



REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

TO: BARROWFORD & WESTERN PARISHES COMMITTEE

DATE: 7th July 2016

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 07 JULY 2016

Application Ref: 16/0330/VAR

Proposal: Full: Major: Variation of Condition: Removal of Conditions 3 (Open space), 25 (Affordable housing), 26 (Renewable energy), 27 (Code for sustainable homes level) and vary Condition 29 (Hours of work) of Planning Permission 13/14/0088P.

At: SPRING MILL WHEATLEY LANE ROAD FENCE BURNLEY BB12 9HP

On behalf of: Skipton Properties Ltd

Date Registered: 26/04/2016

Expiry Date: 26/07/2016

Case Officer: Alex Cameron

Site Description and Proposal

This application has been brought to the Committee due to the application being for a Major development.

The application site is former mill site within the settlement of Fence. To the north east and north west detached and semi-detached houses, to the south east runs Wheatley Lane Road with terraced houses facing the site, to the south west is an unadopted access road and rows of terraced housing.

This application is to remove conditions 3, 25, 26 and 27 and vary condition 29 of the outline planning permission for the access and layout of 22 houses on the site.

Condition 3 - No part of the development shall take place until a Planning Obligation pursuant to section 106 of the Town & Country Planning Act, 1990 (or any subsequent provision equivalent to that section) has been made with the Local Planning Authority. The said obligation shall provide for a commuted sum for open space improvement within the vicinity of the site. Reason: To comply with Policy 21 of the Replacement Pendle Local Plan.

Condition 25 – Within two weeks of the commencement of development (other than demolition) a scheme for the provision of affordable housing as part of the development shall have been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of PPS 3 or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 3 housing units;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing];
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To ensure that adequate provision is made for affordable housing.

Condition 26 – At least 10% of the energy supply of the development shall be secured from de-centralised and renewable or low-carbon energy sources as described in the glossary of the National Planning Policy Framework. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority [as a part of the reserved matters submissions required by condition 1]. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority. Reason: To comply with the NPPF.

Condition 27 – The dwellings shall achieve at least level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code level 3 has been achieved. Reason: To meet the Government target for Sustainable Homes.

Condition 29 – No construction work shall be carried out on the site (including demolition) 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 and to safeguard local residents from noise and disturbance.

Relevant Planning History

13/14/0088P - Outline: Major: Conversion of part of mill building to 3 No. houses and erection of 19 No. houses with associated garages including demolition of part of mill (Access and Layout). Approved, 11/04/2014.

13/11/0009P - Outline: Major: Conversion of part of mill building to 3 no. houses and erection of 19 no. houses with associated garages including demolition of part of mill (Access and Scale) Approved 25/03/2011.

13/98/0630P - Erect canopy over loading bay - Approved - 31/03/1999.

Consultee Response

PBC Environmental Health - Noisy operations should be delayed until 0800 as far as is reasonably possible. If we receive complaints from residents we will take action under statutory nuisance legislation.

LCC Highways - The proposed change in working hour would not have severe impact on highway movements during the am and pm rush hours as such we would not object to this proposal.

Old Laund Booth Parish Council

Public Response

A site and press notice have been posted and 34 neighbours notified. No response.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy LIV4 sets targets and thresholds for affordable housing provision. For Rural Pendle this is 20%.

Policy LIV5 requires that provision for open space and/or green infrastructure be made in all new housing developments.

National Planning Policy Framework

Paragraph 173 of the Framework states that to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

Policy Position and Five Year Supply of Land

The National Planning Policy Framework (“the Framework”) sets out the approach to be taken to considering planning applications. It confirms that the development plan is the primary consideration in determining applications for planning permission. The Development Plan also has the backing of primary legislation which requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

The Framework deals with the issue of how policies are to be treated in situations where there is not a demonstrable 5 year supply of housing land in place. Paragraph 49 states that where there is not a five year housing supply then the policies on housing in the development plan must be considered to be out of date and decisions on housing schemes should then be taken in accordance with paragraph 14.

Pendle is no longer in a situation where it can show a five year supply of housing land. In this situation paragraph 14 requires applications to be granted planning permission unless **“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole”**.

The weight to be given to the disbenefits of granting planning permission are thus given a higher than normal bar to overcome in order to justify refusal. There must be significant and demonstrable adverse impacts in order to be able to justify a refusal.

Condition 3 (Open Space) & Condition 25 (Affordable Housing)

Policy LIV5 requires that new housing development provide open space and/or green infrastructure. This should ideally be provided on-site, however, in cases such as this where on-site provision is not proposed a contribution should be made for off-site provision.

The Pendle Open Space Audit identified deficiencies in 8 of 11 open space typologies within the Old Laund Booth ward and therefore there is an identified requirement for improved open space provision in the ward.

The affordable housing requirement for rural Pendle in the LPP1 is 20%, this has been assessed as being viable for developments in rural Pendle in the evidence base for the recently adopted LPP1. 20% affordable housing provision in this development would be four affordable dwellings. Condition 25 requires 3 affordable dwellings, this is already less than the 20% required under current policy.

A viability appraisal has been submitted with this application this shows a developer profit that would not be at a sufficient level to make the development viable if any affordable housing or open space provision were required. This viability appraisal has been independently assessed and the figures provided found to be reasonable.

