



REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

TO: BARROWFORD & WESTERN PARISHES COMMITTEE

DATE: 6th October 2016

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE 06 OCTOBER 2016

Application Ref: 16/0508/HHO
Proposal: Full: Removal of 3 trees and formation of two car parking spaces.
At: Croft Barn, Barley New Road, Barley
On behalf of: Mr & Mrs Barry Sanderson
Date Registered: 28/07/2016
Expiry Date: 22/09/2016
Case Officer: Alex Cameron

Site Description and Proposal

This application has been brought before Committee because three responses objecting to the development have been received.

The application site is the front garden of a converted barn located within Whitehough Conservation Area and the Forest of Bowland AONB. There are dwellings to the north, east and west, an access track runs to the south adjacent to Whitehough Water.

The proposed development is the formation of two car parking spaces to the front. This would involve removing / lowering a section of the stone retaining wall at the front of the site, digging out the land and forming a new retaining wall. The development also involves the removal of two Scot Pine trees which are protected by TPO and one Sycamore which is protected by the Conservation Area designation.

Relevant Planning History

13/15/0266P - Subdivision of one dwelling to two dwellings and erection of a single storey side extension and external alterations - **Approved**

13/14/0285M1 - Non-Material Amendment: Amend Planning Permission 13/14/0285P to change window and door openings - **Refused**

13/14/0285P - Subdivision of one dwelling to two dwellings and erection of a single storey side extension - **Allowed on Appeal**

13/08/0701P - Full: Erect single storey extension - **Approved**

13/02/0546P - Attach double garage with room over and link porch to rear of existing games room – **Refused**

13/95/0489P - Section 192 - to convert attached garage to living accommodation **Approved**

13/95/0359P - Convert garage to sitting room and erect new detached garage – **Refused**

13/90/0073P – Alteration to Garage at Barn – **Approved**

13/88/0966P - Change of use and extension of barn to form 2 dwellings with domestic garages - **Approved**

Consultee Response

LCC Highways – No objection, please attach a visibility splay condition.

PBC Environment Officer - Neither of the two Pine trees is in good condition and both have other associated issues too. The one nearest to the driveway gate is dying back and the crown is very sparse with the leader dominance also having been lost. It is also leaning toward the access track and there is visible evidence of movement of the stone retaining wall on top of which it is growing. The second one which is to the west of the first and closer to the pedestrian gate to the garden is also showing die back and poor crown form. It is also growing into and competing with the crown of the adjacent TPO Copper Beech which is a far superior tree and which is to the detriment of the Beech. The retaining wall beside it is also showing signs of movement.

The sycamore is of poor form and is showing die back in the top of the crown. It is heavily suppressed by the nearest Beech tree with the crown heavily biased towards the house and the main trunk leaning. There is also a basal decay pocket in the trunk. This tree has no future potential and is not TPO worthy so can be removed.

On the basis of the above, I have no objection to the removal of the two Pine and one Sycamore to facilitate this proposal.

The two retained Beech, labelled T2 and T3 on the scheme plan, are both subject to TPO and must be retained and protected through any development. Reference to BS 5837 (2012) shows that a root protection area of 8 metre radius is necessary around them both. The nearest excavation for the parking bays is further away than this and is therefore acceptable.

Conditions.

1. That a protection fence in accordance with BS 5837 (2012) should be erected at a distance of 8 metres prior to any work commencing on site and should be maintained throughout the duration of the works.
2. That a planting scheme is submitted to provide, as a minimum, replacement trees for those removed.

I note that the oil tank and shed are to be re-sited to the north of the two Beech and it is imperative that both the tank and shed and any associated pipe or other service runs are located well outside the 8 metre RPA.

Barley with Wheatley Booth Parish Council – The Council believes that it is crucial to protect the natural beauty of the Whitehough conservation area; the stone walls clearly contribute to the traditional, rural aesthetic of the hamlet. The reduction in the size of these walls to create the proposed car parking spaces represents the introduction of urban features to the most picturesque part of the bridleway between Roughlee and Barley. The cars will be clearly visible when descending Bridleway 29 from Barley New Road into Whitehough.

The Council believes that there is sufficient space within the curtilage of the properties to accommodate the parking as outlined in the planning drawings submitted with the original application (13/14/0285P) to subdivide the dwelling. These drawings formed the basis of the PC's support for the application.

We note the comments from the Highway Authority regarding the visibility splay and request clarification whether this ruling would apply to the other side of the area under consideration i.e. to the left of the proposed parking spaces when looking at the property. The PC believes the Highway Authority has not taken into account the proximity of the proposed spaces to the sharp bend in the road which leads to Whitehough Education Centre.

Roughlee Parish Council – object to the removal of three healthy trees in a popular walking route in an AONB. The loss of the trees would be detrimental to the visual amenity of the AONB.

