

REPORT OF: THE PLANNING MANAGER

TO: DEVELOPMENT MANAGEMENT COMMITTEE

DATES: 24th July 2017

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE 24th July, 2017

Application Ref: 17/0245/FUL
Proposal: Full: Erection of three houses
At: Land off Gaylands Lane Earby
On behalf of: Mr R G Walker
Date Registered: 26 May 2017
Expiry Date: 21 July 2017
Case Officer: Kathryn Hughes

This report has been referred from West Craven Committee as Members were minded to refuse this on the following grounds:

1. Impact on the conservation Area.
2. Impact on landscape.
3. Highway safety

Site Description and Proposal

The application site is a plot of Greenfield land on the corner of Gaylands Lane which is adjacent to but outside of the settlement boundary on land designated as Open Countryside. The site is also within Earby Conservation Area.

There are open fields to the north of the site and detached residential properties to the south.

The proposal is to erect three dwelling houses with parking on the site with access from Gaylands Lane constructed in natural stone and blue slate.

Plots 1 and 2 will be three bed semi-detached and plot 3 a five bed detached.

The existing stone walls bounding the site to the south and west and three mature trees on the site are to be retained.

Relevant Planning History

None.

Consultee Response

LCC Highways – With regard to the above planning application for three dwellings off Gaylands Lane, Earby, I have a number of concerns regarding the plans as submitted which can be dealt with by the submission of additional information and an amended plan.

1. The plans indicate three large dwellings on a very small plot though this site would not be subject to adoption I would expect the site to meet certain standards:
 - i. The service road would need to be constructed to a minimum of 4.5m as recommended in the Residential Road Design Guide for a development of this type. Scaling of the drawing indicates a present design width of just 4m
 - ii. The Site should have sufficient drainage to prevent surface water draining on to the existing highway whether this is adopted by the highway authority or not.
 - iii. The site should have sufficient street lighting to allow safe use of the site.

2. The house indicated on plot 1 has bin storage indicated as remote from the building across the service road behind the garage provision.
3. The sight lines exiting the site on to an un-adopted highway and a bridleway are compromised by existing dry stone walls built to an average height of 1.1m. I consider that to ensure the safe access and egress these walls will need to be reduced to a maximum height of 0.9m.
4. The plans indicate the planting of two new trees at the entrance to the site that will also compromise the sight lines.
5. The site needs to be designed to allow safe and efficient refuse collection. The absence of a turning head within the site will require evidence that safe turning is available at the junction of Gaylands Lane with Cowgarth Lane. (Auto track plans)

Cowgarth Lane Between Red Lion Street & Gaylands Lane

1. The road will need adequate street lighting to allow safe access and egress with special regard to pedestrians with the absence of any footway.
2. A suitable surface water drainage scheme should be provided.
3. The road Surface is badly deteriorated and a scheme for its repair should be submitted for approval.
4. The visibility display for the junction of Cowgarth Lane and Red Lion Street is should be 2.4m X 25m. The plan has indicated better than this so I would deem this sufficient.
5. Cowgarth Lane is a privately maintained road with a bridleway as part of the access rights an agreement will be required to maintain the length of road necessary to access the site.

Concerns regarding the site.

1. The site is in a section of Earby that is only accessible via Water Street over a narrow bridge and along Red Lion Street where there is a very high level of "on street" parking at all times. This makes the road very narrow to such a point that the winter treatment is often difficult. I am aware that there are a number residents with serious concerns regarding emergency access and that extra homes are adding to this problem. It should be noted that Water Street is in a high flood risk area that is covered by local flood wardens and therefore subject to closure adding to difficulties in this particular part of the town. I am also minded of the appeal decision APP/E2340/W/14/3001873 in connection with a similar development on Birch Hall Lane. Unfortunately though we are concerned about this matter I feel that this development is not large enough to make a significant impact and therefore can't raise an objection regarding this matter against this application.

Subject to the above points being addressed I would not raise objections on highway grounds subject to conditions being attached to any permission relating to width of access road, visibility, car parking, restriction on use of garages, maintenance and management within the site, engineering, drainage and street lighting details and a traffic management plan,

Yorkshire Water

Earby & Salterforth Drainage Board

PBC Environmental Health – No adverse comments.

PBC Environment Officer – The three mature trees on the site should be retained and protected during construction. An appropriate landscaping scheme will be required.

Earby Town Council – Object:

- application is outside the defined settlement boundary.
- there are currently sufficient planning permissions in place to meet the requirements of the Local Plan and the development of this land is therefore, neither needed or appropriate.

