



REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

TO: BARROWFORD & WESTERN PARISHES COMMITTEE

DATE: 7 December 2017

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO BARROWFORD & WESTERN PARISHES ON 7th DECEMBER 2017

Application Ref: 17/0512/FUL
Proposal: Full: Erection of two dwellinghouses with access off Gisburn Road
At: Land to the South West of Whiteholme, Ribblesdale Place, Gisburn Road Barrowford
On behalf of: Messrs Lorrison & Friar
Date Registered: 2nd October, 2017
Expiry Date: 27th November 2017
Case Officer: Kathryn Hughes

Site Description and Proposal

The application site is part of the land at 317 Gisburn Road, Barrowford which has been granted outline consent for residential development on 5th December 2002.

Since that time a number of applications have been received for housing development (see history).

This application seeks consent to erect two detached houses on the southern part of the site with attached double garages, accessed from the estate road off Gisburn Road.

There are protected trees on the site and the agent has submitted an arboricultural assessment as part of this application.

The two six bedroomed dwellinghouses would be constructed in through coloured render with timber cladding and seamed metal roof or blue slate with aluminium framed windows and doors with timber panels to windows.

Relevant Planning History

13/02/0417P - Residential development 0.9 hectares (Outline) - Approved 5th December 2002.

13/03/0386P - Erect 14 dwellings on domestic garden land, including former orchard and tennis court, with estate road off Gisburn Road - Refused 8th December 2003.

13/03/0387P - Erect double garage and form access from Ribblesdale Place - Approved 6th October 2003.

13/03/0727P - Erect three dwellings and garages and form new access - Approved 16th December 2003.

13/03/0906P - Advert - Sales/development board - Approved 6th February, 2004.

13/03/0908P - Erect eight dwellings on domestic garden land, including former orchard and tennis court, with estate road off Gisburn Road - Refused - Appeal Dismissed 7th February 2005.

13/04/0458P - Erection of two detached dwellings with two detached garages - Refused - Appeal Allowed 20th April 2005.

13/04/0778P - Erection of single detached dwelling with integral garage - Refused 2nd December 2005.

13/05/0786P - Erect one detached house with access off Ribblesdale Place - Refused 2nd December 2005.

13/05/0930P - Erection of two detached dwellings (Plots 7 & 8) with integral garages - Refused 9th January 2006 - Appeal dismissed.

13/05/0934P - Erection of detached dwelling (Plot 6) (Re-submission) with detached garage - Approved 6th January 2006.

13/05/0937P - Erection of four detached dwellings with access of Ribblesdale Place - Refused 30th January 2006.

13/05/0942P - Erection of detached dwelling with integral garage (Re-submission) accessed off Ribblesdale Place - Refused 6th January 2006 - Appeal dismissed 2nd February, 2007.

13/06/0397P - Erect house and garage - Refused 31st July 2006 - Appeal dismissed 5th March, 2007.

13/06/0445P - Erect dwelling (amended housetype) - Approved 14th August, 2006.

13/08/0391P - Erect one detached dwellinghouse with integral garage - Refused 2nd September, 2008.

13/08/0717P - Erect one detached dwellinghouse - Refused 12th February, 2009.

13/09/0397P - Erect one detached dwellinghouse - Approved 10th November, 2009.

13/10/0021P – Erect three detached dwellinghouse with garages – Approved 22nd March, 2010.

13/16/0093P – Full: Erection of three detached dwellings and garages and form new access – Approved 13th May, 2016.

Consultee Response

United Utilities

LCC Highways – Based on the car parking standards the applicant should provide three parking spaces per dwelling for the size and type of development proposed.

The proposed garage for Plot 7 is undersized and therefore cannot be counted as two parking spaces, only one. However, there appears to be sufficient area in front of the southern elevation to accommodate two adequately sized parking spaces.

The applicant has indicated that waste bins will be stored adjacent to the entrance to the site. Please ask them to provide a scaled plan showing the proposed location, including its relation to the proposed development and the existing properties/access on The Orchard. The storage point location should be in accordance with 'Manual for Streets'.

