



REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND
REGULATORY SERVICES MANAGER

TO: COLNE & DISTRICT COMMITTEE

DATE: 09th January, 2020

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 applications.

REPORT TO COLNE AND DISTRICT COMMITTEE ON 09 JANUARY 2020

Application Ref: 19/0750/FUL
Proposal: Full: Erection of 5 dwellings (2 pairs of semi-detached and 1 detached)
At: Land To The South Of, Green Meadow, Trawden
On behalf of: Foster Building Contractors Ltd
Date Registered: 08/11/2019
Expiry Date: 03/01/2020
Case Officer: Alex Cameron

This application has been brought before Committee at the request of a Councillor.

Site Description and Proposal

The application site is a triangular 0.2 hectare field located to the south of a cul-de-sac of bungalows at Green Meadow in Trawden. The site is located within the settlement boundary of Trawden and within Trawden Forest Conservation Area. The site abuts the settlement boundary to the north, to the west is a detached house 'Long Green' and to the south and east is open land.

In 2013 planning permission was granted for six houses on part of this site, two of which have been built and therefore that permission is extant.

In 2016 a revised scheme for the rest of the site incorporating an additional strip of land to increase the overall number of dwellings to seven the west was approved at appeal. That permission expired earlier this year.

This application is essentially identical to the permission previously granted at appeal. The proposed houses would be in two pairs of semi-detached houses of and one detached house. The houses would be laid out in a cul-de-sac extending from the existing hammer head at the end of Green Meadow. The proposed houses would be constructed from coursed natural stone with natural blue slate roofing and timber fenestration.

Relevant Planning History

13/88/0332P - Erection of two dwellings. Approved.

13/88/1035P - Outline application for residential development. Refused and Appeal Dismissed.

13/97/0388P - Outline application for residential development. Refused and Appeal Dismissed.

13/13/0427P - Erection of 6 dwellings (3 pairs of semi detached houses). Approved.

13/15/0273P - Erection of 6 dwellings (3 pairs of semi-detached houses). Refused.

13/15/0361P - Full: Erection of 5 dwellings (2 Pairs of semi-detached and 1 detached). Appeal Allowed.

13/15/0420P - Full: Variation of Condition: Vary Condition 2 (Plans) of Planning Permission 13/13/0427P to amend the approved plans. Approved.

Consultee Response

LCC Highways – The amended site layout is satisfactory. The possible adoption of the internal estate road remains to be addressed. However, discussions are still ongoing between the applicant and the highway authority. Nevertheless the outcome of these should not delay a decision being made by the local planning authority.

Please attach the following conditions: construction management, management and maintenance of road and footways, estate road construction, use of garages

Cadent - Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

United Utilities – The proposals are acceptable subject to a condition to ensure that the development is carried out in accordance with the submitted drainage strategy. A water main crosses the site. As we need unrestricted access for operating and maintaining it, we will not permit development over or in close proximity to the main.

Trawden Forest Parish Council – The plans state that the proposed properties are 2 storey, when they are actually 3 storey properties. The sit on the top of the land and look very out of place especially next to the bungalows. The vista from across the valley, Burnley Road, the Church is spoiled by this development.

The gutters and downpipes should be metal and not plastic as we are in a conservation area.

If this development is passed and built, building control should ensure they are built to the plans passed, ie in the right place, from the right materials.

Plot 8 shows walls on the plans where the owner of that property would access the garage.

They should be dug into the site so that they are certainly no higher than the ones that have already been built.

There is massing in the corner plots (7-10). They will struggle to park on an already busy site (even though there are currently only 2 additional properties)

The sizes of the garages should be the sizes as recommended in the neighbourhood plan so that they can actually be used for parking vehicles.

All windows and doors should be wooden

Public Response

A press and site notice have been posted and nearest neighbours notified – No response.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy (LPP1)

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) states that the historic environment and heritage assets of the borough (including Listed Buildings, Conservation Areas, Scheduled Monuments, non-designated assets and archaeological remains), including and their settings, will be conserved and where appropriate should be enhanced.

ENV2 (Achieving Quality in Design and Conservation) 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 LIV4 (Affordable Housing) requires that development of over five houses in Rural Pendle provide 20% affordable housing.

Replacement Pendle Local Plan (RPLP)

Policy 31 (Parking) requires a maximum parking provision of three spaces for a 4 or more bedroom dwelling.

Trawden Forest Neighbourhood Plan (TFNP)

Policy 1 states that development proposals within the Settlement Boundaries of Trawden and Cotton Tree will be supported provided that they are appropriate in scale, massing, and character.

