

REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND
REGULATORY SERVICES MANAGER

TO: BRIERFIELD AND REEDLEY COMMITTEE

DATE: 2nd April 2019

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 BRIERFIELD AND REEDLEY COMMITTEE ON 2ND APRIL 2019

Application Ref: 19/0022/REM

Proposal: Reserved Matters: Erection of one detached dwelling (Appearance, landscaping, scale and layout) of Planning Permission 13/15/0561P.

At: Land to the East of 21 to 31 Heather Close, Brierfield

On behalf of: Laseen Ltd.

Date Registered: 24.01.2019

Expiry Date: 08.04.2019

Case Officer: Charlotte Pinch

Site Description and Proposal

The application is brought to committee as more than 3 objections have been received.

This is a Reserved Matters application for the appearance, landscaping, and scale for the erection of one dwelling, in addition to the access and layout for the vehicular access and reduction of the number of dwellings to seven.

The land is within the settlement boundary of Brierfield, adjacent to land designated as open countryside. At present the area comprises grassland, roughly 0.49 hectares in size. Owing to the topography of the area and significant differences in land levels, the land sits on a plateau above Heather Close.

Relevant Planning History

13/90/0207P
Erection 33 Dwellings.
Refused. 1990.

13/91/0106P
Reserved Matters Application for Erection of 27 Dwellings.
Approved with Conditions. 1991.

13/15/0561P
Outline: Erection of 9 dwellings (Layout and access).
Approved with Conditions. 2016.

19/0023/CND
Approval of Details Reserved by Condition: Discharge Conditions 4 (Drainage), 11 (Contamination) and 14 (Boundary Treatment) of Planning Permission 13/15/0561P.
Conditions Discharge Split Decision. 2019.

Consultee Response

LCC Highways

Having considered the information submitted for the above application, together with site observations on 19 February 2019, the Highway Development Support Section makes the following initial comments.

The proposed layout is an amendment to that previously approved under Planning Permission 13/15/0561P, and now proposes a reduction in the number of dwellings from nine to seven. The submitted internal layout raises significant highway safety concerns due to poor intervisibility for vehicles within the site to/from Heather Close. This could lead to excessive vehicle movements at the site access or within the site, including vehicles reversing onto Heather Close which would be a hazard to other road users. Additionally the carriageway width has been reduced and the previously approved turning head removed, potentially preventing access for emergency vehicles, and also does not provide adequate manoeuvring for anything larger than a small car. If these significant concerns cannot be resolved satisfactorily we would raise an objection to this application on highway safety grounds.

New access

It is imperative the developer is aware that, since the original outline application 13/15/0561P for Access and Layout was approved, the section of Heather Close in front of the proposed site access has been adopted. Therefore the formation of the new vehicle access from Heather Close to the development site would need to be carried out under a legal agreement (Section 278) with Lancashire County Council as the highway authority. Works should include, but not be exclusive to, the construction of the access to an appropriate standard, including a minimum width of 4.5m; radius kerbs; buff coloured, tactile paved dropped pedestrian crossings; and the possible re-location of street lighting column 4.

If planning approval is granted the developer is advised to contact Lancashire County Council as soon as possible to start the Section 278 process. The Development Support Section (Area East) should be contacted on 0300 123 6780 or by email on highways@lancashire.gov.uk in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.

Given the gradient of the new access suitable drainage measures should be constructed across the entrance to prevent water flowing onto the adopted highway on Heather Close. (Section 163 of the Highways Act 1980 - Prevention of water falling on or flowing on to the highway refers.) Any internal drainage should not be connected into Lancashire County Council's highway drainage system.

Internal layout

The proposed internal layout is not acceptable as it is not to Lancashire County Council's specification as set out in its 'Residential Road Design Guide'. That is, for a Type 5A Access Way, the following should be provided:

- A minimum carriageway width of 4.1m
- 2m wide service verge
- Turning head to be designed as a Type 5A Access Way.

Whilst the internal road would not be considered for adoption it should still be constructed to adoptable standard to maintain the structural integrity of the highway.

Furthermore, as the internal road would remain private, the developer should provide details of the proposed arrangements for the future management and maintenance of the road, together with all proposed retaining structures and the tensioned safety barrier. These should include the establishment of a private management and maintenance company.

Access for emergency/service vehicles

Recommendations in 'Manual for Streets' regarding access for emergency and service vehicles are that:

Fire & Rescue Service

- A 3.7m carriageway (kerb to kerb) is required for operating space at the scene of a fire. To reach a fire the access route could be reduced to 2.75m over short distances provided the pump appliance can get to within 45m of dwelling entrances.
- A fire appliance needs to be able to approach to a point within 45m of a suitable entrance to any dwelling.
- Fire and Rescue Service vehicles should not have to reverse more than 20m from the end of an access road.

