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| REPORT FROM: | PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER |
| TO: | DEVELOPMENT MANAGEMENT COMMITTEE |
| DATE: | 12th APRIL, 2017 |

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO DEVELOPEMNT MANAGEMENT COMMITTEE ON 12 APRIL 2017

Application Ref: 17/0001/OUT

Proposal: Outline: Major: Residential development (0.42 hectares) (Access Only).

At: Land To The West Of Birtwistle Court, Kelbrook Road, Barnoldswick

On behalf of: Mr Ian Birtwistle

Date Registered: 07/02/2017

Expiry Date: 09/05/2017

Case Officer: Alex Cameron

Site Description and Proposal

This application has been referred from West Craven Committee as Members were minded to refuse the application on the grounds of landscape impact.

The application site is an open field located adjacent to the settlement boundary of Barnoldswick. To the north west is West Craven High School, to the south west is Kelbrook Road with dwellings opposite, to the south east is a detached dwelling and open land and to the north east is a group of dwellings at Birtwistle Court.

This is an outline planning application for access only for a residential development. A layout plan has been provided showing 10 dwellings, this is merely indicative at this stage, the number of dwelling proposed and their layout would be assessed at the reserved matters stage.

Relevant Planning History

None.

Consultee Response

PBC Environmental Health – No adverse comments.

PBC Public Rights of Way – The access from Kelbrook Road forms part of public bridleway 29 which is part of the Pennine Bridleway National Trail. New tarmac can cause particular problems for horse riders by making the surface slippery. Therefore, if there is a requirement to resurface the access the proposed surfacing material should be approved by the public rights of way section at LCC.

United Utilities – No objection subject to foul and surface water drainage and sustainable urban drainage management conditions.

Yorkshire Water - A water supply can be provided under the terms of the Water Industry Act, 1991.

Lead Local Flood Authority – No objection subject to the following conditions:

Reserved Matters to include an appropriate surface water drainage scheme.
Surface Water Lifetime Management and Maintenance Plan.

LCC Highways - The existing highway network surrounding the site is considered to have a good accident record and indicates there is no underlying issue regarding highway safety which the proposed development would exacerbate.

From observations on site the available sight lines over the existing adopted highway from the private road onto Kelbrook Road area fully compliant with the recommendations in Manual for Streets 1 and 2.

From observations on site the current access off Kelbrook Road onto the private road is appropriate for the size and number of vehicles using the road although facilities for pedestrians are recommended as detailed below.

As part of the site access onto the private road, the sight lines of 2.4 x 43m to be provided in a southern direction, measured from the centre of the new site access onto existing private road.

The sight lines to the north of the junction to be 2.4x33m, measured from the centre of the new site access onto existing private road.

The applicant should provide accurate details of the required sight line requirement, before determining the application, ensuring the entire sight line requirement is fully over land fully within the applicant's control.

From observations on site and the information provided on the applicant's site location plan the sight line requirement is fully achievable over the applicants land.

The Highway Development Control Section is of the opinion that the applicant should provide a 2m wide footpath for the full frontage of the site with the private access road and Kelbrook Road and around the northern radius in the interest of highway safety. This is to facilitate additional and existing pedestrian movements around the development and this footpath will also aid sustainable transport and social inclusion. The footpath provision along Kelbrook road would also aid any future development to the south and also provide a link with public right of way 13-1-FP30 and bridle way 13-1-BW35, on the opposite side of the road.

As part of the footpath works along Kelbrook Road dropped kerbs will be required on both sides of the existing access to allow pedestrians to cross over to the bus stop opposite the junction.

The footpath works along Kelbrook Road (the off-site works) will need to be constructed under a section 278 agreement of the 1980 Highways Act.

The proposed development should have a negligible impact on highway safety in the immediate vicinity of the site, providing the recommended footpath improvements are provided and the recommended sight lines onto the private road are provided.

Please attach the following conditions: wheel washing, access and turning, estate road construction, visibility splays, off-site highway works, highway survey, traffic management plan.

Barnoldswick Town Council

Public Response

Press and site notices has been posted and nearest neighbours notified, this publicity expires 7th April 2017 – Numerous responses have been received objecting to the development on the following grounds:

The proposed development would increase traffic and affect the safety of an already dangerous road, which is used regularly by school children and is often obstructed by parents picking up children.

The access road is an extremely busy road, leading to the marina, the additional traffic from the proposed development would result in an unacceptable impact upon the safety of users of the public right of way which runs along the road.

