



REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

TO: WEST CRAVEN COMMITTEE

DATE: 8th AUGUST, 2017

Report Author: Neil Watson
Tel. No: 01282 661706
E-mail: neil.watson@pendle.gov.uk

PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning application.

REPORT TO WEST CRAVEN COMMITTEE 8TH AUGUST, 2017

Application Ref: 17/0313/REM

Proposal: Reserved Matters: Erection of 4 dwellings with garages, (Appearance and Landscaping)

At: Land opposite the Barn Ben Lane Barnoldswick

On behalf of: Mr L Green

Date Registered: 22 June 2017

Expiry Date: 17 August 2017

Case Officer: Kathryn Hughes

Site Description and Proposal

The application is a Reserved Matters application for appearance and landscaping for the erection of four dwellings with garages.

As present the site consists part of a large well maintained field mainly used for grazing sheep. The proposed site measures 0.19ha and is separated from Ben Lane by a 1.2m high stone wall. The site contains mature trees some of which have Tree Preservation Orders.

The land is immediately adjacent to, but outside of the settlement boundary of Barnoldswick and within the Open Countryside. Open fields are positioned to the rear of the site with detached dwellings to the front. Further residential properties are positioned along Skipton Road to the north.

Relevant Planning History

13/15/0546P: Outline: Erection of 4 dwellings with garages, (Access, Layout and Scale) – allowed on appeal.

Consultee Response

LCC Highways – No highway issues but looking at the appeal decision the Inspector recommended a number of conditions including one relating to layout and car parking. These details have not been submitted. Looking at the detailed layout plans the dimensions for the garages are less than those acceptable. Manual for street indicate 6m x 3m and 6m x 6m, internal dimensions. Parking spaces should be a minimum of 5.6m x 2.4m with units 1 and 4 having three spaces and units 2 and 3 needing two spaces each.

PBC Environment Officer – I would like to see some sort of screening to the northern edge of the scheme. While I think the buildings are quite sympathetic to the area I feel that cars being parked up to this aspect would jar slightly with the overall feel of the landscape.

That edge of the site looks pretty tight as is, but some sort of hedging (either mixed native, beech or privet) growing over the wall height would help with this.

PBC Environmental Health

PBC Drainage –The drainage layout shows the surface water draining to soakaway. As the ground in this location is predominantly clay it is often unsuitable for soakaways. Have any percolation tests been carried out on-site to ensure this is a feasible option? Furthermore, Rolls Royce playing field adjacent to the development is designated as a flood storage area and the use of a soakaway at this location may not be advisable.

The foul water is shown to discharge into the same manhole on the public sewer in Ben Lane as No's 1 and 2 The Elm, which already have foul water drainage issues. This could suggest the pipe is of relatively slack gradient and I am concerned that drainage from this development doesn't back-up the sewer and increase the risk of flooding to No's 1 and 2 The Elms. As a safeguard, would it be possible to ensure the cover level of the last manhole in the development is lower than the cover level of the inspection chamber at No.1 The Elms? If the system does become overwhelmed, this would ensure any overflow of the foul water system is retained on-site rather than being passed on to neighbouring properties.

Public Response

Site notice posted and nearest neighbours notified by letter. Seven responses received objecting to the scheme on the following grounds:

- Very concerned about the plan to pump sewerage up on to the drains on Ben Lane. There are already problems with sewers in the area and any additional will make things worse;
- Concerned about flooding in surrounding this field and the Suds proposal should be implemented to avoid flooding and prevent neighbours gardens becoming waterlogged at the lower end of the field;
- Correct distances should be kept between trees and the proposed development to avoid root damage as two of the trees have TPO's and the others are large mature trees;
- Ben Lane is single track and it is important to bear safety in mind with regards to works vehicles coming and going;
- Why is there not an Arboricultural Assessment Report as the two large sycamore trees with TPO's will be greatly affected as well as other adjacent trees;
- A pump chamber for foul water is proposed near the base of a TPO tree
- The road is narrow and suitable for HGV's so presumably the road will be widened or the sign ignored;
- There are two mature trees on 2 The Elms just over the wall from the proposed garage block; and
- I am concerned that the present sewage provision isn't suitable for any further capacity with UU having to clear blocked drains. Pendle Drainage recommends a section 104 agreement be applied for in order to make sure the drainage is up to specification and capacity.