The proposed internal site layout is not in line with the above recommendations and therefore raises safety concerns.

Refuse collection

We note in the updated report to Brierfield and Reedley Committee on 2 February 2016 that Pendle Borough Council's Waste Services confirmed that they would not be able to service this site with a smaller vehicle, and that alternatives would have to be considered. Nevertheless, the following comments should be taken into account:

- The maximum distance a refuse vehicle should reverse is 12m.
- 25m is the maximum distance a two wheeled refuse container is to be transported to the refuse wagon.
- A resident should not be required to carry the waste more than 30m to the refuse storage point.

All of the above comments should also take into account gradients within the site.

Passing place

The combined width of a single-track road plus passing bay should be a minimum of 5.5m over a minimum length of 5m. Tapers 5m long should be provided at each end. Appropriate signage should also be provided to ensure that the passing place is kept free at all times and not used as a parking bay, which could result in vehicles having to reverse to/from Heather Close so posing a hazard to other highway users. This should be erected prior to the first occupation of any residential dwelling.

Public Right of Way

Public Footpath 21 (Brierfield) runs along the eastern boundary of Plot 1. We note Pendle Borough Council's Countryside Access Officer's comments regarding the potential for temporary or permanent encroachment onto this Public Right of Way, and share their concerns. Also any excavation works within the site should not be detrimental to the structural integrity of any land over which this public footpath passes. Therefore, appropriate retaining measures may be needed within the site. Condition 14 of Planning Permission 13/15/0561 states that details of retaining

measures to the eastern boundary of the site should be approved in writing prior to the start of any development due to the significant difference in land levels.

Car parking & cycle storage

In our opinion the applicant has provided adequate off-road parking provision for the size and type of development proposed on Plot 1, although we do recommend the installation of electric vehicle charging points to improve the site's sustainability.

However, recommendations in Pendle Borough Council's 'Car & Cycle Parking Standards' are that secure storage for at least two cycles should be provided for residential properties with more than two bedrooms. As no garage is provided for this dwelling alternative secure, covered cycle storage should be provided within the curtilage.

Update 19/03/2019

A revised layout plan was submitted to the LPA, which LCC Highways confirmed addressed all of their concerns. As a result, no objection was raised subject to conditions.

PBC Countryside Access Officer

The eastern boundary of the plot runs adjacent to public footpath 21 Brierfield. Therefore, my main concern is the risk of encroachment onto the footpath. There could be temporary problems during the development, or a more permanent infringement if the setting out is not carefully done. The developers will need to ensure that any change in levels are kept strictly within the site so that the line of the public footpath is left undisturbed.

Anyone involved with the development should be aware that the grant of planning does not include the right to either permanently or temporarily obstruct or interfere with a right of way. The owner of the site and/or the developer may be liable to a fine for any offences under the Highways Act 1980 if the right of way is obstructed or interfered with as a result of the development work being carried out. An obstruction would include any encroachment into the width of the right of way in question.

If the developer considers that any part of a right of way needs to be temporarily closed then enquiries about applying for a temporary closure should be made to the Public Rights of Way Manager, Planning and Environment, Lancashire County Council, County Hall, Preston, PR1 0LD.

Coal Authority

The Coal Authority previously commented on this planning application in a letter to the LPA dated 11 December 2015.

Our information indicates that the northern corner of the application site is likely to have been subject to past coal mining activities, specifically likely historic unrecorded underground coal mining at shallow depth. However, the potential area of shallow underground coal mining is not located within the specific part of the site where new development is proposed.

As you will be aware, the Coal Authority's general approach in cases where development is proposed within the Development High Risk Area is to recommend that the applicant obtains coal mining information for the application site and submits a Coal Mining Risk Assessment to support the planning application.

However, when considering this particular proposal; whilst there are recorded/potential mining features within the application site, the specific part of the site where new development is proposed actually falls outside the defined Development High Risk Area. Therefore we do not consider that a Coal Mining Risk Assessment is necessary for this proposal and do not object to this planning application.

Public Response

Three letters of objection were received from neighbouring occupiers, their comments can be summarised as follows:

- It will block access onto the right of way network, from the rear of existing dwellings.
- The site is inhabited by a range of wildlife, including birds, deer and bats.
- An increase in properties will cause reduced air quality from vehicles.
- May result in loss of the existing public rights of way.
- The current open green space is regularly used by residents and children.
- Loss of views across the open countryside.
- Land may be subject to landslips from the access road, as there is poor drainage.
- Poor entrance and exit point onto Heather Close, with parking on the side of the road make it unsafe for pedestrians.
- Overlooking to existing adjacent properties, which could lead to a reduction in house prices.
- Harm to existing protected trees on the site.
- Family properties will increase the pressure on schools in the area.
- Plot 1 has three storeys, which is not in keeping with design of properties in the area and will set a precedent for three storey dwellings.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) 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 (Achieving Quality in Design and Conservation) 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 LIV1 (Housing Provision and Delivery) 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 (Designing Better Places to Live) advises that development which primarily takes place within the M65 corridor should seek to avoid the provision of new terraced housing and have a suitable density appropriate to its location. The provision of detached and semi-detached dwellings will make up the majority of the housing types sought.