Public Response

Site notice posted and three neighbours notified – Two responses received objecting to the proposed development on the following grounds:

- Bridleway 29 through Whitehough is one of the most popular footpaths for tourists, walkers, runners, horse riders, cyclists and families in Pendle. It is the main riverside footpath from Roughlee to Barley and is extensively used. The application site is at the centre of this journey through Whitehough at its most picturesque point where the natural beauty, character and rural aesthetic of the Hamlet and Conservation Area should be protected.
- The Core Strategy states that areas of AONB have the highest status of protection in relation to landscape and scenic beauty and that the conservation of the natural beauty within the Forest of Bowland AONB should therefore be given great weight when determining planning applications in the AONB. The fact that the application site is also within Whitehough Conservation Area significantly reinforces the protection required to these special areas.
- The approved planning drawings for the original application showed that parking would be contained within the existing walled boundaries of Croft Barn and the newly formed Waterside House. As residents of Whitehough, we were happy to support these plans but unfortunately the division of Croft Barn has not been constructed in accordance with the Planning Approval and it should not be to the detriment of the visual amenity of Whitehough that parking spaces now need to be accommodated outside the original boundaries of Croft Barn in full view of all bridleway users.
- The trees are all healthy specimens and the pines make a significant contribution to the group value of trees in the Conservation Area, particularly in winter.
- The loss of three healthy trees in such an important and sensitive location would be deplorable.
- When approval was granted to subdivide Croft Barn it was on the basis that there was adequate car parking within the site. This remains the case, so why must three healthy trees be destroyed.
- The proposed car parking spaces would involve vehicles reversing across the footpath / bridleway. This would create an unnecessary and unsafe situation, particularly in the hours of darkness when the footpath / bridleway is still extensively used. If additional lighting were introduced this would result in more light pollution.
- Because the Application drawing fails to show the blind bend for traffic traveling in the opposite direction, it would appear that LCC Highways have not had the opportunity to comment on the full implications of the proposed development on traffic traveling in both directions.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) states that proposals in the designated open countryside should have regard to the Development in the Open Countryside SPG, or its replacement. In determining proposals which affect the Forest of Bowland Area of Outstanding Natural Beauty (AONB) great weight will be given to conserving its landscape and scenic beauty.

Policy ENV2 (Achieving Quality in Design and Conservation) states that all new development should viably seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving our heritage assets. Proposals should protect or enhance the natural environment and not detract from the natural beauty of the AONB by way of their siting, size, design and appearance.

Design and visual amenity

The proposed parking area would not be excessively prominent, being set back with 0.9m stone walls either side. Taking this into account, the proposed development is therefore acceptable in terms of design and visual amenity and would acceptably preserve the natural beauty of the AONB and the significance of the Conservation Area in accordance with policies ENV1 and ENV2.

Residential amenity

The proposed development would raise no adverse residential amenity issues, it is acceptable in terms of residential amenity in accordance with policy ENV2.

Trees

The proposal requires the felling of three trees, two of which are protected by a TPO. The trees are not in good condition and their removal is acceptable subject to a condition requiring that they are replaced within the site.

Highways

The initial plans showed just the wall to the east side of the access being lowered to 0.9m, the wall and land to the west side would remain at approximately 1.3-1.5m. This would have resulted in severely restricted visibility to the west side.

Amended plans have been submitted showing that the wall and land would also be lowered to 0.9m to the west side up to the point of the pedestrian access gate and steps. This would not adversely impact upon the trees to be retained as the physical barrier created by steps would mean that routes of the trees would not cross into that area. This would result in an acceptable level of visibility for cars existing the spaces.

Concerns have been raised regarding the proximity of the proposed spaces to the blind corner of the access to Whitehough Activity Centre and the highway safety impact of cars reversing onto the access which is a bridleway. Given the nature of the access road vehicle speeds on the short stretch between the bridge and corner are likely to be very low and, with the walls either side of the spaces reduced to 0.9m indivisibility between the spaces and road would be sufficient to ensure there would not be an unacceptable highway or pedestrian safety impact.

The proposed development is therefore acceptable in terms of highway safety.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in terms of policy, design, amenity and highway safety. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

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

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 2016/18/1A, 2016/18/2.

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

Within two weeks of the commencement of the development hereby approved samples of the materials to be used in the walls and hardstanding shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved materials.

Reason: In the interest of visual amenity and the character and appearance of the Conservation Area.

3. The use of the parking spaces hereby approved for parking vehicles shall not commence unless and until they have been surfaced in accordance with the details shown in the approved plans and the walls and land within the following visibility splays have been reduced to not more than 1m in height above the car parking spaces. The visibility splays shall be all land within a line taken from the centre of the west side parking space 2.5m back from the nearside edge of the carriageway of the access road to 5m to the west along the nearside edge of the carriageway and the land between the east side parking space and the access to Waterside House. Thereafter no structures or vegetation of over 1m in height above the level of the car parking spaces shall be erected, grown or allowed to remain within the visibility splays defined above.

Reason: In the interest of highway safety.

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, 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.