- There are a number of vacant brownfield sites within Earby which need developing before the use of greenfield sites is even considered.
- The access streets (Water St & Red Lion St) are notorious for double parking problems further development would compound this with emergency services vehicles having to ask residents to move vehicles.

Public Response

Site and press notices posted and nearest neighbours notified by letter. Publicity expires on the 13th July any further response will be reported to the meeting. Five objections received to date on the following grounds:

- The proposed development is not in keeping with the surrounding properties which are predominantly bungalows;
- The site is currently agricultural land;
- The disruption caused by plant machinery and agricultural traffic will cause havoc during mowing and silage season;
- Utilities will require the Lane being dug up causing problems for deliveries;
- The access to Gaylands Lane via Red Lion Street is already hazardous due to amount of residential traffic. Large vehicles would find it difficult to navigate up the narrow street and could potentially cause damage to the Keb Bridge. This would cause disruption, safety and inconvenience to the residents;
- Development of this site would cause further issues to the springs and increase the flooding currently experienced after heavy rainfall. There are ancient culverts under the site;
- The entrance would make negotiating my vehicle safely out of my garage even more dangerous than it is now, along with the increase in traffic it is also a public footpath;
- Gaylands Lane and Cowgarth Lane are not unmade lanes as claimed. The residents paid for them to be resurfaces in the late 1980's;
- The site is home to numerous field mice and other animals which are a food supply to the tawny and small owls. There are pixel bats which have a summer roost under our bargeboards which are a protected species. Wildlife ignored again with human encroachment onto their habitat;
- More building applications are not required in Earby at the present time as there is already 6 years' worth of available building land in Earby. This surely should be used before any more green belt land is taken for housing;
- Cowgarth and Gaylands Lanes are public footpath and extra traffic would increase the risks of accidents. Extra visiting traffic will add to the already short supply of parking spaces for the residents of the area;
- The adjacent properties on Red Lion St and Glendene Mill Brow Road are bungalows whilst the proposed is for three storey houses. The height of the houses will dwarf the bungalows and will be out of keeping;
- Where will the soakaway be?
- There are no gardens proposed which is not in keeping with the area;
- There are three mature Sycamore trees which I presume are to be felled to allow the development these are over 40 years old in the good health;
- Planning permission was applied for in the early 90's for this land;
- The location plan shows my garage in the wrong place;
- The proposed trees would impair my vision when existing my garage;
- The proposed visualisation does not show the true height of the houses;
- Levels are an issue and will affect privacy as it rises steeply and the ridge height of the proposed house is 9m;
- Reference is made to the general planning requirements for housing in the area. There are several areas that could be redevelopment without the need to take agricultural land;

- Ambulance and fire would have difficulties accessing the site as well as refuse collections;
- Will the access be tarmacked with footpaths and street lighting;
- There are springs under the site which cause a certain amount of flooding and the increased hard surfacing will discharge additional water onto Red Lion Street;
- No drainage plans;
- I object to the large picture windows which will look directly into my conservatory and all other windows which look directly into the rear of my property;
- Loss of privacy by the proposed development would be devastating;
- The properties have no gardens but common grassed area; and
- A previous application for this site was refused.

Officer Comments

The main issues for consideration are impact on conservation area, impact on amenity, design and materials, drainage, landscaping and protected trees and highway issues.

- **Policy**

The relevant adopted Pendle Local Plan policies for this proposal are:

Policy SDP1 requires the decision maker to take a positive approach in favour of sustainable development as set out in the National Planning Policy Framework (NPPF) and allows for housing sites outside of the settlement boundary.

Policy SDP3 sets out the location of new housing in the Borough in conjunction with SDP2 and LIV1.

Policy ENV1 requires developments to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

Policy ENV2 states that all new development should seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving heritage assets.

Policy LIV1 sets out the requirement for housing to be delivered over the plan period. This policy allows for non-allocated sites within the Settlement Boundary as well as sustainable sites outside but close to a Settlement Boundary.

Policy LIV5 requires all new housing to be designed and built in a sustainable way. New development should make the most efficient use of land and built at a density appropriate to their location taking account of townscape and landscape character. Provision for open space and/or green infrastructure should be made in all new housing developments.

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

Policy 14 'Trees, Woodland and Hedgerows' have an important amenity function and should be protected. All new development should respect trees in terms of their location and the contribution they make to the local scene.

