



REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND
REGULATORY SERVICES MANAGER

TO: POLICY AND RESOURCES COMMITTEE

DATE: 22ND AUGUST, 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 POLICY AND RESOURCES COMMITTEE ON 22 AUGUST 2019

Application Ref: 19/0025/FUL
Proposal: Full: Major: Erection of 17 dwelling houses and new access.
At: Land At The Junction With Greenberfield Lane, Gisburn Road, Barnoldswick
On behalf of: MJF Pension Trustees Ltd
Date Registered: 10/01/2019
Expiry Date: 12/08/2019
Case Officer: Alex Cameron

This application has been referred to Policy and Resources Committee as West Craven Committee were minded to refuse the application for reasons of highway safety, loss of protected trees and design. This would result in a significant risk of costs being awarded against the Council at appeal.

Site Description and Proposal

The site comprises an area of open, maintained grassland, roughly 0.48 hectares in size. It is located adjacent to, but outside of the settlement boundary of Barnoldswick. To the north is Greenberfield Lane with commercial / farm buildings and dwellings opposite, to the west are the rear of dwellings fronting Gisburn Road, to the south is a garage colony and to the east is open land.

Outline planning permission (access, layout and scale) for 20 houses was granted on this site at appeal in 2017.

This application is a full planning application for 17 houses with a revised access and layout from that of the existing outline permission. This is due to the layby on Greenberfield Lane, where the access was proposed to be taken from, and strip of land adjacent to Gisburn Road, where a footpath was proposed, not being in the applicant's ownership. The revised layout relocates the access to the east and the proposed footway on the Gisburn Road frontage has been altered to a tactile paved crossing point.

There would be 8 three bedroom and 9 four bedroom houses comprising six pairs of semi-detached houses, two detached houses and one row of three houses. The proposed houses would be finished in a mixture of natural stone and render with, concrete tile roofs, upvc windows and composite doors.

Relevant Planning History

16/0382/RES – Outline: Erection of 20 dwellings - Refused

16/0597/OUT - Outline: Major: Erection of twenty dwelling houses and construction of access road form Greenberfield Lane (Access, Layout and Scale) (Re-Submission) - Appeal allowed.

Consultee Response

LCC Highways – Having considered the amended site layout plan, drawing number A3006/SP01 Rev E the details are, on the whole, acceptable. Subject to previous issues regarding third party land now having been resolved satisfactorily, if the local planning authority is minded to approve this

application, a number of conditions and notes should be applied to any formal planning permission granted. However the following comments should also be taken into consideration.

Plot 5 the parking spaces do not have a minimum of 6m manoeuvring space, which would lead to vehicles overrunning the parking area for Plot 4. As they are also remote from the dwelling this could lead to vehicles parking on the footway at the front, obstructing the footway. We recommend that they are re-positioned closer to No 5, and where there would also be a minimum 6m manoeuvring area.

Plot 16 – the first parking space, which is at an angle, encroaches over the service verge. This should be re-positioned in line with the other two spaces.

The formation of the new vehicle access from Greenberfield Lane 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 5.4m, 6m radius kerbs, tactile paved dropped pedestrian crossings on Greenberfield Lane, re-location of the highway gully and a street lighting assessment and design.

The construction of tactile paved dropped pedestrian crossings on Gisburn Road would need to be carried out under the Section 278 works, although this would require United Utilities' permission for the construction of the crossing on the eastern side of Skipton Road.

To promote sustainable forms of transport, in line with NPPF paragraph 102 c), we recommend that the existing bus stop is upgraded to a quality bus stop. This should be sited on land within the applicant's ownership, or land to be dedicated as part of the adopted highway network, and not on land within third party ownership.

Given the increase in vehicle movements on Greenberfield Road we recommend that the carriageway markings are refreshed at the junction of Greenberfield Road and Gisburn Road.

Whilst the internal estate roads and footways would not be considered for adoption they should still be constructed in accordance with the county council's 'Specification for the Construction of Estate Roads'. As the internal roads and footways would remain private the developer should provide details of the proposed arrangements for the future management and maintenance of the road. These should include the establishment of a private management and maintenance company.

No street lighting columns are indicated on the plan. A street lighting assessment and design should be provided.

Given the site's limited accessibility to local amenities and facilities, and the likely reliance on private motor vehicles, we recommend that maximum parking standards, as outlined in Pendle Borough Council's Car & Cycle Parking Standards, are applied to this site. That is, two spaces for dwellings with two – three bedrooms, and three spaces for dwellings with four and above bedrooms. From the information submitted on drawing number A3006/SP01 Rev E we consider that the developer has provided adequate off-road parking provision and manoeuvring areas, taking into account our earlier comments about Plots 5 and 16.

