



REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

TO: BARROWFORD & WESTERN PARISHES COMMITTEE

DATE: 12th May 2016

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO BARROWFORD & WESTERN PARISHES ON 12th MAY 2016

Application Ref: 13/16/0093P

Ref: 19335

Proposal: Full: Erection of 3 detached dwellings and garages and form new access

At: PLOTS 7, 9, 10 317 GISBURN ROAD BARROWFORD

On behalf of: Nationwide Special Projects Ltd

Date Registered: 8 March 2016

Expiry Date: 3 May 2016

Case Officer: Kathryn Hughes

Site Description and Proposal

The application site is part of the land at 317 Gisburn Road, Barrowford which has been granted outline consent for residential development on 5th December 2002.

Since that time a number of applications have been received for housing development (see history).

This application seeks consent to erect three detached houses on the southern part of the site with attached double garages, accessed from the estate road off Gisburn Road.

There are protected trees on the site and the agent has submitted an arboricultural assessment as part of this application.

The six bedroomed dwellinghouses would be constructed in red brick and natural sandstone heads, jambs, cills and quoins with dark grey concrete interlocking roof tiles and light oak upvc windows and doors.

Relevant Planning History

13/02/0417P - Residential development 0.9 hectares (Outline) - Approved 5th December 2002.

13/03/0386P - Erect 14 dwellings on domestic garden land, including former orchard and tennis court, with estate road off Gisburn Road - Refused 8th December 2003.

13/03/0387P - Erect double garage and form access from Ribblesdale Place - Approved 6th October 2003.

13/03/0727P - Erect three dwellings and garages and form new access - Approved 16th December 2003.

13/03/0906P - Advert - Sales/development board - Approved 6th February, 2004.

13/03/0908P - Erect eight dwellings on domestic garden land, including former orchard and tennis court, with estate road off Gisburn Road - Refused - Appeal Dismissed 7th February 2005.

13/04/0458P - Erection of two detached dwellings with two detached garages - Refused - Appeal Allowed 20th April 2005.

13/04/0778P - Erection of single detached dwelling with integral garage - Refused 2nd December 2005.

13/05/0786P - Erect one detached house with access off Ribblesdale Place - Refused 2nd December 2005.

13/05/0930P - Erection of two detached dwellings (Plots 7 & 8) with integral garages - Refused 9th January 2006 - Appeal dismissed.

13/05/0934P - Erection of detached dwelling (Plot 6) (Re-submission) with detached garage - Approved 6th January 2006.

13/05/0937P - Erection of four detached dwellings with access of Ribblesdale Place - Refused 30th January 2006.

13/05/0942P - Erection of detached dwelling with integral garage (Re-submission) accessed off Ribblesdale Place - Refused 6th January 2006 - Appeal dismissed 2nd February, 2007.

13/06/0397P - Erect house and garage - Refused 31st July 2006 - Appeal dismissed 5th March, 2007.

13/06/0445P - Erect dwelling (amended housetype) - Approved 14th August, 2006.

13/08/0391P - Erect one detached dwellinghouse with integral garage - Refused 2nd September, 2008.

13/08/0717P - Erect one detached dwellinghouse - Refused 12th February, 2009.

13/09/0397P - Erect one detached dwellinghouse - Approved 10th November, 2009.

13/10/0021P – Erect three detached dwellinghouse with garages – Approved 22nd March, 2010.

Consultee Response

United Utilities - No objection. The site should be drained on a separate system as per the NPPF and NPPG hierarchy.

LCC Highways - No objections. Appropriate car parking provision should be provided and suggested conditions attached to any grant of permission.

Environmental Health - No adverse comments, controls should be given to dust, burning on site and construction.

Barrowford Parish Council - Objection. This site was originally given outline permission on appeal for eight dwellings and the parish council feels that the developer has stunted on the plot sizes to enable further development which is not in keeping with the existing streetscape of larger detached or semi-detached dwellings situated in substantial plots. The overall appearance to date is of imposing large detached properties constructed on postage stamp size plots giving a feeling of over development of the site.

Plot 9 - the driveway significantly cuts through the protected root area of one of the trees protected by TPO.

Plot 10 - the garage significantly cuts through the protected root area of one of the trees protected by TPO.

Environment (Trees) Section - TPO No. 2, 2003 extant on the site.