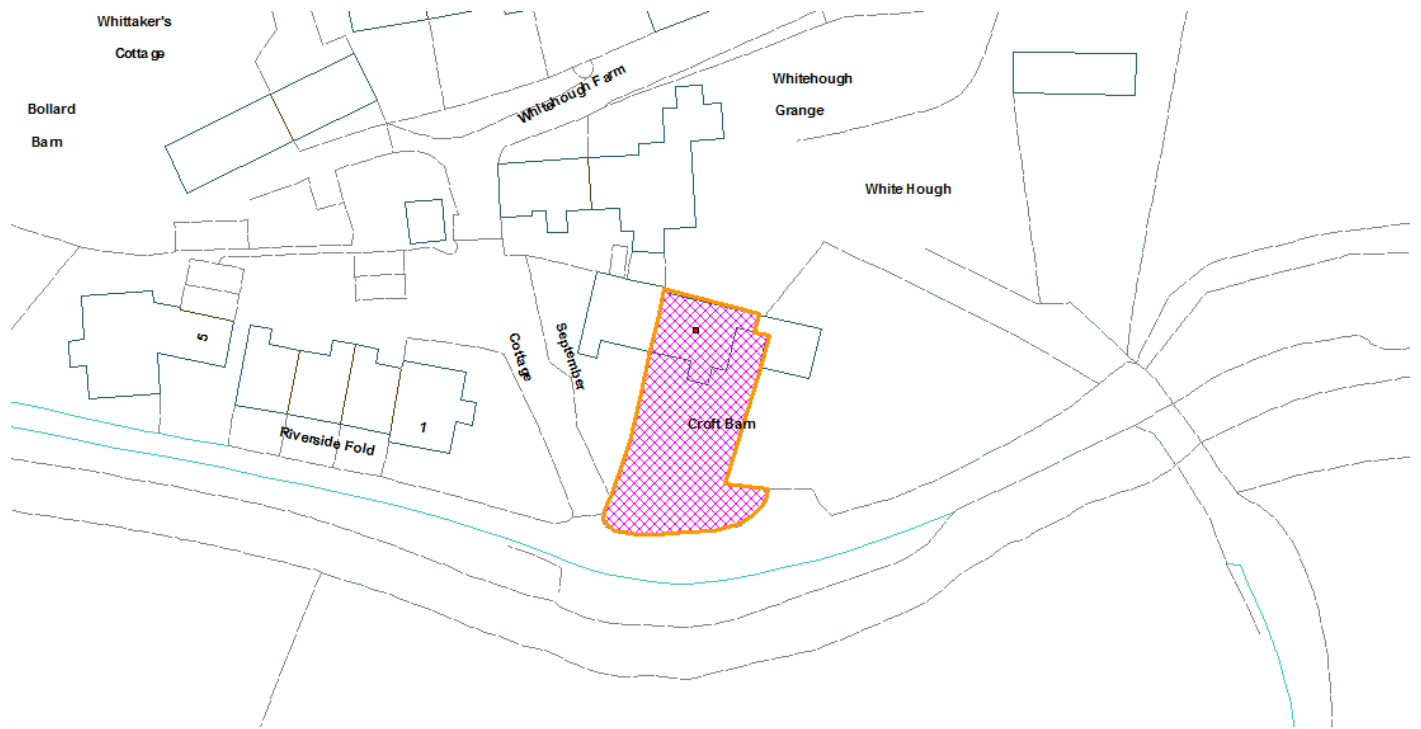
All works involving excavation of soil, including foundations and the laying of services, within the recommended distance calculated under the BS 5837 (2012) of the trees to be retained on the site, shall be dug by hand and in accordance with a scheme of works which has been submitted to and approved by the Local Planning Authority, prior to the commencement of works.

Reason: To protect the trees and ensure that future landscaping incorporates those specimens.

5. Within two weeks of the commencement of the development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the replacement of the three trees to be felled and shall include the following:
 - a. the exact location and species of all existing trees and other planting to be retained;
 - b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
 - c. an outline specification for ground preparation;
 - d. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its entirety approved form within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

Reason: To ensure that the development is adequately landscaped so as to integrate with its surroundings.



Application Ref: 16/0508/HHO

Proposal: Full: Removal of 3 trees and formation of two car parking spaces.

At: Croft Barn, Barley New Road, Barley

On behalf of: Mr & Mrs Barry Sanderson

REPORT TO BARROWFORD & WESTERN PARISHES 6TH OCTOBER, 2016.

Application Ref: 16/0517/FUL
Proposal: Full: Erection of one 4-bed terraced house (re-submission)
At: LAND ADJACENT 16 GARNETT STREET BARROWFORD NELSON BB9 8PA
On behalf of: Mrs J Rigby
Date Registered: 20 July 2016
Expiry Date: 14 September 2016
Case Officer: Kathryn Hughes

This report has been brought before Committee at the request of a Member.

Site Description and Proposal

The site is a plot of land adjacent to No. 16 Garnett Street in a residential area within the settlement boundary.

The proposal is to erect a four bed terraced house on the site measuring 6m x 8.9m x 8.7m to ridge (5.9m to eaves) constructed in stone with a slate roof and rear dormer. The house would front onto the pavement and have a small yard area to the rear.

There is a triangular piece of open space adjacent to the site which has some shrubbery and a dog waste bin located on it. This land is included in the open space audit.

Relevant Planning History

13/15/0243P – Full: Erection of one 3-bed terraced house – Approved.

Consultee Response

LCC Highways - The Highway Development Control Section object to the proposed dwelling as it is of the opinion that the proposed increase in bedrooms from three to four, and the associated increase in the number of parking spaces from two to three would lead to further demand for parking, putting further pressure on highway capacity.

However, should you be minded to grant planning we request conditions relating to a joint survey and a traffic management plan.

Environment Agency – The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:

- Finished floor levels are set no lower than 116.32m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

To reduce the risk of flooding to the proposed development and future occupants.