In addition, recommendations in the borough council's parking standards are that at least two secure cycle spaces should be provided for residential properties where two or more bedrooms are to be provided. A standard size garage (6 x 3m) is considered capable of accommodating two cycles.

Where no garage is provided alternative covered, lockable provision should be made within the domestic curtilage.

We also recommend that the use of garages for the parking of motor vehicles is covered by condition in order to protect future off-road parking provision.

Electric vehicle charging points should be installed for each dwelling prior to first occupation to support the use of sustainable forms of transport.

We consider that the Construction Plan and Statement submitted as part of this application cover all the points imposed by Condition 5 in the Schedule of Conditions relating to the appeal for application 16/0597/OUT, subject to satisfactory implementation.

The following conditions and note should be applied to any formal planning approval granted.

Conditions: visibility splays, off-site highway works, estate road construction, estate road management and maintenance, garages to be retained for parking, cycle storage, electric vehicle charging points.

Note relating to off-site highway works.

LCC Schools Planning - An education contribution is not required at this stage in regards to this development.

LCC Lead Local Flood Authority – No objection subject to drainage conditions being attached.

United Utilities - The proposals are acceptable in principle to United Utilities and therefore should planning permission be granted we request a surface water drainage condition and notes regarding building over public sewers and water supply are attached.

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

PBC Landscape Officer – no objection.

Airedale NHS Foundation Trust – A full contribution towards the cost of three unplanned healthcare interventions resulting from the development in its first year is necessary.

Barnoldswick Town Council

Public Response

Site and press notices displayed and neighbours notified - Responses received objecting on the following grounds:

- Highway safety concerns relating to the width of Greenberfield Lane, recent increases in traffic volume using the lane, conflict with HGVs and agricultural vehicles using the lane, lack of pavement, exacerbation of parking and congestion issues of Gisburn Road and necessity for a zebra crossing or traffic lights.
- The development would exacerbate existing parking issues in the area.
- Potential impacts of increased traffic from Barnoldswick Football Club in the future.

- Loss of protected trees.
- Impact on wildlife and protected species.
- Ecology surveys were not carried out at the optimal time of year.
- Greenberfield Lane is a Roman road and an archaeological survey of the land should be carried out.
- This development would set a precedent for further development of green areas around Greenberfield Lane.
- The proposed houses will not be affordable.
- Barnoldswick has grown beyond its capability to sustain many more new residential areas as services and overstretched and difficult to access.
- Impact on the water pressure for surrounding properties.
- Concerns relating to flooding of the adjacent beck.
- Loss of light to adjacent dwelling.
- The three protected trees should not be removed.
- The removal of willow tree adjacent to the site could increase risk of flooding.
- Object to the height of the proposed dwellings.
- The amendments do not address highway and pedestrian safety issues.
- Lack of visitor car parking.

Policy

Local Plan Part 1: Core Strategy (LPP1)

The following Local Plan policies are relevant to this application:

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

Policy ENV2 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. The proposal's compliance with this policy is addressed in the design and amenity sections.

Policy ENV7 does not allow development where it would be at risk of flooding and appropriate flood alleviation measures will be provided and/or would increase the risk of flooding elsewhere. The proposal's compliance with this policy is addressed in the drainage and flood risk section.

Policy LIV1 sets out the housing requirements for 2011 to 2030 and how this will be delivered.

Policy LIV3 provided guidance on the housing needs in order to provide a range of residential accommodation.

Policy LIV4 sets out the targets and thresholds required to contribute towards the provision of affordable housing.

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.

Replacement Pendle Local Plan (RPLP)

The following saved policies from the Replacement Pendle Local Plan are also relevant:

Policy 31 'Parking' requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP. This is addressed in the Highways Issues/Parking section.

National Planning Policy Framework (The Framework)

Officer Comments

Principle of the Development

Policy LIV1 of the Pendle Local Plan: Part 1 Core Strategy states that until the Council adopts the Pendle Local Plan Part 2: Site Allocations and Development policies then sustainable sites outside but close to a Settlement Boundary, which make a positive contribution to the five year supply of housing land, will encourage significant and early delivery of the housing requirement.

This site is a sustainable location abutting the settlement of Barnoldswick it is acceptable in terms of accessibility to local services and facilities in the settlement. An outline application for up to 20 dwellings on this land was approved on appeal in 2017, this establishes that the acceptability of the principle of a residential development of the scale proposed on this site.

The principle of the proposed residential development is acceptable in accordance with policy LIV1.