The access road to Birtwistle Court was not adopted when that development took place. The road should be brought up to an adoptable standard at least as far as the existing Birtwistle Court development.

Traffic noise from Kelbrook Road would adversely impact on residents of the proposed development.

The development would exacerbate existing surface water flooding issues.

There is a watercourse crossing the field. Could this be a flood risk?

Impact on local public services.

The proposed plan is overbearing and out of scale with the character of Birtwistle Court.

There is a covenant on the land prohibiting the construction of two or more storey houses.

The development is below the threshold for to warrant any affordable homes and would not benefit the community.

The development will be extremely visible from Birtwistle Court and an eyesore for existing residents.

The proposed dwellings would adversely impact upon the privacy of existing properties.

The area provides habitat for protected species and would adversely impact upon protected species.

The proposal would result in the loss of a prominent green field.

Officer Comments

The issues for consideration are compliance with policy, principle of housing, impact on amenity, ecology, drainage and highways issues.

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 SDP2 sets out the roles each settlement category will play in future growth. Barnoldswick is defined as a one of the Key Service Centres which will provide the focus for future growth in the borough and accommodate the majority of new development.

Policy SDP3 identifies housing distribution for West Craven Towns as 18%. The amount of development proposed here is not disproportionate to the level of housing development Barnoldswick would be expected to provide, as a minimum, over the plan period.

Policy ENV1 of the Replacement Pendle 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 ENV7 does not allow development where it would be at risk of flooding and appropriate flood alleviation measures will be provided and/or would increase the risk of flooding elsewhere.

Policy LIV1 sets out the housing requirement identified in Policy SDP3 above. At the present time sites have not yet been allocated in The Pendle Local Plan Part 2: Site Allocations and Development Policies.

Policy LIV4 sets out targets and thresholds for the provision of affordable housing. For West Craven Towns the requirement for 5-14 dwellings is 0% affordable housing.

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.

Replacement Pendle Local Plan

Policy 4D (Natural Heritage - Wildlife Corridors, Species Protection and Biodiversity) States that development proposals that would adversely impact or harm, directly or indirectly, legally protected species will not be permitted, unless shown to meet the requirements of The Conservation (Natural Habitats, &c.) Regulations 1994.

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

Development in the Open Countryside SPG

This document has been highlighted in some neighbour responses. This guidance document was published in 2002 and was prepared under previous government guidance which has since been superseded by the National Planning Policy Framework. Under previous planning policy and guidance housing development beyond settlement boundaries was generally unacceptable unless it met specific exceptions, this is no longer the case. Although the SPG is still of some weight in decision making, its weight is limited and more applicable agricultural developments etc. Its guidance holds very limited weight in determining an edge of settlement housing development such as this.

National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in paragraphs 18 to 219 of the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Housing supply

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.

Paragraph 55 of the Framework states that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.

Principle of Housing

The application site abuts the settlement boundary of Barnoldswick, taking this and its proximity of services and facilities in nearby Barnoldswick into account, it is not an isolated site for the purposes of paragraph 55 of the Framework. Therefore, in location terms and in terms of the development's contribution to the economic role of sustainable development the proposed development accords with the Framework.

Pendle Borough Council has demonstrated in the Strategic Housing Land Availability Assessment a five-year supply of deliverable housing sites. This site has not been included in this assessment, however, it would positively contribute towards the five-year supply of deliverable housing sites and is acceptable in principle.

Visual Amenity

This application is in outline for access only, the design, scale, layout and landscaping of the development would be considered in a separate reserved matters application. This application merely considers whether, in principle, a residential development could be accommodated on the site without unacceptable visual amenity impacts.

The site is an open field but has developments on three sides and lines of trees to the south east and south west boundaries. Taking this into account a residential development could be accommodated within the site without unacceptable impacts upon the landscape character and visual amenity of the area in accordance with policies ENV1, ENV2 and LIV5.

Residential Amenity

Habitable room windows of existing properties facing the site are a minimum of approximately 18m from the boundary of the site, the indicative layout plan demonstrates that a residential development could be accommodated on the site without unacceptable impacts upon privacy, overbearing impacts or unacceptable loss of light to adjacent dwellings.

Concerns have been raised regarding the impact of traffic noise on future residents of the properties, the proximity to the road would be likely to be similar to that of existing properties facing Kelbrook Road and would not result in an unacceptable residential amenity impact.

The proposed development is therefore acceptable in terms of residential amenity in accordance with policies ENV2 and LIV5.