Officer Comments

The principle of residential development on this site has been established by the appeal allowed and access, layout and scale being approved. Therefore the only issues for consideration here are appearance and landscaping.

The main issues to consider in assessing this application are impact on amenity, design and materials, impact on protected trees and landscaping and parking provision.

The starting point for consideration of any planning application is the development plan. Policies which are up to date and which conform to the provisions of the National Planning Policy Framework must be given full weight in the decision making process. Other material considerations may then be set against the Local plan policies so far as they are relevant.

Policy

National Planning Policy Framework

The National Planning Policy Framework (NPPF) does not change the statutory status of the development plan as the starting point for decision making. In this case, for the purposes of section 38(6) of the TCPA 2004, the development plan comprises Pendle's Local Plan Part 1: Core Strategy.

Local Plan Part 1: Core Strategy

ENV1 addresses issues such as biodiversity, the protection of designated landscapes and impacts on open space.

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 also apply:

Policy 14 'Trees, Woodland and Hedgerows' recognises the importance and amenity function of trees, woodlands and hedgerows and will protect them.

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

Policy 31 'Parking' which is a saved Policy within the Replacement Pendle Local Plan requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP.

Principle of Development

The site is located outside of a settlement boundary and an outline planning application has been granted on appeal and therefore the principal of the development including layout, scale and access has already been approved.

Impact on Amenity

The proposed layout shows the dwellings would maintain a distance of approximately 35m to the bungalow properties opposite, it should be noted the proposed two storey dwellings are positioned on slightly lower ground level than these bungalows further reducing any impact. A distance of approximately 16m would remain between Plot 1 and the detached property 'The Barn' opposite, given this property would be positioned at an angle in relation to the front of these properties, the distance between these properties is seen to be acceptable.

The rear elevations of the properties on Skipton Road numbers 1 and 2 'The Elms' would be at a distance of approximately 40m from the rear elevation of plot 1 which is sufficient. A distance of approximately 10m would be retained between the rear elevations of these properties and the proposed garages. Given the height of the 2m solid wall between these two sites, single storey height of the garages and pitched roof designs this would be acceptable.

The Council's Design Principles SPD advises that a minimum distance of 12m should be provided between principle windows and side elevations and 21m between principle windows which face each other. The proposed scheme respects these separation distances.

The proposed development would not lead to an unacceptable relationship. Additional natural landscaping will also assist in screening the development.

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. In this case each property would have sufficient curtilage and the layout provides a mixture of private and public areas with the proposed dwellings being enclosed by 1.2m high stone walls, which help to reflect the semi-rural character of the area.

Design and Materials

Paragraphs 47 through to 68 of the NPPF contain guidance on providing a wide variety of homes and requiring good design. Policies ENV2 of the Local Plan Part 1 reiterates these points and are relevant in the determination of this application.

The housing type would have a mix of dwellings with Plot 1 reflecting the form of a barn conversion, Plots 2 and 3 would be more traditional in style, whilst Plot 4 will have an appearance of a farm house.

The development would raise no significant concerns in terms of design or relationship with the highway frontage. Plots 1, 2 and 3 would have garages positioned towards the northern corner of the site with additional parking to the front of these whilst Plot 4 would have a detached garage positioned to the rear of the dwelling with a driveway located nearby.

In terms of materials the dwellinghouses and garages of plots 1, 2 and 3 would have artificial stone slates roofs, random stone walls with squared quoins and sawn stone surrounds to units 2 and 3.

The dwellinghouse and garage for plot 4 would have blue slate roof, coursed stone walls and sawn stone surrounds.

Garage door would have grey aluminium roller shutters with door and window frames painted timber in heritage colours.

Samples of materials can be controlled by an appropriate condition.