Policy 3 states that within settlement boundaries proposals for residential development which comprise nine or fewer net additional dwellings will be supported, provided their design accords with the following principles. They should:

- i) Reflect local distinctiveness and be readily assimilated particularly in terms of: the extent and amount of development; scale; layout; open spaces; appearance; and material;
- ii) Respect and enhance the historic environment of the parish and its heritage and natural assets;
- iii) Ensure that locally important views and vistas are maintained or enhanced;
- iv) Retain and enhance open spaces, walls, hedgerows and trees which are important to the local character;
- v) Not lead to increases in flood risk or drainage problems;
- vi) Take account of information and design guidance included in the Pendle Core Strategy (Policy LIV5) and where appropriate the Character Appraisal for the Trawden Forest Conservation Area and Policy 7 in this plan;
- vii) Incorporate features to improve environmental performance and/or reduce carbon emissions, unless it is demonstrated to be not practicable and viable;
- viii) Produce a cohesive and high quality design in which detailing such as car parking, boundary treatments, bin stores, meter boxes, and lighting are all provided for in a harmonious and inclusive design;
- ix) Not result in the loss of any community building or heritage asset unless it can be demonstrated that it is no longer viable, adhering to the approach given in policy ENV1 of the Pendle Local Plan;
- x) Be compatible with and do not prejudice any intended use of adjacent sites and land uses.
- xi) Provide 20% of the site as affordable homes (for sites of 5 or more dwellings).

Policy 4 states that developers will be required to provide appropriate car parking for new residential developments. As a minimum developers must comply with the parking standards set out in the adopted Pendle Local Plan, but they are also encouraged to reflect the parking guidelines set out in Appendix 4 of this neighbourhood plan, to help reduce the future potential for on-street parking and congestion.

New developments should incorporate appropriate facilities for charging plug-in electric and hybrid vehicles.

National Planning Policy Framework (The Framework)

Paragraph 11 of the Framework states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (including where a local planning authority cannot demonstrate a five year supply of deliverable housing sites), granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (including policies relating to designated heritage assets); or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The Council's most recent monitoring figures have established a housing supply figure of 4.6 years. This is below the 5 year threshold and therefore the tilted balance of the presumption in favour of sustainable development applies. Impacts upon designated heritage assets are excluded from the tilted balance and therefore a normal planning balance applies to the consideration of public benefits vs. harm to the significance of the Conservation Area.

Paragraph 127 states that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

Paragraph 170 states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 196 states that 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.

Principle of the development

The principle of residential development of this site has been established by the previous extant permission and allowed appeal, since those decisions the land has been included within the settlement boundary of Trawden. This is a sustainable location for the proposed development in accordance with the Framework, LPP1 and the Neighbourhood Plan.

Affordable Housing

Policy LIV4 of the LPP1 and Policy 3 of the TFNP require that affordable housing is provided at a level of 20% for development of 5 or more dwellings. However, this site has an extant permission for six dwellings, without any affordable housing requirement, and this development would result in an increase of just one dwelling over that extant permission. Taking into account the specific

circumstances of this application, it is not necessary to impose a requirement for the provision of an affordable dwelling.

Design and Heritage Impact

The adjacent residential area is largely characterised by traditional terraced houses of simple vernacular design in a layout following the roads and lanes, with larger cottages and farm houses of varying design organically dotted around the land to the west of the site. There are also some unsympathetic modern buildings, built before the designation of the area, such as the cul-de-sac of bungalows at Green Meadow.

The proposed houses are of simple design, with only very minor differences from the previously approved houses, which do not impact upon the acceptability of the design. The proposed design would be sympathetic to the character of the area and the proposed materials are appropriate to their Conservation Area setting.

Concerns have been raised in relation to the use of uPVC gutters and pipes, this is as was approved previously at appeal. The use of uPVC gutters and pipes is predominant on modern properties in the immediate vicinity and taking these factors into account the proposed use of UPVC is acceptable.

The proposed development is therefore acceptable in terms of visual amenity and would preserve the significance of the Conservation Area in accordance with policies LIV1, LIV2 and LIV5 of the LPP1 and policies 1 and 3 of the TFNP.

Residential Amenity

Upper floor bedroom windows in the rear elevations of the pair of houses proposed on the west of the site would face the boundary of Long Green separated by approximately 4.5m. Long Green does have a hedge adjacent to the boundary, however, the proposed windows would have views over the hedge into the garden of that property. Taking into account that long green sits within a large plot and the relationship would be with a far end of its garden, this would not result in an unacceptable loss of privacy to that property.