Barrowford Parish Council – No objection if access is restricted to Gisburn Road.

Public Response

Nearest neighbours notified by letter. Four comments received raising the following issues:

- No objection to plots 7, 9 & 10 provided new access is from Gisburn Road and not Ribblesdale Place;
- The trees on the boundary have sustained a bat colony for many years and there are several bat boxes situated high up in the trees please ensure these are not taken down to facilitate the proposal;
- The fence to the boundary of 2 Ribblesdale Place which is owned by Nationwide Special Projects has all but fallen down. A condition on a previous permission required the company to maintain the boundary fence;
- Close to adjoining properties;
- Inadequate access;
- Loss of privacy;
- Access off Ribblesdale Place would be a real issue as the junction onto Gisburn Road is very dangerous;
- The proposed building of three dwellings and access would result in more vehicles on the street making it unsafe for children to play;
- the mature Beech trees will be destroyed by this development and the characteristic of the surrounding area;
- the view we currently have is of trees and shrubs not a development of new dwellings; and
- the existing properties are mature and individual but all from the same period, the addition of new dwellings would fracture the ascetics of the current surrounding architecture and will overlook no.3 – 13 Ribblesdale Place.

Officer Comments

Background to Development

Outline permission was issued in 2002, subject to a number of conditions which required adequate visibility splays for the new access into the site, the retention of protected trees, excluded the tennis court and confined the number of houses to 8.

Details of three houses on the frontage with Gisburn Road were subsequently approved in December 2003. An appeal for eight houses on half the site was dismissed on Appeal in February 2005, whilst an appeal for two houses on the tennis courts was allowed on Appeal in April 2005; one dwelling on plot six was granted in January 2006 and one dwelling on plot eight was granted in November last year. Six of the approved houses have been now been substantially completed whilst the most recent permission for one house on Plot 8 has yet to be commenced.

Full permission has been granted for seven houses to date and therefore whilst the principle of one more dwellinghouse on this site had been established the time limit for submitting the details (i.e. reserved matters) under Condition 2 on 13/02/0417P expired on the 5th December, 2005.

This proposal, therefore, must be considered on its own merits and assessed in line with Local Plan policy 17 which allows for new residential development where there is insufficient land with planning permission to meet the annual provision rate.

Permission was granted on appeal in 2010 for a scheme identical to the one proposed here.

The main issues are compliance with policy, principal of housing, impact on amenity, design, highway issues, protected trees and ecology.

- Policy

The following adopted Local Plan Part 1 policies are relevant to this proposal:-

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) requires developments to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

Policy ENV2 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 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 policies are relevant to this proposal:-

Policy 16 'Landscaping in New Development' requires all development proposals which involve new build to include a scheme of landscaping sympathetic to the site's character and vicinity. This is addressed under the Landscaping and TPO section below.

Policy 31 'Parking' supports new developments which are in line with the Maximum Car and Cycle Parking Standards. This is addressed under the Highways Section below.

- Principle of Housing

The site is located within the settlement boundary and there has been recent permissions granted for housing development on this site. The proposal therefore accords with current housing policy.

The site is within the settlement boundary and the principle of housing has already been established.

- Impact on Amenity

The erection of three dwellinghouses on this site would not have an unduly adverse effect on the amenity of the nearby residents in terms of additional comings and goings.

The nearest property on the estate is the approved plot 8. Plot 9 would be located 35m from the gable of plot 8 and although both properties will have double garages in between reducing this distance to 25m which is more than acceptable.

Plot 9 would be sited 5m from the edge of the footpath along the boundary with Ribblesdale Place and at least 35m from the front elevations of the nearest houses (No. 5 & 7) on Ribblesdale Place. This is acceptable.

Plots 7 and 10 would be sited along the boundary with no. 2 Ribblesdale Place. There are high hedges and trees along this boundary.

Plot 7 would be approximately 14m from the side elevation (8m from the boundary at ground floor and 12m at first floor). The double garage of this plot is set back slightly further than the house at 6m from the side boundary. Plot 10 is set at an angle approximately 13m (7m from the boundary at ground floor) from the side elevation with No. 2. The garage of plot 7 is set back slightly further than the house at 6m from the side boundary to No. 2. Due to the distances proposed and the existing boundary treatments on site the potential impact on No. 2 would be limited.

