



REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

TO: BARROWFORD & WESTERN PARISHES COMMITTEE

DATE: 31st March 2016

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications

REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 31 MARCH 2016

Application Ref: 13/16/0071P **Ref:** 19311

Proposal: Reserved Matters: Erection of 9 dwellinghouses (Appearance, Landscaping, Scale, Layout and Access)

At: FIELD (PART) ADJACENT CLOUGH SPRINGS BARROWFORD
NELSON BB9 6RN

On behalf of: Mr J Alexander

Date Registered: 22 February 2016

Expiry Date: 18 April 2016

Case Officer: Kathryn Hughes

This application has been brought before Committee as more than 3 objections have been received and the recommendation is to approve.

Site Description and Proposal

This application is made following the grant of outline permission (layout and access) in 2014 (ref - 13/14/0237P) for the erection of 9 dwellings on land at Wheatley Lane Road in Barrowford.

This application seeks approval for the reserved matters, namely appearance, landscaping, scale, layout and access.

The application site is an agricultural field located between Barrowford St Thomas School and Beech House, Barrowford. Wheatley Lane Road lies south of the site and farmland along the northern side. The land equates to circa 0.37 hectares and is designated open countryside in the Local Plan. There are no distinguishing features on site except for a hedge and trees.

This application seeks to address the reasons for refusal on the previous Reserved Matters application with the following revisions:

- reduction in land levels;
- reduction in height of dwellings;
- changes in proposed materials to buff coloured bricks and stone; and
- changes in design to more traditional elements and less vertical emphasis.

A revised Planning Statement has been submitted which explains the concept in greater detail including an analysis of the adjacent land and building, site contours and revised housetypes.

Relevant Planning History

13/15/0422P - Reserved Matters: Erection of 9 dwelling houses (Appearance, landscaping, scale, layout and access) - Refused 9th November, 2015.

13/14/0237P - Outline: Erection of 9 No. dwelling houses (Access and Layout) (Re-Submission) - Approved

13/14/0096P - Outline Residential - Withdrawn

13/04/0538P - Outline Residential - Refused

13/90/0678P - Erect dwelling - Refused

Consultee Response

LCC Highways - The site will be accessed via a new access on to Wheatley Lane Road. Wheatley Lane Road is classified as C682 road and is categorised as a secondary distributor road with a speed limit of 30mph.

The planning application is for less than 50 new dwellings and as such the applicant does not need to provide a transport assessment.

TRICS is the national standard system used to predict trip generation and analysis of various types of development. Using a typical TRICS report for a privately owned housing development, the development will generate an estimated 65 vehicular movements a day with an estimated peak flow of 7 vehicles between 17:00 and 18:00.

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 5th November 2015. The data based indicates there have not been any reported incidents near the access to the new development. This indicates there is no underlying issue which the proposed development would exacerbate.

Based on the car parking recommendations in the Joint Lancashire Structure Plan and the Replacement Pendle Local Plan 2001-2016 Appendix 2: Car and Cycle Parking Standards the Highway Development Control Section is of the opinion that the applicant has not provided sufficient car parking for many of the units or the parking bays are usable due the location of the gate posts.

It is recommended that all private drives fronting garages to be a minimum of 6m long and this must not include any of the required 2m wide service verge. The drive length can be reduced to 5.5m if roller shutters are fitted and conditioned as part of the planning decision. The recommended distance of 6m is based on the length of a large family car (Ford Mondeo Estate 4.58m long), clearance at the rear of the car (200mm), overhang of the garage door (600mm) and room to stand in front of the car and open/close the garage door (600mm).

Using table 7.1 from Manual for Streets and an estimated 85th percentile speed of 37 mph the sight lines of 2.4 x 59m to be provided in both directions. The required sight line requirement may be reduced if the applicant can provide an acceptable traffic study, which indicates 85th percentile traffic speeds are less than 37mph. An acceptable traffic study to be carried out over a full week and to indicate in both directions the numbers of vehicles, types of vehicles and the speed of vehicles passing the proposed new access. The applicant should provide accurate details of the required sight line requirement, before determining the application.