The Framework requires that local authorities should not impose restrictions which would prevent a developer from receiving competitive returns from a development. In this case, although the development is in an area in which it would generally be viable to provide such contributions, due to the additional expenses associated with redeveloping this previously developed industrial site, the cost of providing a contribution for open space provision or providing affordable housing would unacceptably reduce the level of the developer's profit.

Therefore, it is recommended that conditions 3 and 25 are removed.

Condition 26 (Renewable energy)

At the time of granting the first outline planning permission in 2011 the policy basis for imposing a condition requiring 10% of energy to come from renewable sources stemmed from Planning Policy Statement 1 and the North West Regional Special Strategy, this condition was then carried over to this second outline permission. These policy documents have since been cancelled and superseded by the National Planning Policy Framework. Current national and local policy does not specifically require that a percentage of energy is secured from renewable energy sources and therefore there is no longer any requirement for the imposition of this condition. The condition should therefore be removed.

Condition 27 (Code for Sustainable Homes Level 3)

The requirements of code for sustainable homes have now been incorporated into the building regulations and there is no current policy basis for the imposition of this condition. The condition should therefore be removed.

Condition 29 (Hours of work)

Environmental Health have suggested that the site may be opened at 7:30 but noise generating machinery should not be used before 08:00. They have stated that this could be controlled under statutory nuisance legislation. Therefore the variation of the condition is 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. Conditions 3, 25, 26 and 27 are no longer necessary or reasonable under current local and national policy and the variation of condition 29 is acceptable. There is a positive presumption in favour of approving the development and there are no material reasons to object to the variation / removal of those conditions.

RECOMMENDATION: Approve.

Subject to the following conditions:

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

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

2. An application for approval of the reserved matters (namely the appearance, layout, scale and landscaping of the site) shall be submitted in writing to the Local Planning Authority before the expiration of three years from 11 April 2014 and the development hereby permitted

must be begun two years from the date of approval of the last of the reserved matters to be approved.

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

3. Prior to the commencement of development, the recommendations outlined in the Bat Survey compiled by DG-A Ltd shall be carried out in full or in accordance with timescales to be first agreed in writing with the Local Planning Authority.

Reason: To ensure protection of the habitat of bats which are protected under the Wildlife & Countryside Act, 1981.

4. No development approved by this planning permission shall be commenced until:

a) A site investigation has been designed for the site using the information obtained from Phase I Environmental Desk Study Report, Spring Mill, Wheatley Lane Road, Fence, DG-A Ltd., Dated November 2010. This should be submitted to, and approved in writing by the local planning authority prior to that investigation being carried out on the site.

b) The site investigation and associated risk assessment have been undertaken in accordance with details approved in writing by the local planning authority.

c) A Method Statement and remediation strategy, based on the information obtained from b) above has been submitted to and approved in writing by the Local Planning Authority.

The development shall then proceed in strict accordance with the measures approved. Work shall be carried and completed in accordance with the approved method statement and remediation strategy referred to in (c) above, and to a timescale agreed in writing by the local planning authority: unless otherwise agreed in writing by the local planning authority.

If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.

Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

Reason: a) To enable:

A risk assessment to be undertaken,
Refinement of the conceptual model, and
The development of a Method Statement and Remediation Strategy.

b) & c) To ensure that the proposed site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site.

5. Prior to the submission of the Reserved Matters application, a survey to establish the exact location of the culverted watercourse that flows through the site shall be undertaken. Any subsequent layout submitted as part of the Reserved Matters application shall ensure that the route of the culvert is identified and that no development (including private garden spaces) shall be located over the culvert or located within 4 metres of the edge of the culvert unless it can be demonstrated to the satisfaction of the Local Planning Authority that development closer to the culvert would be acceptable.

Reason: To ensure a satisfactory form of development and in the interests of land drainage.

6. Demolition or construction work shall not begin until a scheme for protecting the nearby residential dwellings from noise, dust and vibration from the site during these works has been submitted to and approved in writing by the Local Planning Authority. All measures which form part of the approved scheme shall be adhered to throughout the period of demolition and construction.

Reason: To safeguard the amenity of neighbouring properties by reducing the noise/vibration levels emitted from the site.

7. 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, D and E of Part 1 and Classes A and B of Part 2 of Schedule 2 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

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.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device.
The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed road from the continuation of the nearer edge of the carriageway of Wheatley Lane Road to points measured 40m in each direction along the nearer edge of the carriageway of Wheatley Lane Road, from the centre line of the access, and shall be constructed and maintained at footway/verge level in accordance with a scheme to be agreed by the Local Planning Authority in conjunction with the Highway Authority.

Reason: To ensure adequate visibility at the street junction or site access.

9. Before the construction work commences facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.

Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.

10. The existing access on to Wheatley Lane Road shall be physically and permanently closed and the existing verge/footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads (concurrent with the formation of the new access)

Reason: To limit the number of access points to, and to maintain the proper construction of the highway.

11. 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 in consultation with the Highway 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.

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

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

13. A scheme for the management (including maintenance) of the unadopted road, turning head and parking spaces, shall be submitted to and approved in writing by the Local Planning Authority within two weeks of the commencement of development. The approved scheme shall be carried out in full accordance with the agreed scheme.

Reason: To ensure the site is properly maintained and managed in the interests of highway safety and visual amenity.