Ecology

An ecology survey of the site has been submitted with the application. This concludes that the site has low ecological value and that the proposed development is unlikely to cause significant disturbance to protected species. No mitigation measures are necessary. The proposed development is acceptable in terms of its ecology impact in accordance with policy 4D.

Open Space

Policy LIV5 requires that provision for public open space and/or green infrastructure is made in all new housing developments. The provision of open space and/or green infrastructure would be considered when details of the layout and landscaping are submitted at the reserved matters stage.

Drainage and Flooding

The Lead Local Flood Authority and United Utilities have raised no objection to the development subject to drainage conditions. With these conditions in place adequate surface water drainage of the site would be ensured. The proposed development is therefore acceptable in terms of drainage and flood risk.

Highways

It is proposed to bring the access road up to adoptable standard to the point of access to the development, LCC Highways also require a footpath linking the development to Kelbrook Road, part of which would be off-site highway works and plans confirming that acceptable sightlines from the access are achievable. These plans are being prepared by the developer. Subject to the receipt of acceptable plans and suitable conditions the proposed development would be acceptable in terms of highway safety.

LCC Highways have also requested a condition for a survey of the adjacent highway before and after the construction of the development and for the developer to return the road to its pre-construction condition. This would not be a reasonable condition to attach as it could not be ensured that any damage to the road is as a direct result of the development rather than other general wear and tear and as such would fail the tests of an acceptable planning condition set out in the Framework.

Public Rights of Way

With a condition to ensure that appropriate surfacing materials are used on the access road, the proposed development would not result in an unacceptable impact upon the public right of way passing the site.

Other issues

Concerns have been raised regarding a covenant on the land restricting the type of dwelling that can be erected. This is a civil legal matter that has no impact upon the determination of this application.

Concerns have been raised that the development would increase strain on public services. The Council is required to maintain a five year supply of housing land, the figures for this are based on projections for Pendle future housing needs, similar projections are used to plan for the delivery of public services.

Summary

The access to and principle of the proposed housing development are acceptable in policy terms and in terms of visual amenity, residential amenity, drainage, ecology, and highway safety. It is therefore recommended that the approval of the application is delegated to the Planning, Building Control and Licencing Services Manager subject to the receipt of acceptable plans of the off-site highway works and visibility splays.

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 compliant with policy, the principle of residential development is acceptable and the proposed access is acceptable in terms of 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: Delegate Grant Consent

Subject to the following conditions:

1. An application for approval of the reserved matters (namely the appearance, scale, layout 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 appearance, scale, layout and landscaping (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: Location Plan, 2686.

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

4. The new estate road for the approved development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any development takes place within the site and shall be further extend before any development commences fronting the new access road.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

5. The development shall not commence unless and until a Traffic Management Plan for the construction works has been submitted to and approved in writing by the Local Planning Authority department. This shall include:-

- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials used in the construction of the development;
- Storage of such plant and materials;
- Wheel washing facilities;
- Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
- Routes to be used by vehicles carrying plant and materials to and from the site;
- Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

The development shall be carried out in strict accordance with the approved Traffic Management Plan.

Reason: to protect existing road users.

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

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

7. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and the vehicular turning space shall be laid out and be available for use before any development commences and maintained thereafter.

Reason: Vehicles reversing to and from the highway are a hazard to other road users, for residents and construction vehicles.

8. No part of the development shall be commenced unless and until the visibility splays measuring 2.4 metres by 43 metres in a northern direction have been provided, measured along the centre line of the proposed drive from the continuation of the nearer edge of the existing carriageway of the private access road. The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.

Reason: To ensure adequate visibility at the street junction or site access in the interest of highway safety in accordance with Quality of Development Policy and Transport Policy in the Local Plan.

9. No part of the development shall be commenced unless and until the visibility splays measuring 2.4 metres by 33 metres in a southern direction have been provided, measured along the centre line of the proposed drive from the continuation of the nearer edge of the existing carriageway of the private access road. The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.

Reason: To ensure adequate visibility at the street junction or site access in the interest of highway safety in accordance with Quality of Development Policy and Transport Policy in the Local Plan.

10. No dwelling hereby approved shall be occupied unless and until the off-site highway works shown in plan Nos. (to be confirmed) have been completed in strict accordance with the plans.