The access is in the valley of two steep hills and as such speeds and breaking distances would be expected to be higher than the classified speed of the road.

From observations on site and the information provided on the applicant's site location plan the sight line requirement is fully achievable over the applicants land and the existing adopted highway. The main issue is the provision of the sight line is the amount of site clearance of trees and planting fronting Wheatley Lane Road.

Where acceptable sight lines at the junction are not provide the Highway Development Control Section would raise an objection to the development in the interest of highway safety

The location and geometry of the site access with Wheatley Lane Road is acceptable but the applicant is to provide accurate details of the existing "SLOW" marking, Street lights and School sign to demonstrate if these features need to be relocated as part of the section 278 works.

The Highway Development Control Section is of the opinion that the development should have a negligible impact on safety capacity in the immediate vicinity of the site providing the minimum sight line requirements are provided in both directions onto Wheatley Lane.

The proposed development will impact on definitive footpath 13-2-FP 16 along the eastern boundary. I have forwarded details of this planning application to Lancashire County Councils Public Rights of Way Section and asked them to contact you directly regarding any comments they may like to make.

As the development is for less than 10 properties a section 106 transport planning contribution for the development is not required.

The minimum internal single garage size to be 6x3m and this includes integral garages (house types 1 and 3 have garages below this recommendation).

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 and 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 2.09mm wide), clearance at the passenger side to the garage (200mm), clearance at the drive side of the car and the garage (700mm), with room to open car door for less able bodied.

The recommendation for four to five bedroom properties to have three off-road parking spaces. At plots 2, 4, 5 7, 8 and 9 the applicant is to provide details of how the shown parking bays can be accessed, due to the location of walls and kerbed footpaths.

A turning head is required to allow refuse vehicle and emergency vehicles to turn within the site for the following reasons: -

- The maximum distance a refuse vehicle should reverse is 12m, from Manual for streets and BS5930: 2005.
- Fire and rescue Services Section should not have to reverse more than 20m from the end of an access road. From Manual for streets and diagram 24 of Approved Document B (Fire Safety).

Additional considerations when locating the turning head are:-

- 25m is the maximum distance a two wheeled refuse container is to be transported to the refuse wagon. From Manual for streets and BS5930: 2005.
- A resident should not be required to carry the waste more than 30m to the refuse storage point. From Manual for streets and BS5930: 2005.
- A fire appliance needs to be able to approach to a point within 45m of a suitable entrance to any dwelling. From Manual for Streets and section 11.2 of Approved Document B (Fire Safety).

The turning head to be either a prescribed "Access Way" turning head from Lancashire County Council Residential Design Guide or the applicant to prove the turning head layout by swept path analysis for a twin axel refuse vehicle.

The applicant should provide accurate details of the required turning head before determining the application and the turning head protected under condition, for perpetuity.

The proposed development is for more than five properties being served from a new access road and as such it is recommended the highway layout should be designed to an acceptable adoptable layout. The internal highway layout is not to an acceptable adoptable standard due to steps on the footpaths and insufficient turning facilities for refuse vehicles.

The Highway Development Control Section recommends conditions be attached to any permission granted relating to wheel washing, vehicular layout, estate road, visibility splays, car parks, restrictions on garages, off-site highway works, traffic management plans,

National Grid

Architectural Liaison Unit

PBC Rights of Way

PBC Environment Officer

Barrowford Parish Council - Objection: The proposed houses on plots 7,8,9 have windows facing directly onto the school playground and sports field. The new illustrations show slight improvement by the removal of the white cladding but little has been changed to significantly alter the style, design and massing. The Council wishes to re-iterate its objections to the previous application and still does not feel that given the prominent position on an elevated hillside that the design of these houses are not in keeping with other prominent buildings such as Oaklands House in either design or materials

Public Response

Site and press notices posted and nearest neighbours notified by letter. Publicity expires on the 29th March any further comments will be reported to the meeting.