14. Plans and particulars showing a scheme of foul sewers and surface water drains, shall be submitted to, and approved in writing by the Local Planning Authority and shall demonstrate and ensure that the amount of surface water from this development to the culvert in the north east of the site, shall not be more than from the mill at present. The development shall not be commenced before these details have been approved, unless otherwise agreed in writing. Such works shall be carried out concurrently with the rest of the development and in any event shall be finished before the buildings are occupied.

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

15. A scheme for the provision and implementation of a surface water regulation system (including timescales for implementation) shall be submitted to and approved in writing by the Local Planning Authority within two weeks of the commencement of development. The scheme shall be completed in accordance with the approved plans and the approved timescales.

Reason: To reduce the increased risk of flooding.

16. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas shall be passed through trapped gullies with an overall capacity compatible with the site being drained.

Reason: To prevent pollution of the water environment.

17. Before a dwelling unit is occupied waste containers shall be provided in the bin/re-cycle storage areas on each plot.

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

18. Prior to the first use of this development provision shall be made within the curtilage of the site for the parking of not less than 3 parking spaces per 4 bedroom dwellings and 2 parking spaces per 2/3 bedroom dwellings including any garage space provided and the spaces shall thereafter be retained.

Reason: In order to ensure satisfactory levels of off street parking are achieved within the site to prevent parking on the county highway to the detriment of highway safety.

19. A scheme detailing measures to minimise the risk of crime and to meet the specific security needs of the application site and the development, shall have been submitted to and approved in writing by the Local Planning Authority within two weeks of the commencement of development. The approved measures shall be implemented in full.

Reason: In order that the development incorporates safety strategies and designing out crime in line with Policy 13 of the Replacement Pendle Local Plan.

20. The garages hereby permitted shall not be used for any purpose which would preclude its use for the parking of a motor car.

Reason: In order to ensure the provision of adequate off-street parking, to avoid congestion of adjoining streets.

21. Full details of all fencing, screen walls or any means of enclosure to be erected or planted on the site shall be submitted to and approved in writing by the Local Planning Authority prior to the erection or planting thereof. The planting and fencing shall thereafter be completed in the first planting season after commencement of development. Any plant/shrubs/trees becoming dead dying or diseased in the first 5 years after planting shall be replaced with plants of similar sizes and species.

Reason: In order to ensure that the site is properly landscaped and maintained in the interests of the visual amenity of the area.

24. No works shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of building recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure and safeguard the recording and inspection of matters of historical importance associated with the building.

25. Notwithstanding the approved plans, a scheme (including timescales for implementation) for the planting and landscaping (including maintenance) of land located within 4 metres of the edge of the culvert on the north eastern side of the site, shall be submitted to and approved in writing by the Local Planning Authority within two weeks of the commencement of the development. The scheme shall be completed in accordance with the approved plans (including timescales for implementation).

Reason: To ensure a satisfactory form of development and in the interests of land drainage.

26. No part of the development hereby permitted shall be commenced (excluding demolition) until details of the proposed ground levels have been submitted to and approved in writing by the Local Planning authority. The submitted details shall include a number of sections across the

site, which shall indicate existing and proposed ground levels, together with the floor levels of any proposed dwelling/buildings through which the sections run and shall extend beyond the site boundaries to include any surrounding, adjacent properties. The development shall thereafter be implemented in accordance with the approved details.

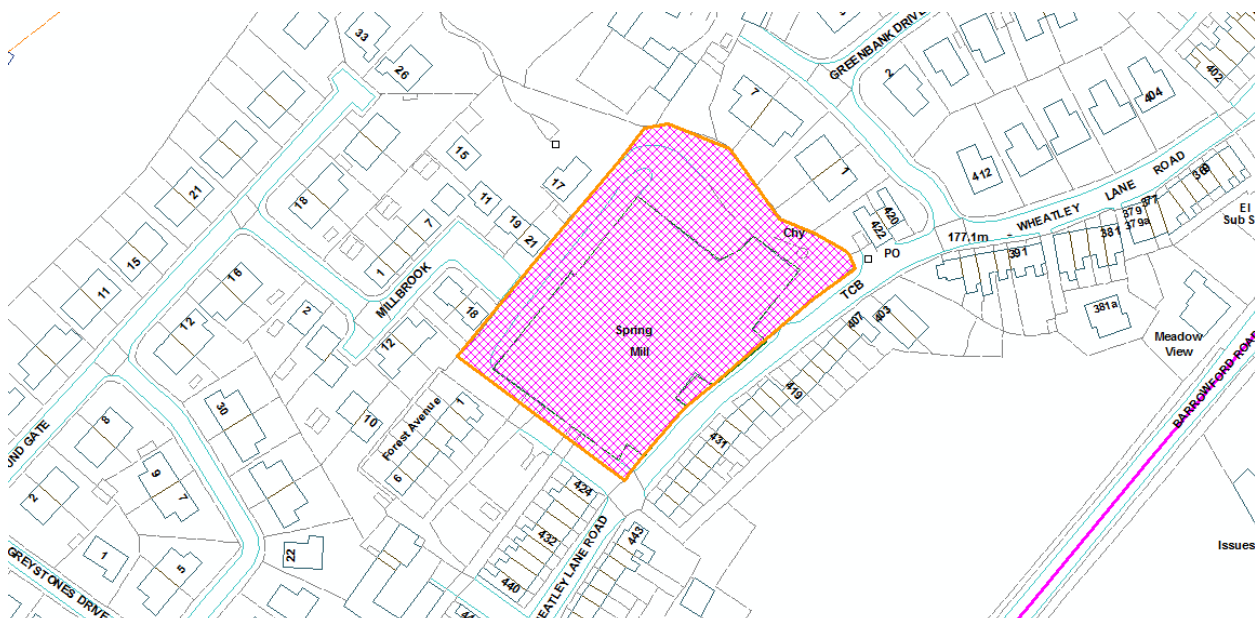
Reason: To enable the Local Planning Authority to assess how the development will accommodate the varied land levels and control the final form.