Policy SDP1 (Presumption in Favour of Sustainable Development) 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 SDP2 (Spatial Development Principles) seeks to prioritise new development within settlement boundaries, particularly in key service centres such as Brierfield.

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

Replacement Pendle Local Plan

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.

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 the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Section 12 of the Framework relates to design and makes it clear that design is a key aspect of sustainable development. Paragraph 130 of the Framework states that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.

Principle of Development

The principle of residential development on this site has been established by the previously approved outline application 13/15/0561P which approved the layout and access arrangements.

Residential Amenity

The proposed dwelling would be sited in the northern corner of the site, angled so the front elevation is facing south westerly. The property is located to the rear of No.1 Sycamore Rise, although is not directly adjacent and over 22 metres from its rear elevation, therefore mitigating any significant detrimental overlooking impacts. Although of a large scale, the property maintains reasonable space about it within the plot and 4 metres from the side elevation of plot No.2. The dwelling is sited at such an angle that no windows face directly onto adjacent properties, timber panel fencing is proposed on boundaries to ensure privacy to garden areas.

Concerns have been raised in relation to overlooking from properties within plots 6 and 7, towards existing dwellings on Waverley Close. This application is only for one dwelling on plot 1, in the northern corner of the site. Permission is not being sought for any other properties within the development as yet.

Design and Landscape Impact

The proposed dwelling on plot 1 would be of three storey appearance, with second floor accommodation in the roof space.

The property would comprise of six bedrooms over first and second floor level. The dwelling would be of a reasonably significant scale, although this is not disproportionate to the size of the plot and low density nature of the development.

The property features a central glass atrium feature, which provides a focal point for the dwelling. This is accompanied by other smaller pitched roof features on the front and rear elevation of the dwelling, in addition to pitched roof side gables. Currently, there are no existing immediately adjacent dwellings to that proposed, however existing dwellings in Heather Close also have pitched roof features on the front elevation.

The dwelling proposes to be constructed of natural slate roof tiles, white silicone render, grey facing brick and grey UPVC windows and doors. Although these are modern materials, if combined with a good design, would form a high quality development. A condition will be applied requiring samples of materials to be submitted and agreed prior to commencement of development.

The proposed dwelling would be sited in an elevated position, above Heather Close. The site is readily visible as it is approached from the south along Heather Close, bordered by a dense group of trees to the rear. The front and west side elevation of the property would be most visible from the public highways, although would be set back sufficiently to not appear dominant. The dwellings would not be readily visible from the east of the site, due to the dense tree screening.

Layout

The site area for the proposal remains unchanged from the previously approved outline application 13/15/0561P, however this application proposes to develop only seven of the previously proposed nine dwellings. The land sits in a level plateau, some distance above the dwellings below. Irregular in shape, it is sought to position the dwellings towards the side and rear boundaries of the site, with the access road leading up the steeply inclined banking from Heather Close and running along the western edge of the land.

The development would have a relatively low density, which is in keeping with the layout of the immediate area, which is made up of modern housing arranged in cul-de-sacs.

This proposal for the development of seven dwellings would provide better separation distance between properties. The houses are located to the rear of the site, therefore the relationship to the dwellings on Heather Close would be acceptable. There would be a 8-9 metre level difference , with direct views at a distance of approximately 40 metres, would not cause any adverse issues of privacy loss.

Highways and Access

Access to the development would be from Heather Close, in a break between the built form of existing dwellings. The land rises steeply at this point, as such the proposed road would need to work with these topographical features. It is noted that the road is intended to be private and not formally adopted.

The siting and layout of the access has been amended since the outline application in 2015. Following the submission of amended plans, during the course of this application, the LCC Highways Authority raise no objections in principle to the siting and layout of this access road.

The agent has advised that further additional details are being compiled at the time of writing, including sustainable drainage measures and details of permeable surface materials. Nevertheless, subject to appropriate conditions, the principle of an access to serve seven properties, in this location is acceptable.

Other Matters

Some concerns have been raised in relation to wildlife on the site, protected trees, ground stability and public footpath access. These aspects were all addressed as part of the outline application in 2015, in which the relevant surveys were undertaken and conditions applied, which must be complied with as part of the development.

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. 13/15/0561P and does not by itself constitute a planning permission.

Reason: The application relates to matters reserved by Planning Permission No.13/15/0561P.