Three comments received to date objecting to the proposal on the following grounds:

- I have not been able to access the plans - if the development is unchanged and continues to pursue a overbearing 3 storey development employing poor quality materials totally unsympathetic to the surrounding area it should be firmly refused;
- it is ludicrous to allow entry into this site directly opposite our driveways and within a few metres of entrance to Clough Springs and the Wheatley Springs Estate. The site is next to a school at the bottom of a hill, on a bend which is already dangerous;

- object to the buildings being three stories as this is a very small site with the sloping nature the houses will be very overbearing especially for the two house across the road;
- most the trees are being allowed to be cut down so we will be directly overlooked by the large number of windows in the side of the first house (type 4). you are also allowing balconies which will affect privacy;
- you've already allowed 500 houses in Barrowford how much more can the infrastructure take?
- the case officers delegated report where outline planning was granted was waiting on LCC Highway comments if safe access can be gained - they never commented;
- the visibility splays to the right are circa 20m when they should be 120m+ given the very steep gradient, a hidden dip a bend in the road and site access directly across. This a very dangerous location regarding visibility;
- the applicant has failed to meet or demonstrate in accordance with policy that visibility splays can be provided to the required standard. On this basis the application is not compliant with policy and is deemed unsafe; and
- there seems to be no contribution made to schools or highways for upgrades to pavements. Is this development exempt from all contributions? Where is the open space within this development in accordance with policy?

Relevant Planning Policy

Code	Policy
ENV 1	Protecting and Enhancing Our Natural and Historic Environments
ENV 2	Achieving Quality in Design and Conservation
ENV 7	Water Management
LIV 5	Designing Better Places to Live
LP 16	Landscaping in New Development
LP 31	Parking

Officer Comments

The main issues to consider in this application are compliance with policy, design, amenity issues, highway safety, trees and ecology, drainage and land contamination.

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 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.

ENV1 addresses issues such as biodiversity, the protection of designated landscapes and impacts on open space.

ENV2 relates to high quality design in new development.

ENV5 seeks to minimise air, water, noise and odour and light pollution and to address the risks arising from contaminated land, unstable land and hazardous substances.

ENV7 states that the sequential and exceptions tests set out in the National Planning Practice Guidance, will be applied with all new development having regard to potential flood risk to the site, to areas downslope/downstream, SuDS and water infrastructure.

LIV1 states that to encourage significant and early delivery of housing, proposals for new development will be supported on non-allocated sites within the Settlement Boundary which are sustainable.

LIV5 advises that development which primarily takes place within the M65 corridor (including Barrowford) should seek to avoid the provision of new terraced housing and have a suitable density appropriate to its location. The provision of detached and semi-detached dwellings will make up the majority of the housing types sought.

Paragraph 32 of the Framework states that decisions should take in to account whether sage and suitable access to the site can be achieved and should only be refused where residual cumulative impacts are severe.

In addition to this, 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.

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

Policy 31 Parking requires that new developments provide parking in line with the levels set out in Appendix 1 of the Plan.

Principle of Housing

The National Planning Policy Framework requires housing applications to be considered in the context of presumption in favour of sustainable development and deliver a wide range of high quality homes and create sustainable, inclusive and mixed communities.

The principle of residential development at this site has been accepted in the earlier approval and will not be rehearsed again in this report. The assessments below will be confined to the material considerations relating to the matters applied for.

Design and Layout

The fundamental principles are that the development would constitute a cul-de-sac of 9 dwellings, 5 of which would be positioned along the estate road with the remaining 4 at the top of the site adjacent to the northern boundary. This would entail levelling out the site by removing some of the ground and re-distributing it on the site with a retaining wall proposed to the part front and sides of plots 2 and 7 and along part of the east and west side boundaries.

