street scene, owing to their use, style and layout. Therefore a high quality, more modern development can work in this location.

Committee resolved to condition the use of natural stone throughout in the previous decision. There are listed buildings in the vicinity and dwellings adjacent are primarily finished in coursed stone, however the site it not within a designated area and is also adjacent to industrial buildings constructed from a variety of materials, in this setting the use of appropriate artificial stone is acceptable.

As detailed above, part of the site falls within the open countryside, albeit immediately adjacent to the established settlement. The land here sits at a relatively low point, meaning wider vantage

points are limited. When seen from higher land, the development would be set against a backdrop of existing development to the east, west and south.

It is intended to reduce land levels at this point of the site to facilitate the development. This would further reduce any minimal landscape impact from the new built form.

Accounting for the topographical features referred to above, plots 12-16 will have retaining features within their curtilage and sections of split level gardens. This would be the most effective method of utilising the space, with the man-made works here having a negligible impact on the wider landscape.

There are a number of heritage assets in the vicinity of the site. The closest and most directly affected would be Canal House to the north (a late 18th century property), and Great House Farm to the east (farmhouse with date stone of 1660). Both properties are Grade 2 Listed. Others exist further afield however the impacts of the development on their setting and/or special character is diminished owing to separation.

Both Policy ENV1 and para.128 of the Framework places the onus on applicants to describe and consider the significance of any assets affected by a proposal. A detailed heritage statement has been undertaken and finds that the proposal would have less than substantial harm (para.134 of the Framework) and highlights that the public benefits of the scheme, such as the provision of affordable units, would also weigh in favour of the scheme.

I would concur that the impact of the development on the setting or character of Canal House or Great House Farm would not be so significant as to be harmful. With regard to the former, the proposed dwellings along the site frontage would maintain the building line (and be set slightly further back) so that views of the house are still possible on approach from Warehouse Lane. The latter, Great House, is set up and elevated from the site owing to the difference in land levels. In addition the ground works proposed to facilitate development would mean the dwellings are set lower and would not adversely impact on the limited public vantage points of the building from this direction.

In light of the above, the proposed development is acceptable and compliant with both local and national policies.

Amenity/Noise

The key relationships within the development are with those existing residential properties to the north and east, along with the proximity of proposed units to the adjacent industrial complex to the south.

Plot 1 would have its gable elevation facing that of Canal House. With a separation of circa 12m and only ancillary windows within the side of the new dwelling, there would be no adverse impact either by scale/massing or overlooking.

The aforementioned earthworks to the rear of the site would bring down the levels of plots 12-18 to something more akin to the relatively level plateau at the front of the site. This provides a suitable step within the land to avoid any significant or overbearing impacts for those dwellings to the east of the site boundary. First floor windows would be below adjacent garden level and whilst the uppermost points of the nearest new builds would be visible from the houses, separation distances (21m and upwards) mean that the relationship between the site and those residents is acceptable.

The alterations to the existing permission in this plan would move the rear elevation of plots 13 and 14 closer to the boundary with the garden of the house to the east, from approximately 11m to 7m

distance. Taking into account the difference in levels this distance would be acceptable to preserve an acceptable level of privacy for that property.

In terms of noise, the site currently shares an open boundary with the adjacent industrial units, some of which have openings within the elevation facing the land. A noise survey has been submitted which concludes that the most suitable and appropriate method to deal with noise relating to external amenity areas is the provision of a 2.5m high acoustic fence along this boundary. There is a difference in land levels between the site and the car park of the units of roughly 1m, though this varies along the length of the boundary. The applicant has confirmed that it would be mounted to the shared wall, with the fence atop, to ensure that the mitigation meets the necessary requirements.

The Council's Environmental Health Service has assessed these proposed measures and are happy that it would be suitable to mitigate any proposed issues of noise nuisance.

Affordable Units

The applicant intends for 8 of the units to be within the definition of 'affordable' with 2 as rent to buy and 6 as shared ownership. This number exceeds the requirements of Policy LIV4 which requires developments of this size to provide 20% of any scheme as affordable.

The proposal is therefore acceptable in this regard.

Highways

The alterations the house types only increases the parking requirement for plots 9 & 10, going from 3 to 4 bedrooms and therefore increasing the requirement from 2-3 car parking spaces. This is offset in the total parking requirement by plots 19 & 20 going from 4 to 3 bedrooms, reducing their requirement by the same amount. The total car parking requirement is therefore identical to the existing permission.

All plots would meet the maximum car parking requirement set out in the Replacement Pendle Local Plan.

Concerns have been raised by LCC highways about the parking for plot 2, however, this is identical to the approved development. The applicant has been requested to relocate the parking in accordance with LCC's comments, but it would not result in a highway safety impact of a level that could result in refusal if they are not.

The development would not have a significant or adverse impact on highway safety or capacity.

Concerns have also been raised regarding the proposed internal road layout and its adoptability, these issues have been raised with the applicant. Although it is preferable for estate roads to be adoptable by LCC, it is not a requirement for granting planning permission, a condition can ensure that acceptable long term management provisions are put in place if the road is not adopted.

Drainage

No comments have been received from the Lead Local Flood Authority at the time of writing this report and none were received during the course of the previous application. However, an objection to the previous application was received from the LLFA a week after its determination.