- Design

The design and materials of the proposed dwellinghouses are similar to the other seven dwellings already approved and completed on the site and therefore are acceptable.

This proposal raises no adverse crime prevention issues.

The proposed dwellinghouses would be of a similar appearance to the existing buildings on the remainder of the site and would be constructed of the same materials. Therefore the design is satisfactory and its siting would not detract from the appearance of the street scene. The development is therefore accords with ENV2.

- Highway Issues

The LCC Highways Engineer has not raised any objection to this proposal. The access has already been accepted and constructed and provided that adequate off-street parking is provided the scheme raises no highway concerns.

The requirement for this proposal is for a maximum of 3 off-street spaces per dwelling. The submitted plan shows a double garage and parking in front for each dwellinghouse which is appropriate and therefore complies with policy 31.

- Landscaping and Impact on Protected Trees

TPO No. 2, 2003 is extant on the site.

The dwellinghouses have been positioned to be 12m from the mature TPO trees along the west and east boundaries in accordance with BS 5837. The garages to plots 7 and 9 are positioned sufficient distance from TPO trees to be acceptable. The garage to plot 10 encroaches into the BS exclusion zone of T16, a mature tree on the east boundary. Due to the restricted root medium available because of the adjacent road, this garage can only be constructed if the foundations are piled so as to leave the soil undisturbed. Conventional strip foundations with the associated excavation will result in significant root damage which is unacceptable.

Where the access road or driveways encroach into root exclusion zones, it is specified that section of road/driveway is constructed with a no-dig specification.

The development would not adversely affect the protected trees subject to an appropriate conditions controlling the Root Protection Area for each of the affected protected trees and agreeing the route of services and drainage. The agent has been requested to provide updated information on the Root Protection Areas as the Arboricultural Survey previously submitted is now out of date.

Provided adequate distances can be attained for the siting of these plots this development would not adversely impact on the adjacent protected trees subject to appropriate root protection.

A scheme of landscaping sympathetic to the site's character and vicinity has not been included with the application and therefore this would need to be conditioned to any grant of approval in order to comply with policy 16.

- Ecology

Concerns have been raised over potential bat roosts in the area. The agent has been requested to provide updated information this. Whilst there is some potential for bat roosts in the more mature trees all of the trees are proposed to be retained and are protected by the Tree Preservation Order.

This site has already been granted permission for housing development and this development should not unduly affect any bat roosts within the trees on the site. Bat species and their roosts are legally protected by both domestic and international legislation and any harm could result in a criminal prosecution.

An update on this will be provided at the meeting.

- Summary

Plots 7, 9 and 10 are acceptable in terms of design and materials, impact on visual and residential development and the protected trees subject to appropriate conditions and an acceptable updated Arboricultural Survey and response on potential for bat roosts on the site.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development would not adversely impact on amenity or highway safety and would be acceptable in terms of siting, design and materials and therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

1. The development permitted shall be begun before the expiration of three years from the date of the permission.

Reason: This condition is required to be imposed by virtue of Section 91(1) of the Town and Country Planning Act 1990.

2. This permission shall relate to drawing nos. location plan, proposed block plan, AML 2010 001 001 B, CAL2003 008 015 H and AML 2010 002 A & AM 2010 018 0001.

Reason: This condition is required to be imposed by virtue of Section 91(1) of the Town and Country Planning Act 1990.

3. Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the second schedule of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A, B, C, D, E and F of Part 1 and Class B of Part 2 of Schedule 2 of that Order shall be carried out on Plots 7, 9 and 10 and Class A of Part 2 of Schedule 2 of that Order shall be carried out on Plots 9 and 10 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 and impacts on neighbouring properties.

4. The foul sewers and surface water drains shall be implemented in strict accordance with the details submitted to and approved by the Local Planning Authority on the 11th October, 2013. Such works shall be carried out concurrently with the rest of the development and in any event shall be finished before the building is occupied.

Reason: In order that the Local Planning Authority may be satisfied with the details of the proposal and to avoid flooding.

5. Unless approved in writing by the Local Planning Authority no ground clearance, demolition, or construction work shall commence until protective fencing, to BS 5837 : 2005 at least 1.25 metres high securely mounted on timber posts firmly driven into the ground 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. The fencing shall be located at least 1.00 metre beyond the protected area detailed in BS 5837. 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.