The applicant should indicate the extent of the driveway to be surfaced with gravel to prevent any loose surface material from being carried on to the adjacent highway so causing a potential hazard to other road users.

The difference in ground levels between the site and Ribblesdale Place is unknown. Nevertheless, there should be no works along the site's eastern boundary that would undermine the structural integrity of the adopted highway network on Ribblesdale Place.

Environmental Health

Environment (Trees) Section - TPO No. 2, 2003 extant on site.

Barrowford Parish Council – No objection as long as the trees with TPO's are adequately protected.

Public Response

Nearest neighbours notified by letter. Three comments received raising the following issues:

- I am not happy for this build to proceed I have two grandchildren who come and visit and play on the cul-de-sac;
- My view from my windows is of beautiful trees and I would not like to see them being chopped down;
- Our road is quiet and I do not want any disruption of building to proceed;
- Our exit from Ribblesdale is difficult to exit without more building and extra works;
- I do not want or wish houses to be built;
- It is not clear whether the access is from Ribblesdale Place or from The Orchard. If the latter we would like to share our concerns;
- The width between no.6 and the adjacent property fence is extremely tight for general passing traffic but concerning for any building/delivery traffic with the potential to damage our properties;
- Increase risk of motor vehicle collision due to the nature of our garage design one of our cars must reverse out onto the proposed access way which is a blind spot towards the new properties;
- Increased traffic where families children play;
- If planning is accepted past no. 6 we ask that bollards, angled mirror and protection of utilities be enforced to protect out property and access;
- I need to understand how this will affect the privacy of the bungalows next to the site as they will look down on them and the gardens;
- Will the trees separating the site be removed as they don't have TPO's on them and
- I am surprised that a three storey property would be allowed to be built next to a bungalow.

Officer Comments

Background to Development

Outline permission was issued in 2002, subject to a number of conditions which required adequate visibility splays for the new access into the site, the retention of protected trees, excluded the tennis court and confined the number of houses to 8.

Details of three houses on the frontage with Gisburn Road were subsequently approved in December 2003. An appeal for eight houses on half the site was dismissed on Appeal in February 2005, whilst an appeal for two houses on the tennis courts was allowed on Appeal in April 2005; one dwelling on plot six was granted in January 2006 and one dwelling on plot eight was granted

in November last year. Six of the approved houses have been now been substantially completed whilst the most recent permission for one house on Plot 8 has yet to be commenced.

Full permission has since been granted for seven houses to date with planning permission granted on appeal in 2010 for three dwellings on The Orchard. One of these properties has been commenced the other two remain extant but have not been commenced.

The main issues are compliance principal of housing, impact on amenity, design, highway issues, protected trees and ecology.

1. Policy

The following adopted Local Plan Part 1 policies are relevant to this proposal:-

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.

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 ad 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.

Replacement Pendle Local Plan policies are relevant to this proposal:-

Policy 14 'Woodlands,Hedgerows

Policy 16 'Landscaping in New Development' requires all development proposals which involve new build to include a scheme of landscaping sympathetic to the site's character and vicinity. This is address under the Landscaping and TPO section below.

Policy 31 'Parking' supports new developments which are in line with the Maximum Car and Cycle Parking Standards. This is addressed under the Highways Section below.

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.

2. Principle of Housing

The site is within the settlement boundary and the principle of housing has already been established on site through previous permissions and appeal.

3. Impact on Amenity

The erection of two dwellinghouses on this site would not have an unduly adversely effect on the amenity of the nearby residents in terms of additional comings and goings.

The nearest property on the estate is the approved plot 8. Plot 9 would be located 21m from the gable of plot 8 although both properties will have double garages in between reducing this distance to 18m which is acceptable corner to corner.

Plot 9 would be sited 21m from the edge of the footpath along the boundary with Ribblesdale Place and at least 43m from the front elevations of the nearest houses (No. 5 & 7) on Ribblesdale Place. This is acceptable. A second floor roof terrace is proposed again the distance from Ribblesdale Place is over 40m and the distance from plot 8 is 18.5m and plot 7 would be 5m which is a concern in terms of overlooking and privacy issues.