Reasons: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

11. Foul and surface water shall be drained on separate systems. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

12. No development shall commence unless and until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

- a) the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
- b) arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - i. on-going inspections relating to performance and asset condition assessments
 - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c) Means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

13. As part of any reserved matters application and prior to the commencement of any development, the following details shall be submitted to, and approved in writing by, the local planning authority. Surface water drainage scheme which as a minimum shall include:

- a) Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change – see EA advice <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in AOD;
- b) The drainage scheme should demonstrate that the surface water run-off must not exceed the existing pre-development greenfield runoff rate. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- c) Any works required on or off-site to ensure the adequate discharge of surface water without causing flooding or pollution (which should include the refurbishment or removal of any existing watercourses, culverts, headwalls or unused culverts where relevant);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing where applicable;
- f) Site investigation and test results to confirm infiltrations rates;
- g) Details of water quality controls, where applicable.
- h) Details of finished floor levels.

The scheme shall be fully implemented and subsequently maintained, 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.

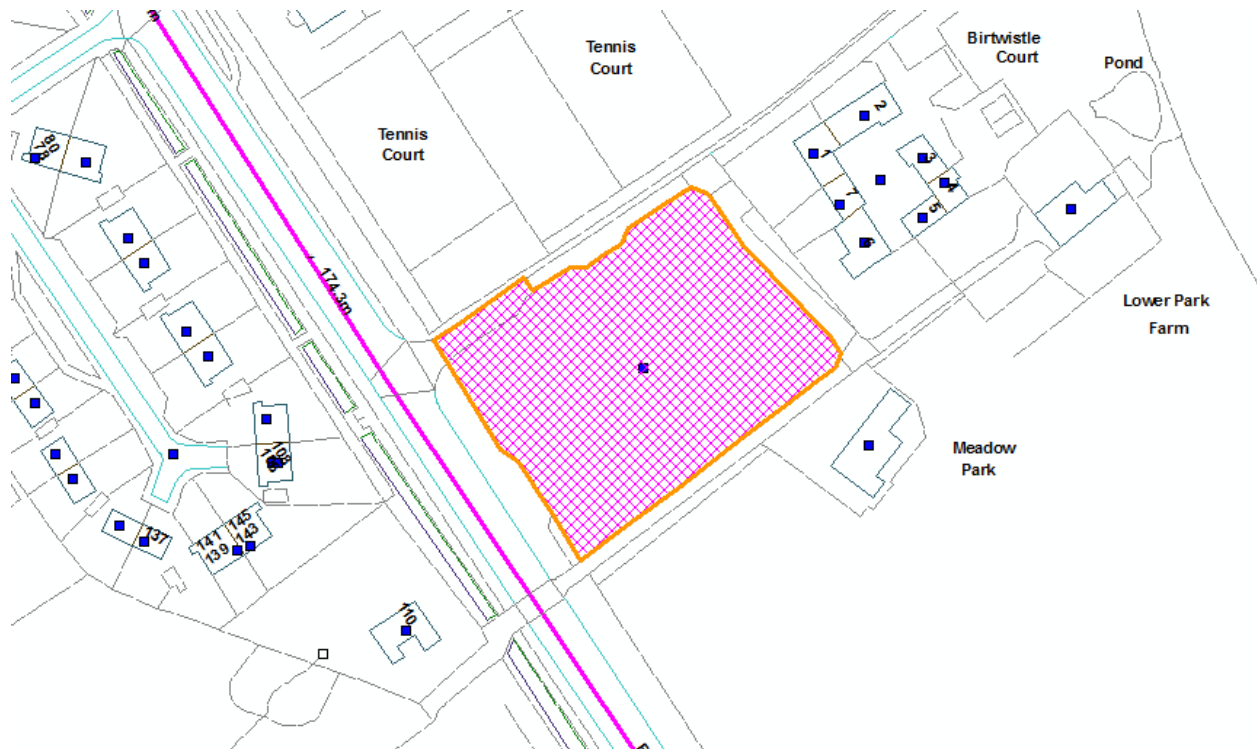
Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to reduce the risk of flooding to the proposed development, elsewhere and to future users and to ensure that water quality is not detrimentally impacted by the development proposal.

Note:

Applicants must obtain Land Drainage Consent from Lancashire County Council before starting any works on site, should their intention be to dispose of surface water via an ordinary watercourse. Information on the application process and relevant forms can be found here:

<http://new.lancashire.gov.uk/roads-parking-and-travel/roads/flooding/alterations-to-a-watercourse.aspx>

For the avoidance of doubt, this response does not grant the applicant permission to connect to an ordinary watercourse(s) and, once planning permission has been obtained, it does not mean that land drainage consent will be given.



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On behalf of: Mr Ian Birtwistle