United Utilities - In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

Barrowford Parish Council – Objections from other Statutory Consultees raise concerns over easement (UU) flood mitigation measures (EA) and lack of parking (LCC Highways). Taking on board the above how can a house be built to the same scale height and roof pitches as the abutting terrace but to meet the condition whilst retaining the attic bedroom could mean that the building would need to be taller than the rest of the terrace. The Parish feel that given the number of problems the addition of a bedroom in the attic is a step too far as it would restrict the raising of the first floor ceiling into the loft space accommodating the raise in ground floor level. The additional parking space required is problematic as on road parking is at a premium. The angular nature and close proximity to the junction of Garnett St and Lower Clough St of the proposed off road parking space would make ingress and egress difficult particularly if directly on Lower Clough St which although a side street serves a large industrial complex.

Public Response

Nearest neighbours notified by letter. One response received objecting on the following grounds:-

- There is a derelict site on the opposite side of the road to this which is still awaiting completion after 10-15 years;
- The site is full of rubbish and affects the area and maybe the reason for the fact that many new builds are still not sold;
- This will block my view and all the mess, disruption and noise with water and electric being affected again; and
- It may be wiser to wait until more of the new build have been sold and then start on the derelict site before you put the residents through any more and bring property prices down again.

Officer Comments

The main issues with this proposal are compliance with policy, principal of housing, impact on residential amenity, design and materials, flood risk and highway issues.

- Policy

National Policies

Of relevance to this application is that there is a presumption in favour of sustainable development; that planning should proactively drive and support the development and; that efforts should be made to identify and meet housing, business and other development needs. In addition, the National Planning Policy Framework (the Framework) states that Local Authorities should approve applications where practical to do so and attach significant weight to the benefits of economic and housing growth.

The Framework also states "This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise."

Paragraph 47 of the Framework requires local planning authorities to identify a supply of deliverable housing sites to provide five years' worth of their housing requirements. The SHLAA was updated in support of the publication of the Core Strategy.

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

In order to establish the principle of housing on this site the following Pendle Local Plan Core Strategy: Part 1 policies need to be considered:

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.

The following saved Replacement Pendle Local Plan policies are also relevant to this application:

Policy 16 'Landscaping in New Development' requires a scheme of landscaping sympathetic to the site's character and vicinity. There is limited scope for landscaping on this site but the adjacent open space will provide some soft landscaping.

Policy 31 'Parking' set out the maximum parking standards for development. This is addressed under the Highways Issues section.

- 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.

This proposal is for a single dwellinghouse within the settlement boundary and therefore the proposed development would make an acceptable contribution to meeting the Borough's housing needs by increasing the supply of housing land.

- Impact on Residential Amenity

The site is adjacent to no. 16 Garnett Street which is the end property and would be gable to gable with no projection to the front or rear. To the rear the proposed dwelling would back onto the rear properties of 17 and 19 May Street at the same distance (5m) across the back street as the existing terraced properties. The rear dormer would project out by 3m maximum which is acceptable.

To the front of the site is the new residential development at Lower Clough Street car park. This proposed dwelling would front onto the gable of the nearest property which has been completed and has a side extension approved.

The distances between the proposed dwellinghouse and adjacent properties are acceptable.

The proposal therefore complies with policy.

- Design and Materials

The proposed four bed terraced house would be constructed in natural stone with a natural slate roof with upvc windows and doors and rendered block to the yard walls and would resemble the rest of the terrace in terms of design and materials. The rear dormer would have hanging slate to match the roofslope which is acceptable.

The house would front directly onto the pavement and have a small yard area to the rear.

This is acceptable and accords with policy.

- Flood Risk

A Flood Risk Assessment has been submitted and is acceptable subject to the finished floor levels being set no lower than 116.32m above AOD.

This proposal would therefore, subject to an appropriate condition, accord with policy.

- Highways Issues

None of the existing properties in this row have facilities for off-street parking and there is no provision to create any. Taking into account this would be for the addition of one four bed dwellinghouse on a site which historically had a terraced unit this would be acceptable.

Concerns have been raised by LCC and the Parish Council regarding the increased number of bedrooms and associated parking spaces. However, a 3 bed dwellinghouse has already been approved on this site and an additional bedroom and rear dormer could be provided under permitted development rights for that approved dwelling which has an extant permission and therefore the difference between the two schemes would not warrant a refusal.

In terms of visibility the proposed dwellinghouse would be on the site on a previous dwelling and there is a triangle area of open space adjacent to the site which will enable views of oncoming vehicles.

Conditions requested for traffic management and road surveys are not necessary for this small scale scheme.

Therefore this proposal would not result in a worse situation than at present in terms of highway safety and would certainly be no different to that previously approved.

Summary

The proposal therefore accords with policy and is acceptable in terms of housing policy subject to appropriate conditions.

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 dwellinghouse is acceptable in terms of amenity, design, materials and flood risk. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

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

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

01, 02, 03, 04 & 05.