Policies ENV1 and ENV2 of the Core Strategy Part 1 and Paragraph 56 of the NPPF require good design. The details submitted are therefore acceptable and compliant with both Local and National requirements.

Impact on Protected Trees and Landscaping

There are mature trees adjacent and on the site may be affected by the proposal. The protected sycamore tree to the southern corner is shown on the drawing and referred to in the supporting text as being retained. There is a second mature sycamore tree on the verge to Ben Lane outside the adjacent dwelling to the west which is not shown on the drawing and not referenced in the text. This tree is not protected by the TPO but is shown to be retained.

It is important to ensure that these trees are protected and retained whilst the development is under construction and therefore the agent has been requested to increase the proposed root protection areas for the protective fencing to be erected prior to any development on the site. The protective fencing can be controlled by an appropriate condition.

Whilst a landscaping scheme has been proposed more detail is required and the agent has been requested to address this although a condition has been attached to the outline which will need to be addressed.

Parking Provision

The development would raise no significant concerns in terms of design or relationship with the highway frontage. Plots 1 would have a double garage whilst plots 2 and 3 would have single garages positioned towards the northern corner of the site with additional parking to the front of these whilst Plot 4 would have a detached garage positioned to the rear of the dwelling with a driveway located nearby.

The dimensions for the garages are less than those acceptable. Manual for street indicate 6m x 3m and 6m x 6m, internal dimensions. Parking spaces should be a minimum of 5.6m x 2.4m with units 1 and 4 having three spaces and units 2 and 3 needing two spaces each.

Plot 1 requires 3 parking spaces whilst plots 2 and 3 require 2 and plot 4 requires 3.

Sufficient parking spaces have been provided, however, the spaces are slightly short and therefore the agent has been requested to address this.

This accords with policy 31.

Drainage

An appropriate drainage condition was attached by the Inspector when allowing the appeal. The agent has submitted of a Suds drainage system and further information on this has been requested and will be reported to the meeting.

Some issues on the proposed soakaway and foul water drainage have been raised and the agent has been requested to address these.

A submersible pump chamber is shown on the submitted plans in close proximity to protected trees which are to be retained. The agent has been requested to move this to a more suitable position.

Summary

The layout, design and materials of the proposed development are acceptable subject to amended plans which adequately address the root protection areas of the protected trees. The proposal therefore accords with policies ENV2, LIV5 of the Pendle Local Plan Part 1: Core Strategy 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 proposed development accords with the Local Plan and National Planning Policy Framework. 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.13/15/0546P and does not by itself constitute a planning permission.

Reason: The application relates to matters reserved by Planning Permission No.13/15/0546P

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

2604.1A and the amended location plan received on the 21st June, 2017.

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

3. Notwithstanding any details on the approved plans, forms or supporting documents, within two weeks of the commencement of development samples of all the external materials to be used in the construction of the roofs, walls, boundary/retaining walls and paving together with samples of the colour and finish of windows and doors of the development hereby approved, together with details of proposals for the reuse of existing materials, shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved materials and details.

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

4. 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 75mm.

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

5. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A, B, C, D, E of Part 1 of Schedule 2 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

D) no porches shall be erected

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 and in order to ensure the protected trees on the site are not adversely affected.

6. The car parking areas shall be surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan, before the dwellinghouses are occupied.

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

7. Notwithstanding the provisions of the Town and Country Planning (General Development Procedure) Order 1995 and the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008, or any subsequent Orders or statutory provision re-enacting the provisions of these Orders, all garages shown on the approved plan shall be maintained as such and shall not be converted to ancillary accommodation/offices or used for storage without the prior written approval of the Local Planning Authority

Reason: In order to ensure that sufficient off-street parking can be accommodated within the site.

8. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets and sustainable drainage system within the development have been submitted to and approved by the local planning authority. The streets and drainage scheme shall thereafter be maintained in accordance with the approved management and maintenance details.

Reason: To ensure the streets and drainage system are maintained in an acceptable and appropriate manner.

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.

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/KH

Date: 31st July 2017