Plot 7 would be sited along the boundary with no. 2 Ribblesdale Place. There are high hedges and trees along this boundary.

Plot 7 would be approximately 12m from the side elevation (8m from the boundary). The double garage of this plot is set forward further than the house at 14m from the side boundary with a bedroom and roof terrace above. There are first and second floor windows proposed in the rear elevation which will be screened to some degree by the existing hedges and trees which are protected and proposed to remain. The terrace is set further away and therefore on balance this would be acceptable.

Due to the distances proposed and the existing boundary treatments on site the potential impact on No. 2 would be reduced to an acceptable degree.

4. Design

The design and materials of the proposed dwellinghouses are not similar to the other seven dwellings already approved and completed on the site. These two dwellings would be of a more modern design and materials with metal roofing and render as well as boxed flat roof design and large glazed panels these do not accord with the existing mature properties on Ribblesdale Place and the more modern large plots already constructed or commenced on The Orchard.

This proposal raises no adverse crime prevention issues.

Policy ENV2 requires proposals to contribute towards a sense of place and make a positive contribution to the local identity and character. Whilst good quality contemporary design will be supported this is on the basis that this would enhance the character and quality of the environment. This is not the case here.

This design emphasises the vertical height of the buildings to an unacceptable degree in this location and would be out of character and keeping with the more traditional properties on Ribblesdale Place and the modern red brick properties along the access road of The Orchard to the detriment of good design.

Paragraph 64 of the National Planning Policy Framework states that permission should be refused for development of poor design that fails to take opportunities to improve the character and quality of an area and the way it functions.

This proposal therefore fails to accord with Pendle Local policy ENV2 and para 64 of the National Planning Policy Framework.

The proposed dwellinghouses would be out of character and appearance to the existing buildings on the remainder of the site nor would they be constructed of the same materials. The design

proposed here is not appropriate and there siting would detract from the appearance of the street scene in respect of their height, modern design and materials. The development is therefore fails to accords with policy ENV2 and the National Planning Policy Guidance.

5. Highway Issues

The LCC Highways Engineer has not raised any objection to this proposal. The access has been accepted previously and provided that adequate off-street parking is provided the scheme raises no highway concerns.

The requirement for this proposal is for a maximum of 3 off-street spaces per dwelling. The submitted plan shows a double garage and parking in front for each dwellinghouse the garage width which accord with the standards and therefore in terms of parking this scheme accords with policy 31.

6. Landscaping and Impact on Protected Trees

TPO No. 2, 2003 is extant on the site.

The dwellinghouses have been positioned to be 12m from the mature TPO trees along the west and east boundaries in accordance with BS 5837. The garages to plots 7 and 9 are positioned sufficient distance from TPO trees to be acceptable. The garage to plot 10 encroaches into the BS exclusion zone of T16, a mature tree on the east boundary. Due to the restricted root medium available because of the adjacent road, this garage can only be constructed if the foundations are piled so as to leave the soil undisturbed. Conventional strip foundations with the associated excavation will result in significant root damage which is unacceptable.

Where the access road or driveways encroach into root exclusion zones, it is specified that section of road/driveway is constructed with a no-dig specification.

The development would not adversely affect the protected trees subject to an appropriate conditions controlling the Root Protection Area for each of the affected protected trees and agreeing the route of services and drainage.

Whilst adequate distances can be attained for the siting of these plots to ensure that this development would not adversely impact on the adjacent protected trees subject to appropriate root protection and no-dig specification. This can be controlled by appropriate conditions.

A scheme of landscaping sympathetic to the site's character and vicinity has not been included with the application and therefore this would need to be conditioned to any grant of approval in order to comply with policy 16.