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

3. Prior to the commencement of development samples of the materials to be used in the construction of the development hereby permitted (notwithstanding any details shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

4. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:

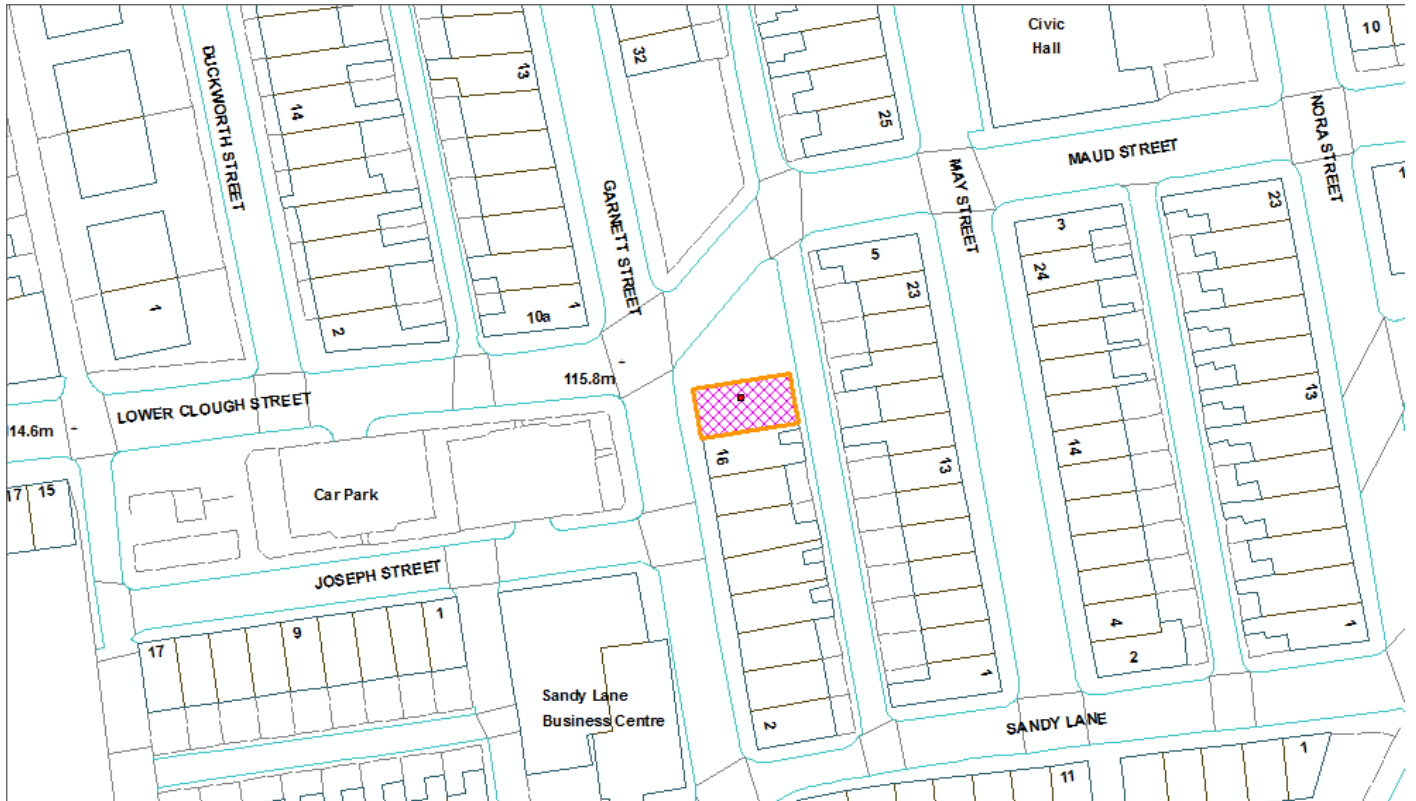
Finished floor levels are set no lower than 116.32m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing requirements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

5. A scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority within two weeks of the commencement of development. The scheme shall provide for separate systems for foul and surface waters and be constructed and completed in accordance with the approved plans before the dwelling is occupied.

Reason: To control foul and surface water flow disposal and prevent flooding.



Application Ref: 16/0517/FUL

Proposal: Full: Erection of one 4-bed terraced house (re-submission)

At: LAND ADJACENT 16 GARNETT STREET BARROWFORD NELSON BB9 8PA

On behalf of: Mrs J Rigby

REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 06 OCTOBER 2016

Application Ref: 16/0555/VAR

Proposal: Variation of Condition: Major: Vary Condition 2 (Plans) of 16/0390/REM to amend plans of plots 1, 2, 3 and 4.

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

On behalf of: Skipton Properties Ltd

Date Registered: 10/08/2016

Expiry Date: 09/11/2016

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 is a variation of condition application to vary the plan numbers condition of the permission for conversion of part of the mill to 3 houses and erection of 19 houses.

The amendments to the plans relate to plots 1-3 which are the units proposed within the existing mill building to be retained and plot 4 which is a three storey dwelling adjacent to the entrance to the development.

During the course of demolition of the adjoining buildings it was discovered that the rear half of the building to be retained is constructed in brick, as opposed to the stone façade, and is not suitable for conversion. It is proposed for the façade to be retained and the rear half of the building to be rebuilt in stone. A revised single pitched blue slate roof design is proposed and it is proposed to replace the integral garages with stores and for the formation of additional parking accessed from the side road.

Plot 4 is proposed to be reduced in scale from a three to a two storey house.

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

LCC Highways – No objections regarding the proposed Variation of Condition: Major: Vary Condition 2 (Plans) of 16/0390/REM to amend plans of plots 1, 2 and 3 and are of the opinion that the proposed development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site. 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 provided adequate off road parking provision for this type and size of development.

Lead Local Flood Authority -No comment to make on the above application as the LLFA did not request the condition that is now subject to this application.

Natural England – No comment.