Design

The design of the proposed development consists of two storey houses with roofspace accommodation, this reflects the character of the terraced houses fronting Gisburn Road.

The land itself is not overly prominent in public views, set behind the existing building line of Gisburn Road. The existing retained landscaping and landscaped public open space area to the north and east side of the development would acceptably soften its visual impact from the north, south and east.

The development would be somewhat inward facing with plots 3 and 4 backing onto Gisburn Road. Taking into account that this point of Gisburn Road marks a transition between terraced housing with a strong street frontage and housing that is set further back from the road behind walls and hedges, it is not essential in design terms for that strong street frontage to be continued in this development.

In this case the development of the land would not result in an unacceptable loss of open countryside, it would constitute the rounding off of development in the area, rather than representing an unacceptable incursion in to the rural landscape. The proposed layout retains a sense of space with the proposed landscaping and open space and design of the dwellings. The development would also not adversely impact upon the setting of the listed building Lane Ends Farmhouse.

The proposed development is acceptable in terms design, visual amenity and landscape impact in accordance with policies ENV1, ENV2 and LIV1.

Residential Amenity

The orientation and layout of the proposed development ensures adequate separation distances

between the proposed dwellings and surrounding houses. The development would not result in unacceptable impacts upon the residential amenity of occupants of surrounding properties and would ensure an acceptable degree of residential amenity for future occupants. The development is acceptable in terms of residential amenity in accordance with policy ENV2.

Highways

The proposed vehicular access point has been relocated approximately 10m to the east of the approved access of the outline permission, the principle of access from this part of Greenberfield Lane remains acceptable, the minor alteration of the location of the access point raises no unacceptable highways safety implications.

A footway link to Gisburn Road is proposed with a tactile paved crossing point. This would provide acceptable pedestrian access to the site from Gisburn Road.

An acceptable level of off-street car parking provision is proposed for each house, concerns have been raised by LCC Highways regarding the layout of parking for plots 5 and 16, this can be acceptably addressed by condition.

Taking into account that outline permission including access and layout exists on this site, unless there has been a material change in policy or circumstances that would necessitate attaching additional conditions to those on the existing permission, it would not be reasonable to do so.

LCC Highways have indicated that the proposed internal road layout would not be adopted and therefore it is necessary to impose a condition for details of private management and maintenance arrangements for the internal roads.

Whilst the developer has proposed a bus stop within the site, the provision of a bus shelter or other upgrades to the existing bus stop was not a requirement of the previous permission. Taking into account that the amended plans propose an acceptable level of parking provision and adequate pedestrian access, it would not be reasonable to require that a bus shelter or upgrade to the bus stop is provided. However, if the developer wishes to provide a bus shelter as proposed, it is necessary to require details of its future maintenance to be submitted.

Drainage and Flood Risk

A Flood Risk and Drainage Impact Assessment has been provided to address any potential issues associated with the proposals. The site lies within Flood Zone 1 and is therefore low risk. The report advises that a suitably designed drainage scheme should also be able to mitigate and reduce any possible future incidences of both pluvial and fluvial flooding.

The Lead Local Flood Authority and United Utilities have advised that the development is acceptable in terms of drainage and flood risk subject to appropriate drainage conditions. The development is acceptable in terms of drainage and flood risk in accordance with policy ENV7.

Affordable Housing

The development falls within the threshold set out in policy LIV4 for the provision of affordable housing at a level of 5%. However, the requirement for affordable housing provision was omitted from the allowed appeal for 20 dwellings. Taking into account the fall-back position of the existing outline

permission, without such a requirement, and in the interest of consistency in relation to this specific site, it is not recommended that a requirement for affordable housing provision be imposed in relation to this application.

Trees

The applicant has provided a tree survey to account for the presence of protected trees adjacent to the site (TPO No.4 1990). The survey advises that the three protected trees adjacent to the junction of Greenberfield Lane and Gisburn Road are in poor condition and have limited safe life expectancy, it is recommended that they are felled and replaced. An acceptable landscaping scheme is proposed for the replacement of the protected trees to be felled and landscaping throughout the site.

The plans also show root protection details for the trees to be retained on the south and east boundaries to ensure they are not harmed during development. This can be controlled by condition to ensure that the proposed measures are correctly installed and maintained throughout the construction.

Ecology

Concerns have been raised relating to impacts of ecology. The submitted ecology survey adequately demonstrates that the proposed development would not result in unacceptable impacts upon protected species and ecology subject to a condition requiring that its mitigation recommendations are adhered to.

Open Space

Policy LIV5 requires all proposals for residential units to provide on-site open space. The development provides an area of public open space in the north east corner of the site. This combined with the overall layout and acceptable landscaping is acceptable in accordance with policy LIV5. It is necessary to attach a condition to ensure adequate management and maintenance of the open space.