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

LU005-P001B, 005-PL010H, LU143-DW01/P01 and LU143-DW01/P02A

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

3. Prior to 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, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter at all times 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 development hereby permitted shall not be commenced unless and until a detailed landscaping scheme has 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 entirety approved form within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

Reason: To ensure appropriate landscape design and in the interests of the visual amenities of the area.

- 5. No part of the development hereby approved shall be commenced unless and until a scheme for the construction of the site access has been submitted to and approved in writing by the Local Planning Authority. The works must be completed prior to occupation of the first dwelling.

Reason: In the interests of traffic flow and highway safety.

- 6. Prior to first occupation each dwelling shall have a secure cycle store in accordance with the parking standards.

Reason: In order to ensure that the development has the provision of sustainable infrastructure.

- 7. Prior to first occupation each dwelling shall have an electric vehicle charging point.

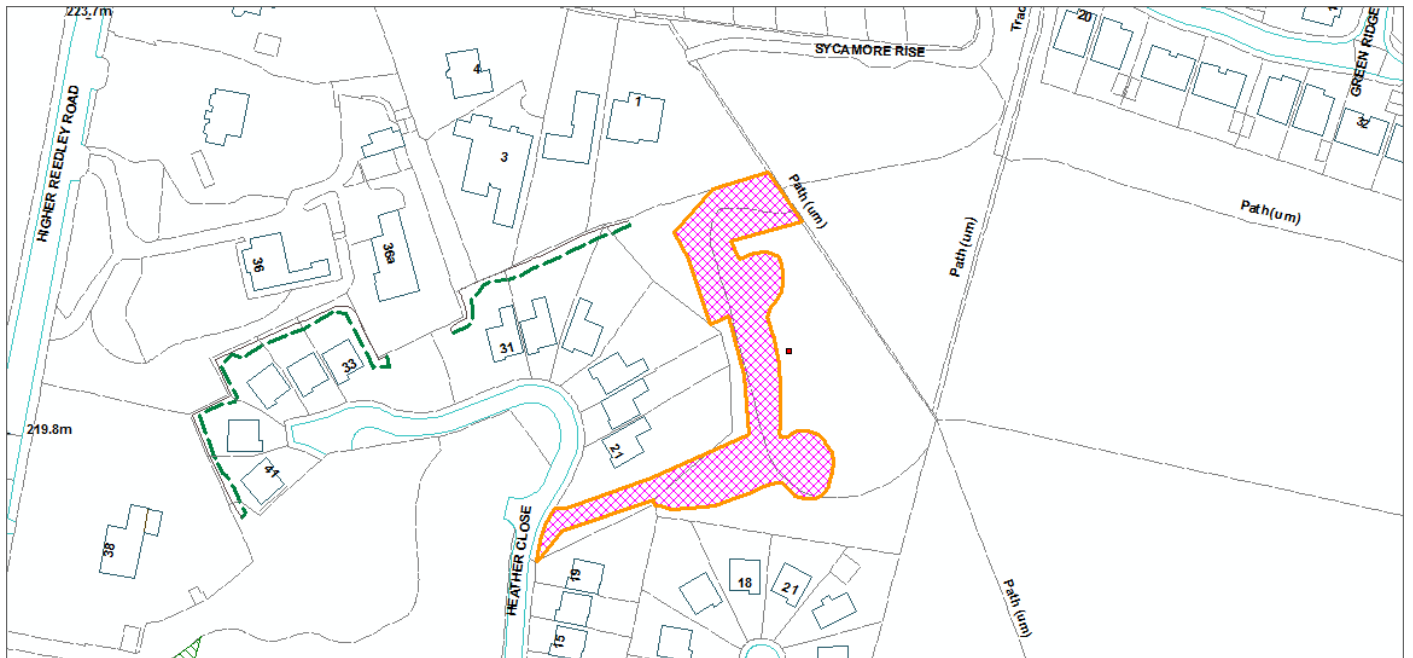
Reason: To encourage sustainable travel.

- 8. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed street and associated infrastructure within the development, including retaining walls, vehicle restraint barriers, street lighting and surface water drainage have been submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time a private management and maintenance company has been established.

Reason: In the interest of highway safety.

INFORMATIVE

The grant of planning permission will require the applicant to enter into a Section 278 Agreement, with the County Council as Highway Authority. The applicant should be advised to contact Lancashire County Council, Highway Development Control email – developeras@lancashire.gov.uk in the first instance to ascertain the details of such an agreement and the information to be provided.



Application Ref: 19/0022/REM

Proposal: Reserved Matters: Erection of one detached dwelling (Appearance, landscaping, scale and layout) of Planning Permission 13/15/0561P.

At: Land to the East of 21 to 31 Heather Close, Brierfield

On behalf of: Laseen Ltd.

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 21st March 2019