This objected to the culverting of the culverting of the watercourse, the laying of a sewer connection beneath the watercourse and that insufficient evidence had been submitted to

demonstrate that the surface water runoff from the development would not exceed the peak greenfield runoff rate.

The applicant has been requested to provide additional details relating to the surface water runoff from rate, this can be controlled by a condition if not received prior to the determination of the application.

This application is identical to the approved development in relation to the culvert and watercourse issues raised. Taking that permission into account and that these matters would be subject to separate requirements for consent outside of the planning system, these are not matters that would result in reason to refusal of this planning application.

Trees, Landscaping and Ecology

The applicant has provided an arboricultural assessment, landscape proposals and an ecology survey to support the submission.

Tree recommendations with regard to retention and protection during construction can be controlled via condition (primarily on adjacent land).

With regard to protected species, the report finds limited evidence or opportunities within the site for habitats or foraging opportunities. It concludes that no habitats would be harmed but recommends that some enhancements may be made via landscaping and the provision of bat/bird boxes.

A combination of hard and soft landscaping is proposed across the site, including new trees along the northern boundary with the adjacent field. Stone walls will be retained and supplemented with internal fencing to divide plots.

The proposals in this regard are acceptable and compliant with adopted policy.

Education

LCC have made a request for a financial contribution towards the provision of three primary and two secondary school places.

The development indicated that this would make the development unviable in the course of the previous application. A viability assessment has been requested to demonstrate this. It is recommended that the application is delegated for approval subject to the receipt of an acceptable viability assessment.

Any additional information on this matter will be reported by way of an update.

Summary

Subject to the receipt of acceptable variability assessment demonstrating the requested education contribution would make the scheme unviable, the proposed development would be acceptable and compliant with the Local Plan Part 1 and the National Planning Policy Framework. It is therefore recommended that the approval of the application is delegated to the Planning, Building Control and Licencing Manger subject to the receipt of an acceptable viability assessment.

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 development is compliant with the aims of the Local Plan Part 1 and saved Policies of the Replacement Pendle Local 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 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: A 000, A002 I, C-52 A, A004 A, A005 JH, A003 A, A006 A, A007 A, A007 B.
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. The materials so approved shall thereafter be used on the development at all times.
Reason: To ensure a satisfactory form of development in the interest of visual amenity of the area.
- 4 No part of the development shall be commenced until all the highway works to facilitate construction traffic access have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority
Reason: To enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users
- 5 Prior to the first occupation of any dwelling hereby approved, the vehicular access, as shown on drawing A 002 Rev I, shall be so constructed that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the adjoining edge of carriageway, to points 1.05 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the nearside adjoining edge of carriageway prior to the commencement of any other works on site and thereafter be permanently retained.
Nothing shall be planted, erected or allowed to grow on the triangular areas of land so formed, which would obstruct the visibility described in the condition above.
Reason: In order to ensure satisfactory visibility splays are provided in the interests of highway safety
- 6 The car parking shown on each plot shall be provided prior to occupation of the dwelling 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: In the interests of highway safety and to ensure adequate onsite parking.

- 7 Prior to commencement of development full details of the retaining structures to be provided on the site shall be submitted to and agreed in writing by the local planning authority. Development shall be carried out in strict accordance with the approved details.

Reason: To ensure a satisfactory appearance and finish to the development.

- 8 Notwithstanding the provisions of Article 3 and Part 1 of the second schedule of the Town and Country Planning (General Permitted Development) Order 2015 (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.

Reason: In order to enable the Local Planning Authority to control any future development on the site, in order to safeguard the character and visual amenity of the area.

- 9 No development shall commence unless and until a drainage strategy for the site has been submitted to and approved in writing by the Local Planning Authority, the approved strategy shall be implemented in its entirety prior to the first occupation of any dwelling hereby approved.

Reason: To ensure that the site is suitably drained and to prevent flood risk on site and elsewhere.

- 10 The approved landscaping scheme, as shown on drawing 01 A, 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.

- 11 Before any dwelling hereby approved is occupied, waste containers shall be provided within the site.

Reason: To ensure adequate storage facilities for domestic refuse, in the interest of residential amenity.

- 12 Unless and until approved in writing by the Local Planning Authority no ground clearance, demolition, 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 as detailed in the Arboricultural Impact Assessment dated 3rd November 2016. 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 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, within 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 protect trees and shrubs as essential elements in the development.

- 13 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

- 14 No construction work shall be carried out on the site outside the hours of 8:00 and 17:00 on weekdays and 8:00 - 12:00 on Saturdays.

Reason: In the interests of residential amenity.

- 15 The acoustic fence, as shown on approved landscape drawing 01 Rev A and as detailed within Noise Impact Assessment (paragraph 5.1) shall be installed in strict accordance with those specifications detailed and retained at a height of no less than 2.5m when measured from ground level within the site.

Reason: In the interests of residential amenity.

- 16 Unless otherwise agreed in writing by the Local Planning Authority the affordable housing shall be provided in strict accordance with the Affordable Housing Statement Received 01/08/2017.

Reason: In order for the development to contribute to the supply of affordable housing in accordance with the need identified in the Strategic Housing Market Assessment and the National Planning Policy Framework.

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/KH

Date: 2nd August 2017