7. Ecology

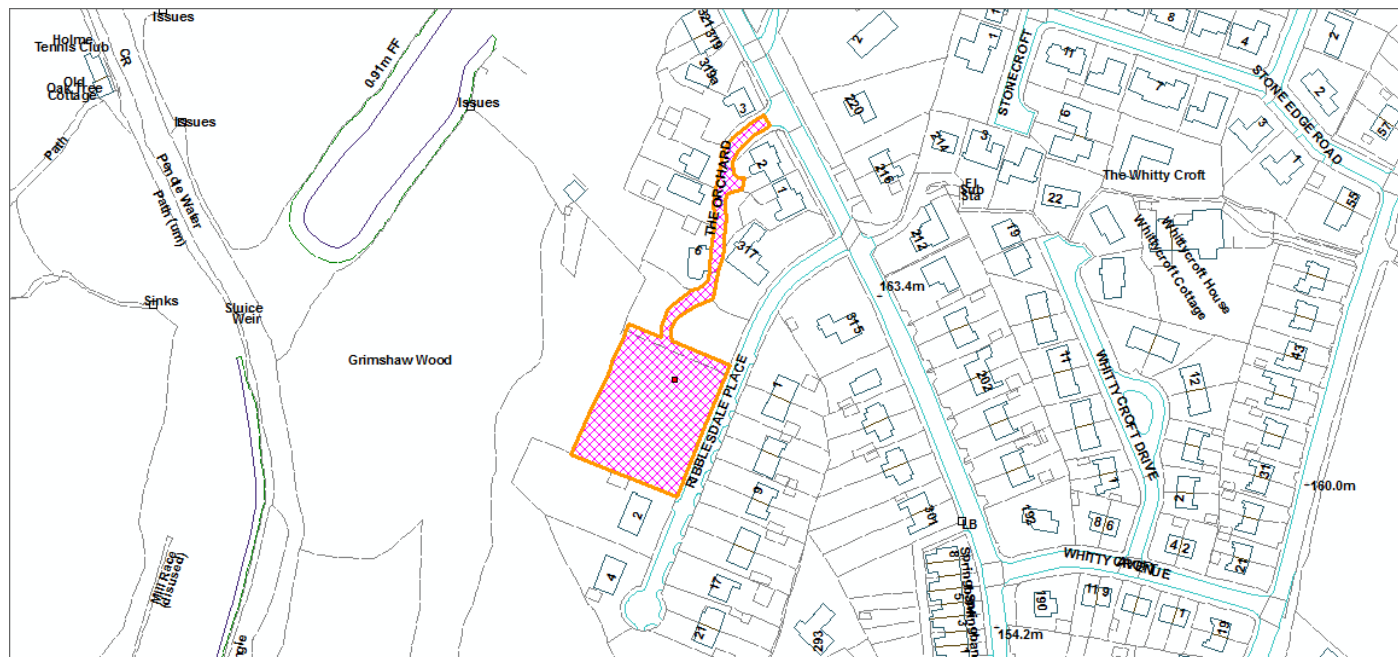
This site has already been granted permission for housing development and this development should not unduly affect any bat roosts within the trees on the site. Bat species and their roosts are legally protected by both domestic and international legislation and any harm could result in a criminal prosecution.

8. Summary

Plots 7 and 9 are not acceptable in terms of design and materials, impact on visual and residential development and the protected trees would be acceptable subject to appropriate conditions.

RECOMMENDATION: Refuse

1. The proposal fails to contribute towards a sense of place and make a positive contribution to the local identity and character in terms of its vertical emphasis in its design aspect and therefore this proposal therefore fails to accord with Pendle Local policy ENV2 and para 64 of the National Planning Policy Framework.



Application Ref: 17/0512/FUL

Proposal: Full: Erection of two dwellinghouses with access off Gisburn Road

At: Land to the South West of Whiteholme, Ribblesdale Place, Gisburn Road Barrowford

On behalf of: Messrs Lorrison & Friar

REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 07 December 2017

Application Ref: 17/0606/CND

Proposal: Approval of Details Reserved by Condition: Discharge of Conditions 3 and 4 of Planning Permission 16/0697/HHO (Materials, Off-Street Parking /Driveway).

At: Croft Barn, Barley New Road, Barley

On Behalf of: Mr Barry Sanderson

Date Registered: 13 October, 2017

Expiry Date: 08 December, 2017

Case Officer: Christian Barton

Proposal

The planning application is made under Section 19 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to seek compliance of Conditions 3 and 4 of the permission 16/0697/HHO. The conditions relate to approval of surfacing materials and the provision of parking and turning spaces.