27. No construction work shall be carried out on the site (including demolition) outside the hours of 7:30 and 18:00 on weekdays and 7:30 - 13:00 on Saturdays.

Reason: In the interests of residential amenity and to safeguard local residents from noise and disturbance.

28. The development hereby permitted shall be carried out in accordance with the following approved plans: Drg nos. 10.140 01, 10.140 02A, 10.140 0210.140 04, 10.140 08, 10.140 03 J10.140 05 & 10.140 09 & Bat Survey received 4th March 2014 compiled by DG-A Ltd.

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



Application Ref: 16/0330/VAR

Proposal: Full: Major: Variation of Condition: Removal of Conditions 3 (Open space), 25 (Affordable housing), 26 (Renewable energy), 27 (Code for sustainable homes level) and vary Condition 29 (Hours of work) of Planning Permission 13/14/0088P.

At: SPRING MILL WHEATLEY LANE ROAD FENCE BURNLEY BB12 9HP

On behalf of: Skipton Properties Ltd

REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 07 JULY 2016

Application Ref: 16/0390/REM

Proposal: Reserved Matters: Major: Conversion of part of mill building to 3 No. houses and erection of 19 No. houses with associated works (Appearance, Landscaping and Scale).

At: SPRING MILL WHEATLEY LANE ROAD FENCE BURNLEY BB12 9HP

On behalf of: Skipton Properties Ltd

Date Registered: 25/05/2016

Expiry Date: 24/08/2016

Case Officer: Alex Cameron

Site Description and Proposal

This application has been brought to the Committee due to the application being for a Major development.

The application site is former mill site within the settlement of Fence. To the north east and north west detached and semi-detached houses, to the south east runs Wheatley Lane Road with terraced houses facing the site, to the south west is an unadopted access road and rows of terraced housing.

This application is a reserved matters application for appearance layout and scale following the approval of an outline application for access and layout in 2014.

The proposed development comprises the conversion an existing building in the southern corner of the site to 3 houses and the erection of 19 houses. The proposed houses would consist of a mixture of detached, semi-detached and rows of three houses, which would be a mixture of two and three storey properties. The proposed houses would be finished in random natural stone, with artificial slate roofs, white upvc windows and black composite doors.

Relevant Planning History

13/14/0088P - Outline: Major: Conversion of part of mill building to 3 No. houses and erection of 19 No. houses with associated garages including demolition of part of mill (Access and Layout). Approved, 11/04/2014.

13/11/0009P - Outline: Major: Conversion of part of mill building to 3 no. houses and erection of 19 no. houses with associated garages including demolition of part of mill (Access and Scale) Approved 25/03/2011.

13/98/0630P - Erect canopy over loading bay - Approved - 31/03/1999.

Consultee Response

Lead Local Flood Authority - No objection to this reserved matters application, subject to the requirements of Conditions 15, 16 and 17 of Planning Permission 13/14/0088P being satisfied.

Lancashire Constabulary Architectural Liaison In order to reduce the risk of offenders targeting the proposed residential development, the following Secured by Design principles should be

incorporated in line with the Pendle Core Strategy when determining the outcome of this application;

- Physical security standards for all external doors, including doors linking garages to dwellings, ground floor windows and those easily accessible at other levels must meet PAS 24:2012 (or an accepted alternative) in order to comply with Building Regulations Approved Document Q. This can be satisfied by achieving Part 2 (physical security) Secured by Design.
- All ground floor and easily accessible opening windows should have restrictors fitted to reduce the risk of opportunist burglaries which is more frequent in summer months.
- The access into the parking court which was highlighted as a concern at outline, is still present in the plans. I strongly advise that this access is lit to deter nuisance and anti-social behaviour affecting the residents on both side and above.
- Rear garden dividing fences should be an overall height of 1.5m minimum, made up of 1.2m fencing with a 300mm trellis topper to increase natural surveillance.
- The height of rear perimeter boundary treatments is not clear in the application. This is of concern as the rear of a dwelling is most vulnerable to crime. Clarification on the height of boundary treatments throughout the site is required.
- All rear access gates should be an effective barrier to unauthorised entry, 1.8m in height and lockable from the inside. Access down the gable elevations should be restricted as close to the front elevation as possible to restrict access to this vulnerable area – placing the gate towards the rear provides a concealed area, out of the view of neighbouring dwellings, for an intruder to take advantage of.
- Utility meters should be located on or close to the front elevation so that access is not required into private space to obtain readings.

Advisable Security Measures

- An intruder alarm system or a 13 amp non-switched fused spur should be installed to allow the residents to add an intruder alarm at a later date.