Other Matters

Airedale NHS Foundation Trust have requested a financial contribution towards the provision of unplanned healthcare interventions due a funding gap that exists for this in the first year after the completion of the new dwellings. Although this was not required of the previous development it has been demonstrated by the NHS Foundation Trust that the request is necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. The applicant has agreed to the contribution and a condition is recommended to require a Section 106 Agreement to provide the contribution is made.

Summary

The principle of acceptability of residential development of this land has been established by the existing outline permission. This proposed development is acceptable in terms of design, residential amenity, highways impacts, drainage and its impacts of trees and ecology and is recommended for approval.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in terms of design, amenity, highway safety and impact upon ecology. 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. 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: A3006/SP01 Rev E, A3006/SP02 Rev C, A3006/SP03, A3006/SP04, A3006/SP05, 01.

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

3. Prior to the commencement of above ground works involved in the erection of the external walls of the development samples of the external materials and finishes of the walls, roofs, windows, doors and paving shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development.

4. The window openings shall be set back from the external face of the wall. Unless otherwise approved in writing by the Local Planning Authority the depth of reveal shall be at least 70mm.

Reason: To ensure a satisfactory appearance to the development.

5. The landscaping scheme 'General Landscape Proposals', 'General Landscape Proposals Planting Plan' and 'General Landscape Specification' received 03/07/2019, or an alternative landscaping scheme submitted to and approved in writing by the Local Planning Authority, shall be implemented in its 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.

6. No ground clearance, changes of level or development or development-related work shall commence until protective fencing in full accordance with BS 5837:2012 'Trees in relation to

design, demolition and construction. Recommendations' has been erected around each tree/tree group or hedge to be retained on the site or on immediately adjoining land. 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 neither be raised nor lowered. Roots with a diameter of more than 25 millimetres shall not be severed. There shall be no construction work, development or development-related activity of any description, including service runs, the deposit of spoil or the storage of materials, within the fenced areas. The protective fencing shall thereafter be retained and 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 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 in writing by the Local Planning Authority prior to the commencement of works.

Reason: To ensure that trees to be retain within and adjacent to the site are protected during the course of the development works.

7. No development shall commence unless and until final details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include, as a minimum:
 - a) Information about the lifetime of the development, design storm period and intensity, temporary storage facilities, methods employed to delay and control surface water discharged from the site, measures taken to prevent flooding and pollution of the receiving watercourse and details of flood levels in AOD;
 - b) Evidence to confirm that the post development surface water run-off rate will not exceed 5l/s.
 - c) A site plan that shows all surface water catchment areas within the site (i.e. areas that will contribute to the proposed surface water drainage network)
 - d) A site plan that shows any overland flow routes and/or flood water exceedance routes, both on and off site;
 - e) A timetable for implementation, including phasing as applicable;
 - f) Details of water quality controls, where applicable; and
 - g) Details of how the surface water drainage system (including the receiving ordinary watercourse) will be managed and maintenance over the lifetime of the development.

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

Reason: To ensure that the proposed development can be adequately drained, that there is no flood risk on or off the site resulting from the proposed development, that water quality is not detrimentally impacted by the development proposal and to reduce the flood risk to the development as a result of inadequate maintenance.

8. No development shall commence unless and until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the local planning authority.

Reason: To ensure that the construction phase(s) of development does not pose an undue flood risk on site or elsewhere and that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies.

9. The development shall be carried out in strict accordance with the submitted Construction Method Statement 'Construction Plan' dated December 2018 or an alternative Construction Method Statement submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that adequate measures are in place to protect the environment during the construction phase.

10. Plots 5 and 16 shall not be occupied unless and until details of car parking and turning provision for those plots has been submitted to and approved in writing by the Local Planning Authority. The approved car parking provision for plots 5 and 16 and the parking provision for all other plots shown on the approved drawing No. A3006/SP01 Rev E shall be surfaced and made available for parking purposes prior to occupation of the dwelling it relates to. The spaces shall thereafter at all times be maintained free from obstruction and available for car parking purposes.

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

11. No other part of the development shall be commenced until all the highway works to facilitate construction traffic access have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority.

Reason: To enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

12. No dwelling hereby permitted shall be occupied unless and until a scheme for all highway works to facilitate access to the site from Greenberfield Lane, including visibility splays of 2.4m x 25m in both directions and the creation of new pedestrian footways to Greenberfield Lane and pedestrian crossing point on Gisburn Road, has been submitted to and approved in writing by the Local Planning Authority. The new access, visibility splays, footways and associated works shall be constructed in accordance with the approved details before any dwelling hereby approved is first occupied. Thereafter land within the visibility splays shall be permanently maintained free from obstructions within the splays in excess of 1 metre in height above the height at the centre line of the adjacent carriageway.