This revised scheme now proposes traditional style dwellings in what is primarily an inward facing development. The surrounding area is characterised by a mix of development types and styles, ranging from older semi-detached dwellings to more modern residential developments and public buildings such as the church and school. As such there is no defined architectural vernacular to replicate or adhere to. In the absence of a definitive character, there is an opportunity to accommodate something with individual character, particularly at this site which is not part of a regular or defined street scene. Development patterns at this outer urban site are less rigid which is reflected in the layout of the surrounding area.

Immediately to the west is the Clough Springs apartment building. This sits higher on the hillside than the application site and represents a substantial built form when viewed from the highway, albeit set back in to the landscape. To the east are the school and church which are disparate in appearance. The proposed dwellings would sit between these two existing developments, holding a position slightly lower in the rising landscape. Directly adjacent to the south is the Wheatley Springs development, a large residential estate dating back to the late 1980's/early 1990's.

The three storey buildings would be staggered up the sloping site, with a series of small plateaux created. The nature of the site means that a certain amount of engineering work is required to facilitate development. This lowering of existing land levels will help to reduce the impact of the development and make it less conspicuous in the wider landscape. Those dwellings at the uppermost point of the site would effectively be split level, appearing as three storey to the front and two at the rear. Whilst there is no doubt that the development would be seen from the highway and in surrounding views, its overall form and shape does not give rise to significant landscape impacts taking into account its surroundings.

The modern style and proportions of the dwellings are not intended to replicate existing forms, but instead this would be seen as a standalone development. Any built form at this site would struggle to forge a tangible visual relationship with the neighbouring structures, owing to their style and layout. Therefore a high quality, modern development can be accepted in this location. The scheme seeks a variety of designs resulting in four different house types which now have normal sized windows, traditional shapes and features and are smaller in form.

The materials proposed comprise slate to the roof with buff coloured brick and stone for the walls. The success of such schemes would be dependent on the use of high quality

materials which can be controlled by an appropriate condition to ensure a suitable finish.

The design approach taken is preferable to the alternative of creating a development which is a pastiche of styles found in the area, which often fall short in terms of quality design and appearance. The scheme as submitted would introduce a visual contrast at this transitional point of the town and would in effect be contained within this modest site. It would also create variety within the housing stock availability and offers alternative choices which is promoted and supported by the National Planning Policy Framework.

Subject to the imposition of conditions relating to materials, the design is acceptable and accords with policies ENV1 and ENV2 of the Local Plan Core Strategy: Part 1.

Amenity & Landscaping

The properties are positioned relatively close to one another, however this is not significantly different to layouts and reflects the proximity between buildings found at the Wheatley Springs site adjacent. Each property would have an acceptable amount of curtilage which can be suitably screened to allow for privacy. A combination of soft and hard landscaping is proposed at the site, with fencing, retaining walls and the provision of new hedgerows to the perimeter. This would help to soften the edge of the site, particularly to the rear where it transitions to open countryside. The details provided in relation to planting appear to be indicative and therefore a condition can be attached to any grant of permission in order to ensure that suitable native species are planted on the site.

The proposed distances and balconies would not unduly impact on adjacent properties due to the distances involved. Changes in levels on the site would effectively result in 2.5 storey dwellinghouses with the ridge heights reduced to that of the adjacent detached house at Clough Springs. The finished floor levels of the dwellinghouses can be controlled by condition and the amount of spoil on and off the site would also need to be assessed.

Neighbours adjacent have raised concerns in relation to overlooking from dwellings at the front of the site (plots 1 and 9 in particular). Separation distances range from between 28m to 35m between frontages, with Wheatley Lane Road between. These distances are acceptable and would avoid any adverse or direct impacts.

The layout is not significantly different to that originally approved and whilst the properties are proposed to be over two storeys it is the overall height which is assessed in relation to the proposed land levels and in this case the development does not give rise to unacceptable amenity concerns. The application thereby accords with policy.