Public Response

A site and press notice have been posted and 34 neighbours notified. Four responses have been received objecting to the development on the following grounds:

- Whilst I support the conversion of Spring Mill in Fence, as I do think it will benefit the village and community I am very concerned about the amount of vibration I am getting to my home whilst the work is being carried out. I would like to know what Skipton Properties are prepared to do should there be any short or long term damage to my home as a result of the work they are carrying out?
- Stability and party wall issues.
- My objection is to the removal of green space within the development which was in the original plans. I understand that green space is not profitable to Skipton Properties, however should be considered essential to a considerate developer.
- Object to extended working hours, Fence is a Family friendly village. The majority of residents work hard and wish to enjoy some well earned Family time after school, work etc in their gardens or around the village. Time together is precious and I think that extended noise, dirt and disruption should not be considered especially over the summer months. There are also many shift workers/emergency service workers in the village who have already been disrupted for the majority of the day.
- Affect local ecology
- Close to adjoining properties
- Development too high
- Information missing from plans
- Loss of privacy

- More open space needed on development
- Noise nuisance
- Not enough info given on application
- Potentially contaminated land
- Residential Amenity
- Strain on existing community facilities

Officer Comments

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

Policy

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy ENV1 of the Local Plan seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 of the Pendle Local Plan Part 1 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Policy LIV5 states that layout and design should reflect the site surroundings, and provide a quality environment for its residents, whilst protecting the amenity of neighbouring properties. Provision for open space and/or green infrastructure should be made in all new housing developments.

Replacement Pendle Local Plan

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

Policy Position and Five Year Supply of Land

The National Planning Policy Framework (“the Framework”) sets out the approach to be taken to considering planning applications. It confirms that the development plan is the primary consideration in determining applications for planning permission. The Development Plan also has the backing of primary legislation which requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

The Framework deals with the issue of how policies are to be treated in situations where there is not a demonstrable 5 year supply of housing land in place. Paragraph 49 states that where there is not a five year housing supply then the policies on housing in the development plan must be considered to be out of date and decisions on housing schemes should then be taken in accordance with paragraph 14.

Pendle is no longer in a situation where it can show a five year supply of housing land. In this situation paragraph 14 requires applications to be granted planning permission unless **“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole”**.

The weight to be given to the disbenefits of granting planning permission are thus given a higher than normal bar to overcome in order to justify refusal. There must be significant and demonstrable adverse impacts in order to be able to justify a refusal.

Design and Visual Amenity

The proposed houses would be of a simple but good quality design finished in natural random stone, with dressed stone lintels and cills and artificial slate roofs. The frontage of an existing part of the mill would be sympathetically retained by the development and the mixture of two and three storey houses and different house types would reflect the mix of existing buildings in the area. This variety in form and scale enhances the appearance of the development.

Concerns were raised in the outline application about properties backing onto Wheatley Lane Road, plots 18-22 to the east of the site entrance have been designed to front onto Wheatley Lane Road and would create a strong frontage which would be sympathetic to its surroundings. The details of appearance and scale are therefore acceptable in terms of visual amenity in accordance with policies ENV1, ENV2 and LIV5.

Residential Amenity

The proposed development would maintain adequate separation distances between the windows of the proposed dwellings and habitable room windows and gardens of adjacent dwellings and also provide an acceptable level of privacy for residents of the proposed development. The proposed development is therefore acceptable in terms of residential amenity.

Concerns have been raised regarding disturbance from noise and vibration during construction, there is a condition on the outline permission to mitigate these impacts.

The proposed development is therefore acceptable in terms of residential amenity in accordance with policy ENV2.

Highways and Parking

The acceptability of the access has been established by the outline permission, the highway issues to consider in this application is the internal layout and proposed car parking.

The proposed plans show car parking meeting the maximum standards set out in the RPLP and therefore proposed an acceptable level of parking provision. A condition is attached to the outline permission to ensure that the parking is provided and the garages are retained for car parking.

The existing unadopted access road to the south west would be maintained as would the pedestrian access to Millbrook at the top of this lane. Five informal parking spaces are proposed off the existing lane as indicated on the site plan.

The proposed development is therefore acceptable in highway terms in accordance with policy 31.

Landscaping

The proposed landscaping scheme would enhance the appearance of the proposed development and is acceptable.

Other Issues

Potential ecology impacts, contamination and issues of the principle of housing on the site were considered at the outline stage and conditions attached to that permission to address them where necessary.

A query has been raised by Lancashire Constabulary regarding fence heights to the rear of the site. There is a retainage wall to the rear of the site and 1.8m+ fences/hedges above that, this would provide adequate security to the rear of the site, a condition is also in place on the outline for full boundary treatment details to be submitted and agreed.

Summary

The proposed development complies with the relevant planning policies, would not unacceptably impact on the residential amenity of the area and is acceptable in terms of design, visual amenity and highway safety. The application is therefore recommended for approval.

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 appearance, landscaping and scale of the development are acceptable in terms of all relevant considerations. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

1. This notice constitutes an approval of matters reserved under Condition 1 of Planning Permission No.13/14/0088P and does not by itself constitute a planning permission.

Reason: The application relates to matters reserved by Planning Permission No.13/14/0088P.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1445SPL/smwlf/PL01 Rev C, 1445SPL/smwlf/Csm-01, 1445SPL/smwlf/HT-A1, 1445SPL/smwlf/HT-A2, 1445SPL/smwlf/HT-BP1, 1445SPL/smwlf/HT-BR1, 1445SPL/smwlf/HT-BE1, 1445SPL/smwlf/HT-C1, 1445SPL/smwlf/HT-F1, 1445SPL/smwlf/HT-H1, 1445SPL/smwlf/HT-PT1, 1445SPL/smwlf/HT-PT2, 1445SPL/smwlf/HT-PN1, 1445SPL/smwlf/HT-SP1, 1445SPL/smwlf/HT-SP2, 1445SPL/smwlf/SS01, 1445SPL/smwlf/SS02, 1445SPL/smwlf/SS03, 10.140 08, GL0590 01.