Public Response

A site and press notice have been posted and 37 neighbours notified. One response has been received objecting to the development on the following grounds:

Whilst we give our complete support to the building development and welcome it to the village, we are however opposed to the inclusion of three story town houses within it. We feel they will be over-bearing, out-of-scale or out of character in terms of their appearance compared with existing development in the vicinity, especially the beautiful character of the cottages on Wheatley lane and in comparison to the listed building within the development itself.

Will result in the loss of existing views from neighbouring properties including our own which would adversely affect the residential amenity of neighbouring owners and result in loss of privacy

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.

Design and Visual Amenity

Taking into account that the façade of the building would be retained, and the details submitted demonstrating that the rear section of the building is not suitable for conversion, the proposed revision to the design of plots 1-3 is acceptable in terms of design and visual amenity. The revision to the parking and amenity space layout for plots 1-3 is also acceptable.

The proposed reduction in the scale of plot 4 from three to two stories would raise no adverse design or visual amenity issues.

The proposed variation of condition is therefore acceptable in terms of visual amenity in accordance with policies ENV1, ENV2 and LIV5.

Residential Amenity

The proposed variation of condition would not result in any unacceptable residential amenity impacts and is therefore acceptable in terms of residential amenity in accordance with policy ENV2.

Highways and Parking

The site would maintain an acceptable level of off-street car parking provision. The proposed addition of four parking spaces accessed from the side road to serve plots 1 and 2 would be acceptable in terms of highway safety. The proposed development is therefore acceptable in highway terms in accordance with policy 31.

Summary

The proposed amendments to the design are acceptable in terms of design, visual amenity, residential 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 variation of condition is acceptable in terms of design, visual amenity, residential amenity and highway safety. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

1. 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 Fv2, 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 Rev B, 1445SPL/smwlf/SS02 Rev B, 1445SPL/smwlf/SS03 Rev B, 10.140 08, GL0590 01, 1445SPL/smwlf/IP-01, 1445SPL/smwlf/Cms-02.

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.

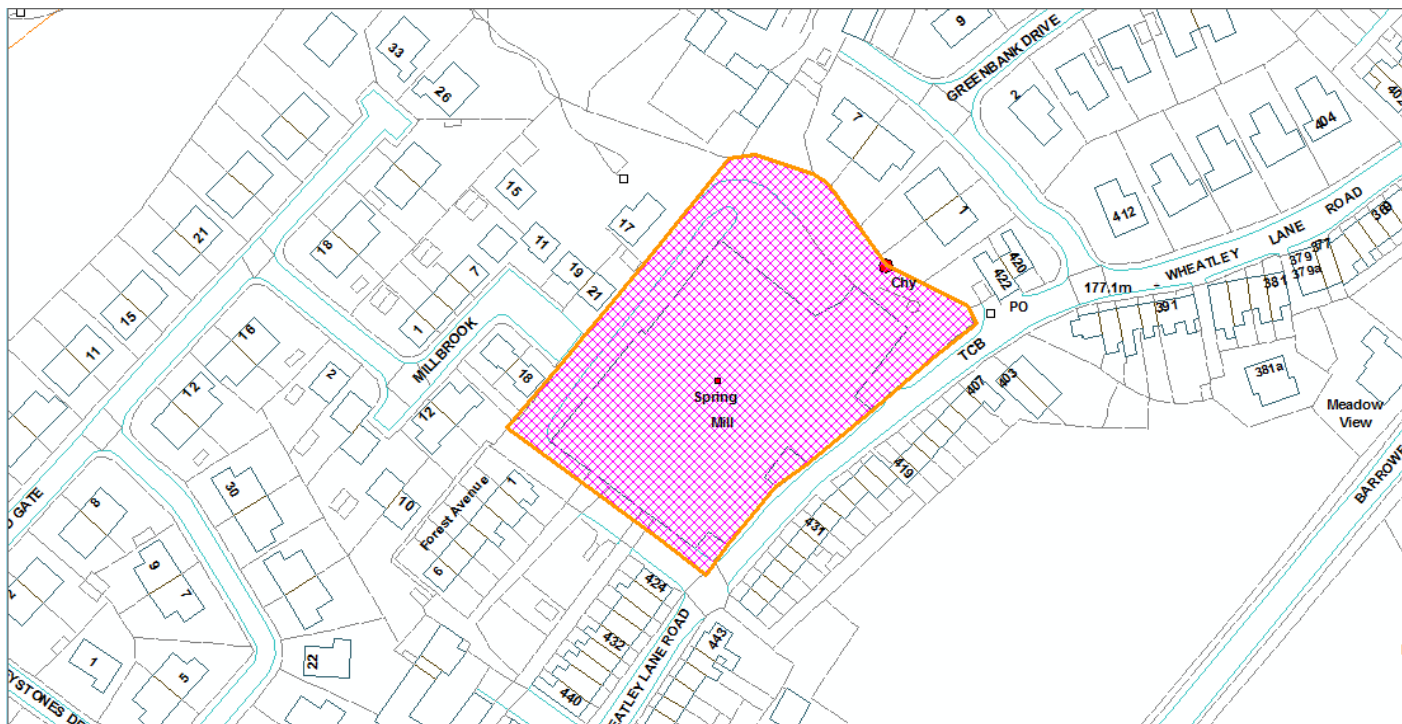
Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in the interest of visual amenity.