Access & Highway Issues

The principle of an access from the site to Wheatley Lane Road has already been established. Providing that adequate sight lines can be achieved the development should not raise any adverse highway safety issues.

In terms of parking, each of the dwellings contains a single integral garage at ground floor. Dedicated driveways are also provided to the front which can accommodate a minimum of 2 spaces per plot.

This would meet the requirements of policy 31 and provide an appropriate level of onsite car parking.

Trees and Ecology

Both matters were considered at the outline stage and found to be acceptable. Trees afforded protection by TPO No.3 2001 would be retained and the proposed layout takes account of this. A condition can be added to ensure that these trees are suitably protected throughout the construction process.

A biodiversity survey has been undertaken which concluded that the site did not hold any intrinsic ecological value due to its location and characteristics. However several recommendations were made within the survey (clearance works outside bird breeding season and provision of bat boxes), which were subsequently added as conditions to the outline consent.

The application thereby complies with policies ENV1 and ENV2.

Drainage

The site is not within a Flood Zone and conditions relating to the disposal of foul and surface water were added at the outline stage. No objections have been received from statutory drainage bodies and United Utilities raised no adverse comments subject to the provision of separate systems and limits to existing run off rates.

Therefore subject to suitable conditions the development would comply with policy ENV 7.

Public Rights of Way

There is an existing public right of way (no.16) to the east of the application site, however the proposed development would not infringe on its line or use. Should any temporary closures or diversions be required during the construction phase of development, the necessary consents should be sought.

Contaminated Land and Coal Mining Risk

A standard condition requiring a contaminated land survey has been attached to the Outline permission which is acceptable.

The Coal Authority (CA) had originally objected to earlier applications at the site, in the absence of a risk assessment in relation to historic workings and the proposed re-development of the site. A report was subsequently commissioned and found to be acceptable during the outline application. The CA have no further comments or concerns in relation to this submission.

S.106 Contributions

Comments have been raised about the lack of contributions and open space on this site. As the proposal is for less than ten dwellinghouses it is not a major application and therefore these provisions were not required when the Outline permission was granted in July, 2014.

Summary

The proposed development is acceptable and is compliant with the policies in the Local Plan Core Strategy: Part 1 and saved policies 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. 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. This notice constitutes an approval of matters reserved under Condition 1 of Planning Permission No.13/14/0237P and does not by itself constitute a planning permission.

Reason: The application relates to matters reserved by Planning Permission No.13/14/0237P.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 2401-01-01, 2401-01-02 A, 2401-01-3A, 2401-01-4A, 2401-01-5A, 2401-01-6A, 2401-01-7A, 2401-01-8A & the Tree and landscaping plan.

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

3. 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, and no work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including 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 prevent trees or hedgerows on site from being damaged during building works.

4. The development shall be carried out in accordance with the Construction Phase Management Plan provided by Ribble Valley Construction Ltd, dated September 2015.

Reason: In the interests of residential amenity and highway safety.

5. The car parking provision shown on each plot shall be provided prior to occupation of the dwelling it relates to. This shall include surfacing of the driveway in accordance with the materials to be agreed under condition 6 of Outline Permission 13/14/0237P. 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 on site parking.

6. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & 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 and E of Part 1

of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Part 1

A) no extensions shall be erected

B+C) no alterations to the roof of the building shall be carried out

E(a)) no buildings, enclosures, swimming or other pools shall be erected or constructed within the curtilage of the buildings

E(b) no containers for the storage of oil or gas for domestic heating purposes shall be installed within the curtilage of the buildings

Reason: To enable the Local Planning Authority to control any future development on the site in order to safeguard the character and amenity of the area and impacts on neighbouring properties.

7. Before a dwelling unit is occupied waste containers shall be provided in the designated storage areas on each plot.

Reason: To ensure adequate provision for the storage and disposal of waste.