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

3. Within two weeks of the commencement of development samples of the external materials to be used in the construction of the roofs, walls, boundary/retaining walls and paving and samples of the colour and finish of windows and doors (notwithstanding any details on the approved plans, forms or supporting documents) of the development hereby approved shall have been submitted to the Local Planning Authority for written approval. The development shall be carried out in strict accordance with the approved materials.

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

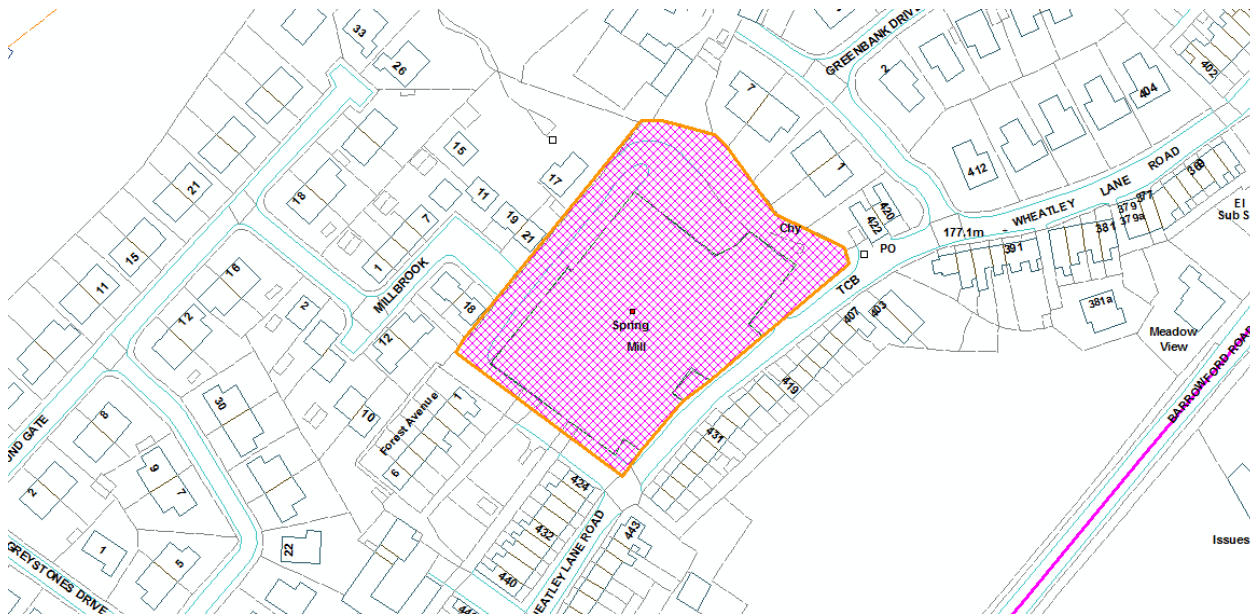
4. All soft landscape works shall be carried out in accordance with the approved landscaping plan GL0590 01 and the recommendations of BS 4428 (1989). The works shall be carried out prior to occupation of any part of the development or in accordance with a timetable to be agreed in writing by the Local Planning Authority. Any trees or plants that within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in the interest of visual amenity.

5. Within two weeks of the commencement of the development details of hard landscaping shall be submitted to the Local Planning Authority for written approval. The development shall thereafter be carried out in strict accordance with the approved details.

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

6. The window openings shall be set back from the external face of the wall. Unless otherwise agreed in writing by the Local Planning Authority, the depth of reveal shall be at least 100mm.
Reason: To ensure a satisfactory appearance to the development in the interest of visual amenity



Application Ref: 16/0390/REM

Proposal: Reserved Matters: Major: Conversion of part of mill building to 3 No. houses and erection of 19 No. houses with associated works (Appearance, Landscaping and Scale).

At: SPRING MILL WHEATLEY LANE ROAD FENCE BURNLEY BB12 9HP

On behalf of: Skipton Properties Ltd

REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 7 JULY 2016

Application Ref: 16/0381/HHO

Proposal: Full: Erection of single storey basement to front elevation and erection of external staircase; glazed porch to ground floor to front and close existing vehicular access.

At: ROSEHILL HOUSE CARR HALL ROAD BARROWFORD

On behalf of: Mr N Younis

Date Registered: 17 May 2016

Expiry Date: 12 July 2016

Case Officer: Lee Greenwood

Site Description and Proposal

This application is brought to Committee as the applicant is an elected member of the Council.

This application seeks to make external alterations to the frontage of Rosehill House and to close one of the existing vehicular accesses to Carr Hall Road.

The application site is a large detached property set within a substantial curtilage. The area is designated as Green Belt and Open Countryside in the Pendle Local Plan. It is also within the Carr Hall/Wheatley Lane Road Conservation Area and has a number of trees within its boundary protected by TPO No.4 1980.

The property has been subject to applications in recent history (2012) for the erection of a side extension and detached outbuilding, which are currently under construction.

The front elevation to the property was previously accessed by a raised terrace area, built in to sloping ground from the garden area below. External staircases provided access between the two levels.