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: 16/0555/VAR

Proposal: Variation of Condition: Major: Vary Condition 2 (Plans) of 16/0390/REM to amend plans of plots 1, 2, 3 and 4.

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

On behalf of: Skipton Properties Ltd

BARROWFORD AND WESTERN PARISHES COMMITTEE ON 6 OCTOBER 2016

Application Ref: 16/0557/OUT
Proposal: Outline: Erection of detached dwelling (Access and Layout)
At: Land at Bankfold/Bankhouse Mews, Barrowford
On behalf of: Mr D Hall
Date Registered: 11 August 2016
Expiry Date: 6 October 2016
Case Officer: Lee Greenwood

Site Description and Proposal

This application is brought to Committee at the request of Councillors and is made in outline for the erection of a single, detached dwelling on a triangular plot of land in Barrowford. At this stage, permission is sought for matters of access and layout only.

The site is within the settlement boundary and designated as 'amenity greenspace' in the Council's Open Space Audit (OSA). It is also immediately adjacent to, but not within, the Higherford Conservation Area.

An earlier application (16/0404/OUT) was refused on the basis of a lack of justification for the loss of the open space.

Consultee Response

LCC Highways; no objections subject to the imposition of conditions. Any agreement regarding the 'Welcome to Higherford' sign should be sought with LCC directly.

PBC Env Health; no comments to make

Barrowford Parish Council; concerns regarding insufficient parking; proximity to junction with Gisburn Road; insufficient on-street parking to absorb overflow.

Public Response

Five neighbours notified: two responses received, commenting on;

- Too close to the adjacent properties
- Height would cause overlooking concerns
- Exacerbate existing parking problems/remove on street capacity
- Loss of view

- Impact on property values
- Possible antisocial behaviour relating to the proposed public seating
- Fear any property built here would be an unimaginative design
- Possible impacts on church services
- Could lead to loss of light in to church
- Disruption during construction process.

Officer Comments

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

The applicant has revised their supporting information since the earlier submission in an attempt to overcome the previous reason for refusal. This will be discussed below.

Policy

The National Planning Policy 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 demonstrate 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.

Policy LIV1 of the Local Plan Part 1 seeks to ensure, amongst other things, that new housing is delivered in sustainable locations. In this case the site is within the settlement of Barrowford and is therefore sustainable in terms of its location with ready accesses to services and facilities in the town.

Policy ENV1 is relevant to the proposal, as is saved Policy 33 of the Replacement Pendle Local Plan and para. 74 of the National Planning Policy Framework. ENV1 advises that existing open space (as identified in the OSA) will be protected from development and that the Council will support improvements to these spaces. Where a development would result in the loss of open space, applicants must comply with the requirements of para 74 of the Framework. This advises that such land should not be built on unless;

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss

Policy 33 echoes the same sentiments, advising that loss of such land will only be permitted where it involves poor quality space in areas where there is surplus provision in the particular ward area.

Principle of Housing and Open Space

The principle of housing in a location such as this would provisionally be acceptable. The site is situated on a primary route through the town with public transport and other services available within a short distance. Despite this however, a site specific assessment must be undertaken owing to local designations and the characteristics of the surrounding area.

In light of the 5 year supply issue referred to above, the requirements of paragraph 14 of the Framework must be taken in to account. Owing to the 'open space' allocation of the site, there are other policies within the Framework which should also be afforded weight in balancing the relevant factors of the case, namely paragraph 74. Whilst the Local Plan polices for housing may be silent as a result of supply figures, those relating to loss of open space are not.

In order to allow designated open space to be developed, the applicant must meet one of the defined exceptions detailed within the Policies above. In this case the Blacko and Higherford ward has a deficiency of this type of space based on averages across the Borough.

The site in question does however score poorly in terms of its quality and is identified as being high priority for improvement. These two factors would weigh against each other in balancing the benefits of the development.

The proposal shows a single detached dwelling located to the rear of the plot. The applicant has calculated that this would cover 34% of the overall site area. Internally levels would be reduced to 1m below the adjacent pavement to limit the impacts of any built form. The remainder of the site would be landscaped as an associated garden area. Boundary walls are to be retained and tree planting is proposed, although this would be covered more formally at reserved matters stage. Some compensation measures are also proposed by applicant, these include;

- siting of a 'Welcome to Higherford; sign/noticeboard at the site on behalf of the residents association
- a new bench for community seating along Gisburn Road
- planting which improves the appearance of the site
- the payment of a commuted sum of £500 to the residents association in support of their work in the area

It is acknowledged that the current condition and appearance of the site does not contribute significantly to the area. This is reflected in its low OSA score. At another housing site on Lower Cough Street and Joseph Street in Barrowford (13/13/0071P), the view was taken that the loss of poor quality designated open space, combined with the provision of some compensatory factors (tree planting and the provision of a bench) was sufficient to allow development to take place.

Unlike the site in this application, the aforementioned land was publicly accessible and available for use. The land here at Gisburn Road appears to primarily provide a visual break, more than useable space for residents.

Taking the above precedent in to account, the positioning of dwelling to the rear of the site, with a properly landscaped area to the front adjacent to Gisburn Road would provide greenery and openness at this point of the town where the dense urban form begins to open in to a more semi-rural setting.