Relevant Planning History

13/15/0266P - Full: Subdivision of one dwelling to two dwellings and erection of a single storey side extension and external alterations - Approved with Conditions - July 2015.

16/0508/HHO - Full: Removal of 3 trees and formation of two car parking spaces – Refused – October 2016.

16/0697/HHO - Full: Formation of an access and two car parking spaces - Approved with Conditions – December 2016.

Consultee Comments

LCC Highways - With respect to this application we are able to support the discharge of Condition 4 of this application.

PBC Conservation Section – The site is located within the Whitehough Conservation Area; the new driveway to Croft Barn is clearly seen on entering the hamlet. There are four listed buildings within the hamlet though these are some distance away and their setting is not affected by these proposals. The essential character and significance of the CA derives from the consistency of the vernacular buildings of local stone and stone slate set adjacent to the stream and within a mature and informal wooded landscape setting.

The new sections of stone wall at the front of the drive have been built to a high standard with local stone to match the adjacent characteristic dry stone boundary walls. The black Bitmac which has been used to the driveway however appears stark and inappropriate within this context of natural buff sandstone. The neighbouring driveway includes an area or band of natural stone setts which marks the private entrance off the access road; this design is repeated at several other houses throughout the hamlet, and the buff tones of the setts complement the surroundings. The existing

hamlet access road has a characteristic tarmac finish dressed with stone aggregate, the textured grey colour is appropriate to the rural CA setting, unlike the stark black of Bitmac.

The CA Design and Development SPD at 3.11 states that new road surfaces or verges should complement the surrounding architecture in design, materials, colour, texture and detailing. Para 3.14 states that a plain black Bitmac finish will not usually be appropriate in CA's. The appearance of the driveway would be improved by laying an area of buff stone setts adjacent to the access road at the entrance to the driveway, as has been successfully done at several properties nearby.

Officer Comments

Condition 3 requires the submission of materials samples in order for the materials to be assessed in relation to the Whitehough Conservation Area, a designated heritage asset. The colour and nature of the materials used within conservation areas has an impact on the setting of heritage assets. Para 129 of the Framework states that LPAs should assess the significance of heritage assets affected including their setting.

The Applicant has highlighted a number of driveways/parking areas in Whitehough that have been completed with Bitmac. These areas are historic examples however with the works highlighted being carried out under different circumstances. I agree with the comments made by the Conservation Officer stating the appearance of the Bitmac is stark and inappropriate within this context of natural buff sandstone. A compromise has been suggested by the Conservation Area relating to the appearance of the driveway being improved by laying an area of buff stone setts adjacent to the access road at the entrance to the driveway. This suggestion was forwarded to the Agent however acceptance of the compromise is yet to be received from the Applicant.

The Applicant recognised the importance of the heritage asset by stating on the original application that granite stone setts were initially proposed as appose to Bitmac. The use of granite coloured setts is inappropriate in relation to the existing character of the conservation area. Condition 3 was attached to the planning permission 16/0697/HHO to enable the appearance of this material to be assessed. We have asked the applicant to consider a scheme that would see setts placed at the entrance where the character of the conservation area is most affected but retaining the Bitmac behind. No agreement has been reached on this and as such the application falls to be determined based on the use of Bitmac except for a single strip of granite setts.

In terms of the impact on the conservation area I concur with the views expressed by the conservation officer. The Bitmac here is stark and inappropriate and has a detrimental impact on the appearance of the conservation area. That harm is less than substantial but is still detrimental.

Para 134 of the Framework states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The development results in a less than substantial harm for the local area however there are no public benefits provided as development is confined to private land and only benefits the applicant. The harm therefore is not outweighed by any public benefit.

Condition 4 requires that the parking of vehicles not to commence until the parking area has been surfaced in accordance with the approved details. Clearly it has not been.