During the current redevelopment process the existing terrace was removed and all the associated earth stripped back to allow the main property to be underpinned following concerns about stability. The applicant now seeks to replace the terrace with a more contemporary extension which would provide a replacement access to the main entrance of the house, whilst also accommodating habitable rooms at garden level.

Above the proposed main entrance, which comprised a projecting bay with double doors would be replaced with a curved, glazed porch.

It is also proposed to close one of the three vehicular accesses to the site from Carr Hall Road. This is to rationalise the arrangements to the site and the supporting statement advises it is to improve security. The existing stone wall will be carried across at this point, using existing, matching materials from within the site.

Relevant Planning History

13/12/0524P - Demolition of existing side extension and outbuildings, erection of two storey side and rear extension and garage/swimming pool enclosure and new driveway (Re-Submission) – **Approved**

13/12/0523P - Conservation Area Consent: Demolish outbuildings (Re-Submission) – **Approved**

13/12/0138M1 - Non-Material Minor Amendment to vary conditions 5 & 6 of planning permission 13/12/0138P to enable removal of 10 trees - **Approved**

13/12/0138P - Conservation Area Consent: Demolish outbuildings **Approved**

13/12/0138P - Full: Demolition of existing side extension and outbuildings; erection of two storey extension to side and garage/swimming pool building **Approved**

13/92/0311P - erect double garage – **Approved**

Consultee Response

LCC Highways (Pendle); concerns that the remaining access to the northern boundary of the site is unsuitable to accommodate increased traffic due to adjacent banking and overgrown foliage.

PBC Conservation and Environment Section; no comments at time of writing, any response will be reported by way of an update.

PBC Conservation (Protected Trees); no comments at time of writing, any response will be reported by way of an update.

National Grid; major pipeline in the vicinity (along the bypass) however the works do not appear to directly affect it. Advise that the applicant/developer contact them prior to commencement on site.

HSE; no comments at time of writing, any response will be reported by way of an update

United Utilities; no comments at time of writing, any response will be reported by way of an update.

Barrowford Parish Council; concerns as the site is within a Conservation Area and the works will significantly alter the character/appearance of the dwelling. Would have liked to have seen the opinion of the Conservation Officer before supporting or not supporting the application.

Public Response

Nineteen neighbours notified, site and press notices also displayed; no comments received at time of writing;

The notification period expires on 24th June 2016 and any further comments will be reported to the meeting.

Relevant Planning Policy

ENV 1 Protecting and Enhancing Our Natural and Historic Environments

ENV 2 Achieving Quality in Design and Conservation

SPDDP Supplementary Planning Document: Design Principles

Officer Comments

The main issues to consider in this application are impact on the Green Belt, design, amenity, highway safety and compliance with Policy.

Policy

Policies ENV1 and ENV2 of the Local Plan Part 1 states that new development should protect and enhance the environment by way of their design, whilst maintaining the openness of the Green Belt.

ENV1 also states that heritage assets will be conserved or enhanced in a manner appropriate to their significance. New development should ensure that the harm is not caused without clear and convincing justification.

The National Planning Policy Framework ('the Framework') constitutes the Government's view of what sustainable development in England means in practice for the planning system. With regard to Green Belt, paragraphs 79 - 92 are relevant.

Paragraph 87 states that inappropriate development should not be approved except in very special circumstances. Paragraph 89 advises that amongst others, the following is deemed to be an exception to the definition of inappropriate development;

"the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building"

Therefore the primary assessment to undertake in an application of this nature is whether the development meets the defined exception above and whether harm is caused to the character or appearance of the Conservation Area.

Design and Impact on the Green Belt

The proposed addition to the front would sit below ground level of the dwelling, effectively replacing the now excavated and removed terrace area. It would span the full width of the property with an additional open fronted pergola/canopy area to the east. Access to the main dwelling above is provided through a series of internal staircases and two larger external staircases.

The scheme purposely takes a more modern approach in terms of its appearance in order to try and contrast with, rather than replicate the main dwelling. Utilising render, areas of stonework to match the host building and large expanses of glazing (including the balustrade) gives the extension a lightweight, clean look in comparison to the stone bulk and massing above.

Being located at basement level, the development allows the original dwelling to retain precedence within the site and does not dominate it in any way. It would hold a subservient position and whilst clearly visible within the site, its contemporary appearance is preferable to attempts to replicate or mimic the dwelling in terms of vernacular. This can often appear as a poor quality pastiche which can be more of a hindrance than help in terms of overall aesthetics.

With regard to the Green Belt, para. 89 of the Framework advises that the alteration or extension of a dwelling is not in itself inappropriate development. Such works should not however be disproportionate over and above the size of the original dwelling. There is no formal definition as to what constitutes 'disproportionate' therefore site specific assessments must be undertaken.

The previous extension approved in 2012 was found to increase the size of the original property by 13% (the building to the side currently under construction is detached and therefore not included in the calculations). In this case the development would increase the habitable area and increase the overall massing of the dwelling by a modest margin and would not be highly visible from public vantage points. The development also replaces the existing terraced area which itself was stepped up from the lower garden area.

Accounting for these features and characteristics, the proposal does not result in a development which would be disproportionate nor would it be visually harmful or dominant when seen in context with the host dwelling.