The opposite side of Gisburn Road is characterised by open land which contributes to the aforementioned characteristics. Subject to a high quality landscaping scheme, the retention of existing natural stone boundary walls, the reduction in massing of any future building and the provision of community facilities (bench, sign and noticeboard) the loss of this particular piece of poor quality open space could be adequately mitigated against.

No objections have been received which cite the loss of the open space as their primary concern, as such it does not appear to be a particularly valued or integral element in the street scene.

Residential Amenity

Objections have been raised by adjacent neighbours in terms of overlooking, overshadowing, window position and overall height. It should be noted that appearance and scale are not for consideration at this stage would be addressed during the reserved matters application, should outline consent be granted.

The concerns of the neighbouring properties are noted, however it would be possible to accommodate a dwelling which could by way of design, layout and window position, prevent any direct overlooking or loss of amenity. Therefore to recommend refusal on amenity grounds at this stage would not be justified.

Highways

Following extensive discussions with LCC in the earlier application, the applicant has advised that the property will only accommodate 1 bedroom and has revised their original plans with regard to the proposed access. This is now to the satisfaction of LCC Engineers. A single off-street parking space (with turning space) would be provided within the curtilage and the boundary wall which runs along the perimeter would be reduced to 900mm to aid visibility on to Bankhouse Mews.

Subject to the imposition of conditions relating to access, visibility and parking provision, the development would not have an unacceptable impact on highway safety.

Impact on the adjacent Conservation Area

The application site is adjacent to, but not within the Higherford Conservation Area. ENV1 also states that heritage assets will be conserved or enhanced in a manner appropriate to their significance. Proposals should ensure that the harm is not caused without clear and convincing justification.

In this case a development in this location and of the size that could be achieved, adjacent to the boundary of the heritage asset, would not raise any undue concerns at this stage.

Drainage

The applicant advises that the development would be connected to the mains sewer. No objections have been received from statutory consultees and these arrangements would be acceptable in principle.

Other Issues

An objection was raised that the development may have an adverse impact on property prices. This is not a material consideration in the determination of the application and therefore cannot be afforded weight.

The applicant has advised that an area of land elsewhere in Blacko would also be offered as mitigation, forming a green corridor for the wider ward. Whilst this is noted, it would not be integral to the determination of this application, being almost a mile away (as the crow flies) and without any tangible links to this site.

Summary

The applicant has revised his proposal and offered mitigation to offset the low quality open space. In light of this and with other relevant decisions on similar issues, the provision of a single dwelling in this location, subject to suitable landscaping would not unacceptably impact on the street scene or the amenity of residents.

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 use of the land within the settlement boundary for residential development is acceptable subject to the submission of Reserved Matters and appropriate conditions. 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. An application for approval of the reserved matters (namely the, appearance, scale and landscaping of the site) shall be submitted in writing to the Local Planning Authority before the expiration of three years from the date of this permission 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.

2. Details of the access, 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.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 location plan, 1:200 site plan, PL 016

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

4. The first submission of reserved matters shall include details of the proposed ground levels and 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.

5. No part of the development shall be commenced unless and until a Construction Code-of-Practice has been submitted to and approved in writing by the Local Planning Authority. The code shall include details of the measures envisaged during construction to manage and mitigate the main environmental effects of the relevant phase of the development. The submitted details shall include within its scope but not be limited to:
- a) A programme of works including phasing, hours of operation and measures for the control of traffic to and from the site, and within the site, during construction.
 - b) The areas and methods of loading and unloading of plant and materials.
 - c) The areas for the storage of plant and materials.
 - d) Details of wheel-washing facilities including location
 - e) Measures related to construction waste management
 - f) Measures to ensure that vehicle access of adjoining access points are not impeded.
 - g) Location and details of site compounds
 - h) Hoarding details during construction
 - i) Parking area(s) for construction traffic and personnel
 - j) Measures to control the emission of dust and dirt during construction

All works agreed as part of the plan shall be implemented during an agreed timescale and where appropriate maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate measures are in place to protect the environment during the construction phase(s).

6. 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 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 building is occupied.

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

- 7 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 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.

8. The vehicular access on to Bank House Mews hereby approved, as shown on drawing number PL 016 shall be completed in its entirety prior to the first occupation of the dwelling and retained thereafter in strict accordance with these details. The works shall include the reduction of the boundary wall facing Bank House Mews and Gisburn Road to a height not greater than 900cm above the crown level of the adjacent highway. The wall shall be retained at this height at all times thereafter.

Reason: To ensure suitable access and visibility

9. The parking and manoeuvring spaces, as shown on approved drawing PL 016, shall be laid out, surfaced and made available prior to the first occupation of the dwelling hereby approved. The areas shall thereafter remain available at all times for the parking and manoeuvring of vehicles associated with the dwelling.

Reason: To ensure suitable and useable parking provision.

10. The development hereby approved shall not commence unless and until details of the proposed sign, notice board and bench to the boundaries of the site have been submitted to and approved in writing by the Local Planning Authority. The details shall include confirmation of ownership, management and maintenance responsibilities for each element. The sign, noticeboard and bench shall be installed prior to the first occupation of the dwelling and maintained in accordance with the agreed details thereafter.

Reason: To ensure these aspects of the scheme are suitably managed and maintained.



Application Ref: 16/0557/OUT
Proposal: Outline: Erection of detached dwelling (Access and Layout)
At: Land at Bankfold/Bankhouse Mews, Barrowford
On behalf of: Mr D Hall

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 20th September 2016