Summary

The application seeks compliance of Conditions 3 and 4 of the planning permission 16/0697/HHO. The conditions relate to approval of surfacing materials and the provision of parking and turning spaces. The Bitmac that has been used for the majority of the development is of stark contrast to the existing character of the area. The finish and appearance of the driveway is visually

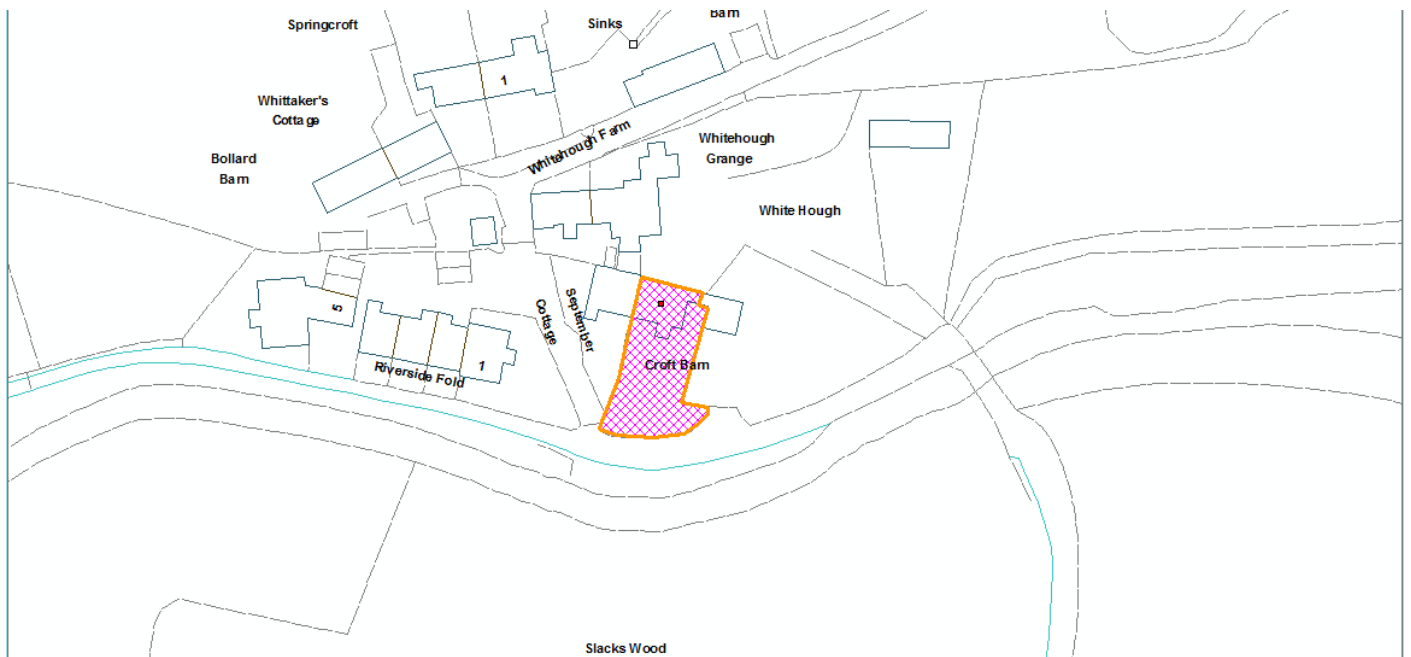
inappropriate for the Whitehough Conservation Area and as such Condition 3 cannot be discharged.

RECOMMENDATION: Refuse discharge of Condition 3.

Enforcement Action

The applicant has professional advisers and has full knowledge of the requirements of the conditions. The development has proceeded without complying with the conditions and is unlawful.

There is clear harm to the conservation area and that harm needs to be remedied. It is recommended that breach of condition notices are served for both conditions and that enforcement action be undertaken to require the removal of the bitumous macadam.



Application Ref: 17/0606/CND

Proposal: Approval of Details Reserved by Condition: Discharge of Conditions 3 and 4 of Planning Permission 16/0697/HHO (Materials, Off-Street Parking /Driveway).

At: Croft Barn, Barley New Road, Barley

On Behalf of: Mr Barry Sanderson

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 29th December 2017