8. No vegetation or tree clearance work shall take place during the bird breeding season. Such activities shall be confined between the months of October (start) to February (end) unless a bird breeding assessment and is undertaken by a suitably qualified ornithologist along with a report of the findings to identify if any breeding birds would be affected. Any clearance outside of the period between October to February (inclusive) must be agreed in writing by the Local Planning Authority and clearance thereafter shall be undertaken in strict accordance with the approved details.

Reason: To ensure that suitable habitats for breeding birds are not harmed.

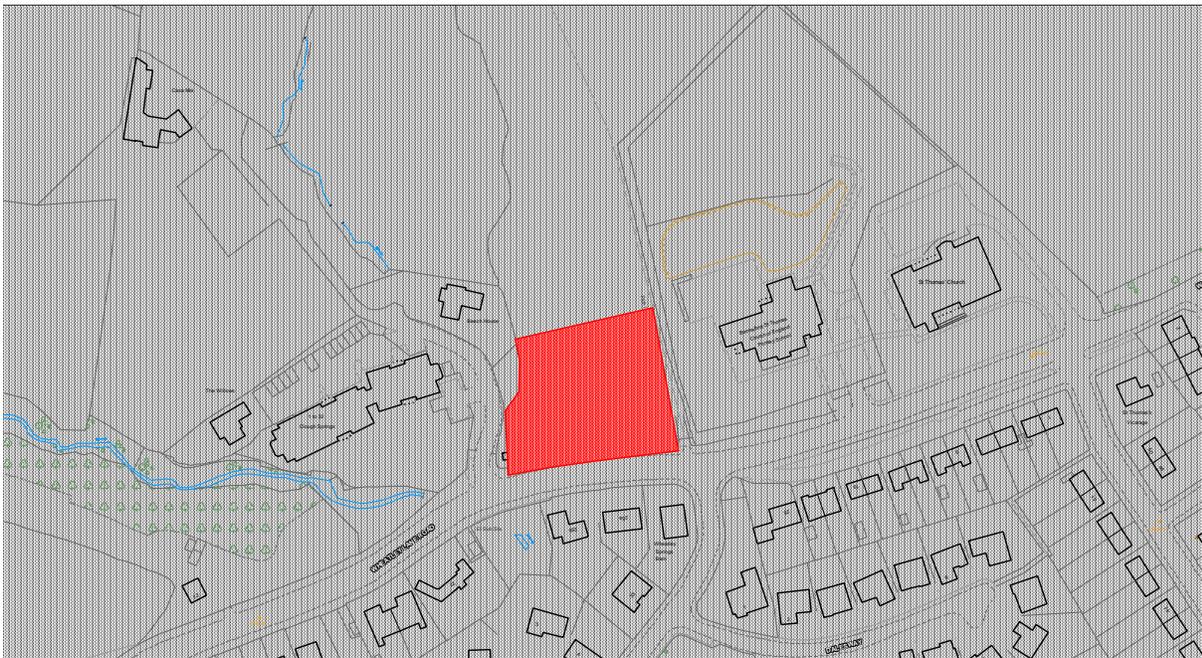
9. The vehicular access at the junction with Wheatley Lane Road hereby approved, as shown on drawing no.2401-01-02 A, shall be completed in its entirety prior to the occupation of any dwelling on the site and retained thereafter.

Reason: In the interests of highway safety.

Note:

1. The alterations to the existing highway as part of the new works may require changes to the existing street lighting at the expense of the client/developer. 2. The highway is not to an adoptable layout and will remain private. It is advised the carriageway construction is based on the Lancashire County Council Specification for estate roads 2011 edition. Further information and advice can be found at www.lancashire.gov.uk and search for "construction of estate roads". 3. The applicant is advised that the new site access, will 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 Environment Directorate before works begin on site. Further information and advice can be found at www.lancashire.gov.uk and search for "278 agreement". 4. It is assumed that Lancashire County Councils Highways Maintenance will be consulted regarding the approval of street works details. 5. The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act.



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On behalf of: Mr J Alexander