Impact on the Conservation Area

The Conservation Area Character Appraisal defines the appearance of the area as being low density with large properties concealed from view, set within open farm and park land. Despite not being listed, this property is identified as making a special contribution to the character of the Conservation Area with its high stone boundary wall being a prominent feature along the road.

In terms of impact, the development would be well screened from public vantage points due to its low position at basement level of the house. When viewed from within the substantial curtilage, the addition would clearly be subservient to the main house and would not have an adverse impact on its character.

With regard to the closing off of the existing access to the gable end of the site, this raises no adverse heritage asset issues providing that suitable matching materials are used for the new wall. This can be controlled by condition.

The development thereby accords with both Policy ENV1 and Section 72 of the 1990 Act, preserving the overall character of the Conservation Area.

Protected Trees

The proposed development is some distance from the nearest protected and as such the extension itself is unlikely to have any adverse issues. Care should be taken during the construction process however and protective fencing should be conditioned to ensure no earthworks or storage takes place within protected root zones.

Highways

The site currently has 3 access points along Carr Hall Road. Two are directly from the highway in to the property; the third is a right of way over the curtilage of 45 Carr Hall Road and through an existing gate in the stone boundary wall.

The applicant is seeking to close the central access point of the three in order to rationalise the site layout and reduce the number of entrances. Highways have raised concerns that the higher of the remaining two, towards the northern boundary of the site, could raise issues from increased use due to poor visibility. Whilst these comments are noted, the applicant could use any of the existing accesses at any time. To close one would reduce the amount of activity on to Carr Hall Road and be to the benefit of highway safety.

Amenity

The scale and position of the development raises no adverse issues in terms of the relationship with neighbours.

Summary

The proposed development is of an appropriate scale and design and would not adversely impact on the Green Belt or the wider Conservation Area. There would be no adverse impact on the amenities of neighbours, protected trees or highway safety.

The application thereby complies with Policies ENV1 and 2 of the Local Plan Part 1 – Core Strategy.

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 complies with Policies ENV1 and ENV2 of the Local Plan Part 1, being appropriate in terms of scale, design and amenity. 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 must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: In order to comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (As Amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 5491/c/b/05, 5491/c/b/04, 5491/c/b/03

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

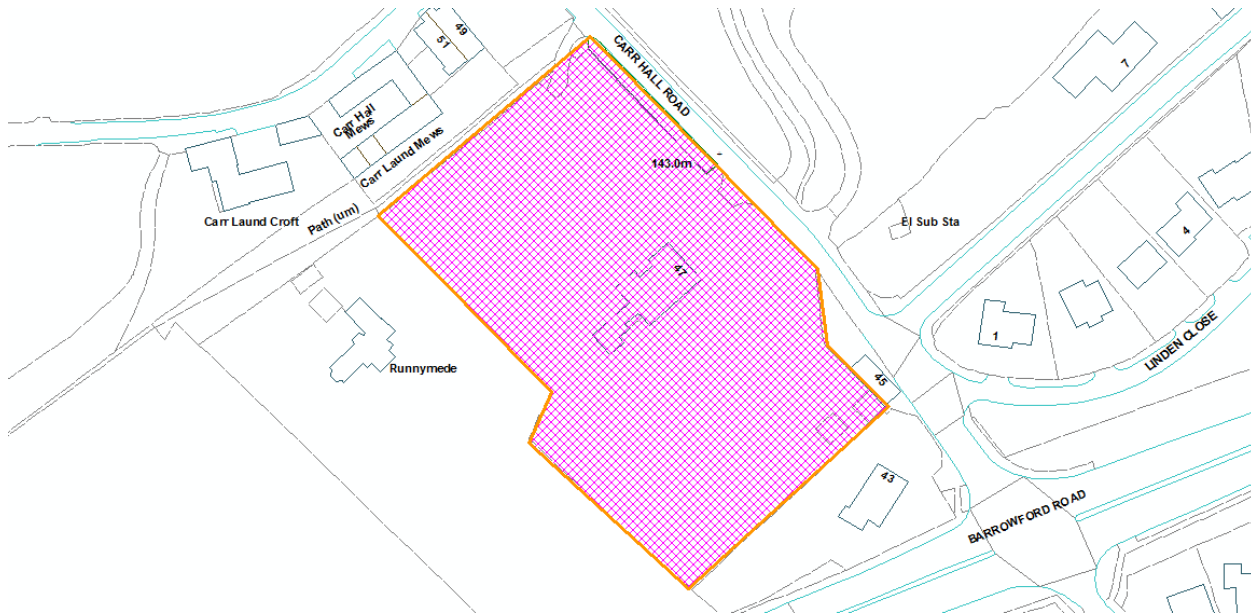
3. The development hereby permitted shall not be commenced unless and until details of the types and colour of all facing materials, including those to be used in the new section of boundary wall to Carr Hall Road, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter at all times be carried out in strict accordance with the approved details.

Reason: In order that the Local Planning Authority can assess the materials in the interest of the visual amenity of the area.

4. Unless 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.

Within the areas so fenced, the existing ground level shall be neither raised nor lowered. 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 from being damaged during building works.



Application Ref: 16/0381/HHO

Proposal: Full: Erection of single storey basement to front elevation and erection of external staircase; glazed porch to ground floor to front and close existing vehicular access.

At: ROSEHILL HOUSE CARR HALL ROAD BARROWFORD

On behalf of: Mr N Younis

LIST OF BACKGROUND PAPERS

Planning Applications

NW/HW

Date: 29th June 2016