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

Policy 31 'Parking' supports car parking in new developments in line with the Maximum Car and Cycle Parking Standards. All new parking provisions should be in line with these standards unless this would compromise highway safety.

In national terms the National Planning Policy Framework ("the Framework") provides guidance on housing requirements, design and sustainable development which are relevant to this proposal.

- Housing Requirements

This proposal seeks to erect three dwellinghouses on a Greenfield site adjacent to but outside of the settlement boundary.

The site is located outside of a settlement boundary, with its southern boundary abutting the settlement of Earby. The site therefore falls within the open countryside. Paragraph 55 of the NPPF states that 'Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances'. However, as the site is not an isolated one as it abuts the settlement special circumstances do not have to be demonstrated here.

The current position of the Council is that there is a 5 year supply of housing land. In this instance the Council has not yet adopted the Pendle Local Plan Part 2: (Site Allocations and Development Policies). This proposal for up to 3 dwellings would further encourage the delivery of the housing requirement and is therefore supported by the aims of Policy LIV1. Policy LIV1 also states proposals for new housing development will be supported where they accord with other policies of the Core Strategy and are on sustainable sites outside of the settlement boundary.

The Council must therefore consider the sustainability of the site outside of a defined settlement boundary and support those which would not result in isolated or incongruous developments and provide links to existing services/facilities.

The site is within walking distance of public transport and can easily be accessed by car. The site also has easy access to essential services given its location near schools, major employment sites and its close location to Earby town centre. Taking in to account the edge of settlement characteristics of the site and its close relationship with existing development, it is not isolated for the purposes of Paragraph 55. Development in this location would not result in an unacceptable loss of open countryside.

Therefore, in terms of location, a site of this nature, which has clear and established links to associated services, would be sustainable and its development would assist with the supply of housing in the Borough. The proposed development would therefore accord with the NPPF and Policy SDP1 of the Local Plan Part 1.

- Impact on the Conservation Area

The site is within the Conservation Area and therefore any design proposed should be of the highest possible standard with materials proposed to be of natural stone and slate in keeping with Local Character deserving of its Conservation status.

Local Authorities have a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve and enhance the appearance and character of Conservation Areas.

The site is set back from the streetscene and would not be overly prominent in views with the entrance sited on the corner of the junction of the two lanes. There are modern bungalows located near to the site which would be to the forefront of these houses, which although on higher land and taller in built form would provide some screening the development at ground floor level. This, together with the retention of the trees and an appropriate landscaping scheme, would soften the

scheme so that the proposal would not be so detrimental as to adversely impact on the conservation area.

The proposed development would not affect the Conservation Area vistas referred to in the appraisal.

The Conservation Area Design and Development Guidance SPD states that new development should be well designed and detailed.

A Planning, Heritage Assessment and Design and Access Statement has been submitted which assesses the design and effect on the character and appearance of the area. Design details include stone heads, cills and jambs and a vertical emphasis to the window design, external stone chimneys and stone boundary walls.

The proposed dwellinghouses would be finished in natural stone and blue slate and are of a modern, innovative design which would work well on this small site and create a small cluster of built form.

The agent has amended the layout plans and housetypes to reduce the amount of built form on the site and allow for more green space around the buildings which is an improvement.

- Impact on Residential Amenity

The nearest properties are the bungalows on Red Lion Street (67, 69 & 71).

The site does rise in level from the proposed entrance from Gaylands Lane to the south by approximately 3m to the north east.

The height if the tallest property would be 9.175m which is plot 2 set furthest away from the properties on Red Lion Street plot 3 and plot 1 would be 8.95m to ridge. As plot 3 would be sited on the higher ground to the north east furthest away from the existing properties and plot 1 on the lowest ground closest to the existing properties this would be acceptable.

The agent has been requested to confirm that the finished floor levels would be at or lower than existing ground levels.

Plot 1 would be sited 22m to No. 71 gable. The ground and first floor arrangements would be acceptable taking into account existing and proposed landscaping and boundary treatments.

Plot 3 would be sited 33m from No. 73 front to rear elevations which is acceptable.

The relationship to the properties on is an acceptable one with appropriate separation distance and would not result in any overlooking of an unacceptable nature and the relationship between the properties is sufficient to ensure that residential amenity is safeguarded.

- Layout, Design and Materials

Plots 1 and 2 will be three bed semi-detached and plot 3 a five bed detached.

The materials proposed are natural stone and blue slate and samples of these can be conditioned to be submitted and agreed.