Reason: To ensure that the access can be achieved to a suitable standard to enable vehicles to enter and leave the premises in a safe manner without causing a hazard to other road users.

13. No dwelling hereby approved shall be occupied unless and until details of a maintenance plan for the future management and maintenance of the public open space and bus shelter as shown on approved drawing No. A3006/SP01 Rev E have been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the timescales and work required to be carried out on the site. The open space shall then be provided in its entirety prior to the occupation of any dwelling hereby approved and maintained in accordance with the agreed plan thereafter.

Reason: To ensure that the site is maintained in an appropriate manner.

14. No development shall take place unless and until a planning obligation/s pursuant to Section 106 of the Town and Country Planning Act 1990 (or any subsequent provision equivalent to that Section) relating to the land has been made and lodged with the Local Planning Authority and the Local Planning Authority has notified the person(s) submitting the said planning obligation/s in writing that it is to the Local Planning Authority's approval. The said planning obligation/s will provide a contribution for the provision of three healthcare interventions in accordance with the Impact Assessment Formula detailed in the response received 29/07/2019 from Airedale NHS Trust.

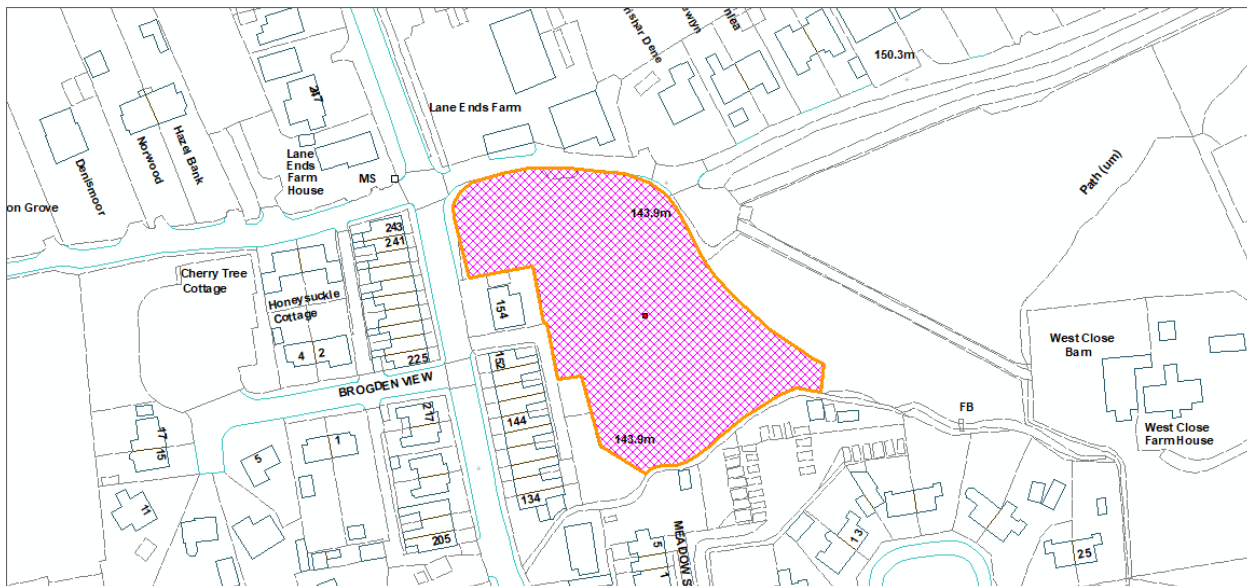
Reason: To offset impacts of the development on the provision of healthcare.

16. No development shall take place unless and until a planning obligation/s pursuant to Section 106 of the Town and Country Planning Act 1990 (or any subsequent provision equivalent to that Section) relating to the land has been made and lodged with the Local Planning Authority and the Local Planning Authority has notified the person(s) submitting the said planning obligation/s in writing that it is to the Local Planning Authority's approval. The said planning obligation/s will provide a contribution for the provision of healthcare interventions in accordance with the Impact Assessment Formula detailed in the response received 22/03/2019 from Airedale NHS Trust.

Reason: To offset impacts of the development on the provision of healthcare.

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

The applicant should obtain Land Drainage Consent from Lancashire County Council before starting any works on site. Information on the application process and relevant forms can be found at www.lancashire.gov.uk/flooding.



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On behalf of: MJF Pension Trustees Ltd