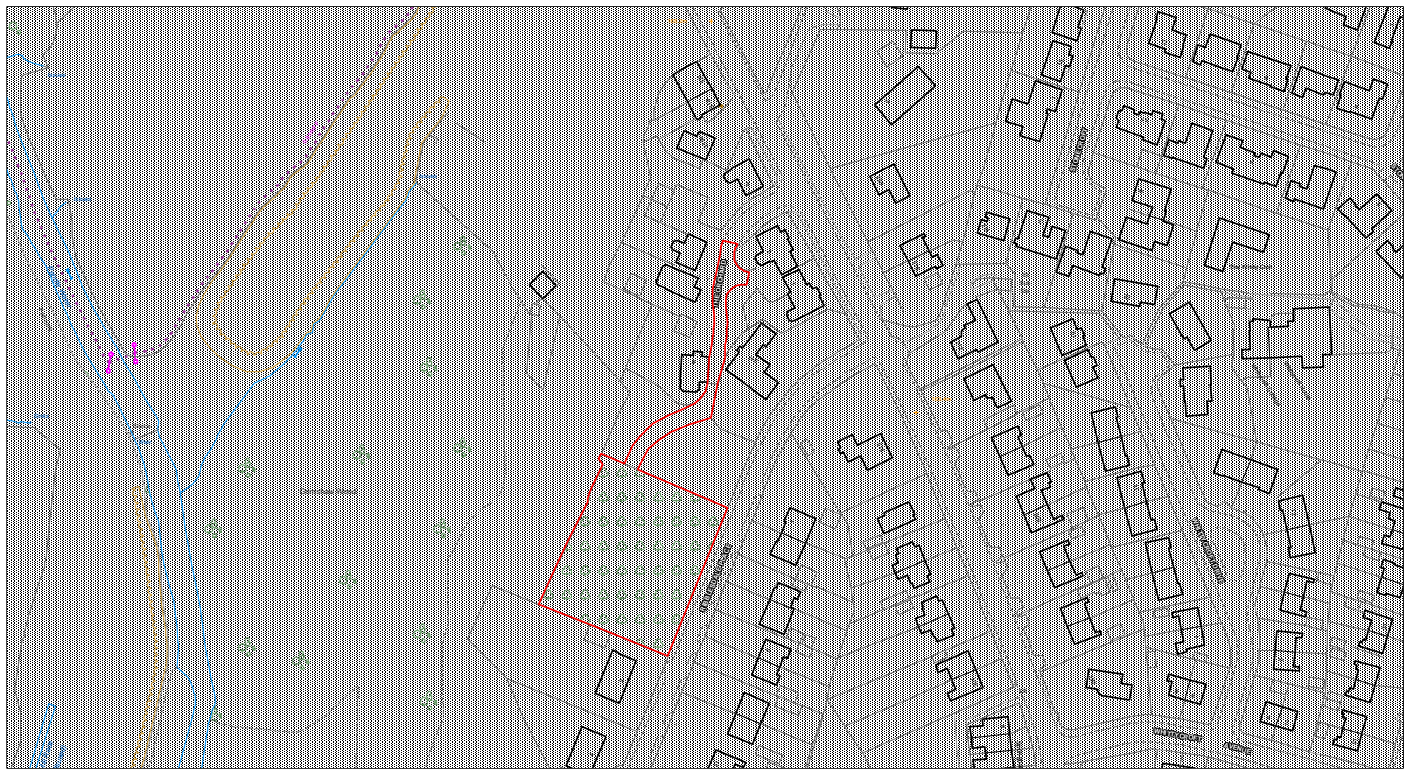
Reason: To prevent trees or hedgerows on site from being damaged during building works.

6. All works involving excavation of soil, including foundations and the laying of services, within 4 metres 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 safeguard existing trees to be retained.

7. All proposed tree planting and the proposed times of planting shall be implemented in strict accordance with the details which have been submitted to and approved by the Local Planning Authority on the 11th October, 2013.

Reason: To ensure the appropriate landscape design and in the interests of the visual amenity of the area.



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Ref: 19335

Proposal: Full: Erection of 3 detached dwellings and garages and form new access

At: PLOTS 7, 9, 10 317 GISBURN ROAD BARROWFORD

On behalf of: Nationwide Special Projects Ltd

LIST OF BACKGROUND PAPERS

Planning Applications

NW/HW

Date: 27th April 2016