The agent has amended the layout plans and housetypes to reduce the amount of built form on the site and allow for more green space around the buildings which is an improvement.

The design and materials are acceptable and are in keeping with the adjacent more modern style of housing and therefore accord with Pendle Local policy ENV2.

- Landscaping, Protected Trees and Ecology

The proposed dwellinghouses would not raise any undue concerns relating to existing protected trees in terms of siting and layout.

An Arboricultural Impact Assessment has been submitted in support of this application which concluded that the three mature trees on the site should be retained.

Appropriate tree protection measure will be required during the construction period and this can be controlled by an appropriate condition.

An Ecology report has been submitted in support of this application which advises precautionary mitigation measures as part of the proposed development work of demolition and build.

This can be conditioned by an appropriate condition.

An appropriate landscaping scheme would need to be submitted and agreed. This can be controlled by an appropriate condition.

This is acceptable and accords with policies 14 and 16.

- Drainage

Details have been submitted of the proposed drainage which indicates that a soakaway will be provided within the site.

No objections have been received from the appropriate Drainage bodies.

A condition can be attached to ensure acceptable details of the drainage proposals are submitted and agreed prior to the commencement of development.

- Highways Issues

Gaylands Lane is unadopted highway.

Comments have been received from LCC regarding changes to the scheme. In principle the proposal is acceptable and the agent is seeking to provide amendments which address these concerns.

Given the small increase in vehicular movements any issues can be addressed or controlled by appropriate conditions.

The agent has addressed the comments received from LCC Highways and amended the plans to address the concerns relating to layout and visibility.

There is no objection to the scheme in principle on highway grounds and therefore the issues raised can be dealt with by appropriate conditions where appropriate.

The proposed site layout allows for a total of ten car parking spaces within the site.

The five bed detached (plot 3) would have a single garage and driveway to accommodate at least two cars whilst the three bed semi's would have parking for two cars.

This is acceptable and accords with policy 31.

Summary

The proposal for a residential unit is acceptable in this location with the design and materials being appropriate for this site. The proposal would not adversely impact on residential amenity and is acceptable in terms of design, material and parking provision and therefore accords with policies SDP1, SDP2, SDP3, ENV1, ENV2, LIV1, LIV5 of the Adopted Local Plan Part 1 and policies 14, 16 and 31 of the Replacement Pendle Local Plan.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposal for three dwellinghouses is acceptable subject to appropriate conditions. The development 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:

1:1250 plan, 5262-01A, 52562-04, 5262 – 02, 5262 – 03, 5262 – 07, 5262 – 05 & 5262 – 06.

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

3. Prior to the commencement of development samples of all the materials, including a sample panel of the proposed stonework, 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. The development shall thereafter 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. Prior to the commencement of development a scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority. 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 first dwelling is occupied.

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

5. 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.

6. Prior to the commencement of development a detailed landscaping scheme shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 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. all proposed boundary treatments with supporting elevations and construction details;
- e. all proposed hard landscape elements and pavings, including layout, materials and colours;
- f. 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 entire 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.

7. The proposed development shall not be brought into use unless and until the car parking shown on the approved plan has been constructed, surfaced, sealed, drained and marked out in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The parking spaces and turning area shall thereafter always remain unobstructed and available for parking and turning purposes.

Reason: In order to provide sufficient off street parking for the development in the interests of highway safety.

8. The development shall be carried out in accordance with the mitigation plan set out in the Preliminary Ecological Appraisal dated April, 2017 by Simply Ecology section 6.

Reason: For the avoidance of doubt and in order to prevent loss of biodiversity.

9. 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 prevent trees or hedgerows on site from being damaged during building works.

10. 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 over 1m above road level. 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 service road from the continuation of the nearer edge of the carriageways of Gaylands Lane and Cowgarth Lane to points measured 14 m in each direction along the nearer edge of the carriageways of Gaylands Lane and Cowgarth Lane, from the centre line of the access,

Reason: To ensure adequate visibility at the site access.

11. A management and maintenance plan for the proposed internal road and all communal areas of land within the development have been submitted to and approved by the Local Planning Authority prior to the occupation of the first dwellinghouse. The road shall thereafter be maintained in accordance with the approved management and maintenance details.

Reason: In order to ensure the road is completed and maintained to an acceptable standard.

12. Before the dwelling unit is occupied waste containers shall be provided on each plot.

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

APPENDICES

LIST OF BACKGROUND PAPERS

Planning application

NPW/KH

Date: 10th July, 2017