The windows of the proposed detached house would face the side boundary of 3 Green Meadow separated by 3m. The side wall of No. 3 Green Meadow does not contain any habitable room windows. Taking this into account, the proposed detached house would not unacceptably impact upon the privacy of No. 3 Green Meadow.

It should be noted that these relationships were assessed in the previous appeal on this site and found to be acceptable.

The proposed development raises no unacceptable residential amenity impacts in accordance in accordance with Policies ENV2 and LIV5.

Highways

The amended layout plans proposed an acceptable highway layout. Concerns have been raised regarding the size of the proposed garage in relation to the requirements of the TFNP. However, three off-street car parking spaces could be accommodated within each plot without the use of the garage.

The proposed development is acceptable in terms of highway safety in accordance with policies 31 and ENV4.

Drainage

The previous permission expired before it could be commenced in part due to issues in discharging the details of the surface water drainage scheme, which was proposed to drain to the combined sewer.

A drainage strategy has been submitted with this application, this proposed to drain surface water at an attenuated rate of 5 l/s to an adjacent culverted watercourse. This would provide acceptable surface water drainage. The development would not result in an unacceptable increase in the risk of off-site flooding in accordance with policy ENV7.

Summary

The principle of a housing development on this site has been established by the extant and previous planning permissions, that principle has been strengthened by the inclusion of the site within the settlement boundary in the TFNP. The design of the proposed development is not materially different to that previously approved, acceptable drainage has been proposed and the addition of one dwelling over the extant permission would not result in any unacceptable impacts or implications. The application is therefore 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 in accordance with the policies of the Pendle Local Plan Part 1: Core Strategy, Trawden Forest Neighbourhood Plan and the saved policies of the Replacement Pendle Local Plan. 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: 01, 03A, 04, 05, 06, 07, 08, 09, 10, 2019-066-001B, 2019-066-002A, 2019-066-003A, 2019-066-004A.

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

- 3 No above ground development involved in the erection of the external walls shall commence unless and until samples of the external materials to be used in the walls and roof of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.

Reason: To ensure a satisfactory form of development to preserve the character and appearance of the Conservation Area.

- 4 All window frames, door frames and doors in the dwellings hereby permitted shall be of timber construction and shall be painted in a colour to be first submitted to and agreed in writing by the Local Planning Authority. All window frames, door frames and doors in the dwellings hereby permitted shall thereafter be retained and maintained as such for the lifetime of the development hereby permitted.

Reason: To preserve the character and appearance of the Conservation Area.

- 5 All window openings in the dwellings hereby permitted shall be set back from the external face of the wall by at least 100mm and retained as such for the lifetime of the development hereby permitted.

Reason: To preserve the character and appearance of the Conservation Area.

- 6 No above ground work involved in the erection of the external walls shall commence unless and a detailed landscaping scheme shall have been submitted to and approved in writing by the Local Planning Authority. The scheme 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 of all planted and/or turfed areas.

The approved scheme shall be implemented in its entirety within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

Reason: To ensure that the development is adequately landscaped so as to integrate with its surroundings.

- 7 The dwellings hereby approved shall not be occupied unless and until the foul and surface water drainage for each dwelling, has been fully installed in accordance with the approved plans and principles set out in the submitted Drainage Impact Assessment & Sustainable Drainage Strategy document (report no. 2019-066, Revision /, Dated 11/09/2019), or an alternative foul and surface water drainage scheme to be submitted to and approved in writing by the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, no surface water will be permitted to drain directly or indirectly into the public sewer. The drainage shall thereafter be maintained in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding

- 8 For the full construction period of the development hereby permitted, facilities shall be available on site at all times for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during

the full construction period.

Reason: In the interest of highway safety.

- 9 The development hereby permitted shall be carried out in accordance with the measures set out in the submitted Traffic Management Plan by Andrew Hawthorne Architects.

Reason: In the interest of highway safety and residential amenity.

- 10 The new estate road/access between the site and Green Meadow shall be constructed in accordance with Lancashire County Council's Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.
Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

- 11 Prior to the occupation of each dwelling off-street car parking provision for a minimum of three cars within the curtilage of that dwelling shall be laid out and surfaced in a bound permeable material and thereafter maintained at all times free from obstruction and available for car parking purposes.

Reason: To ensure an adequate level of off-street car parking.

- 12 No dwelling hereby approved shall be occupied unless and until details of the proposed arrangements for future management and maintenance of the proposed road and footways within the development have been submitted to and approved by the Local Planning Authority. The road and footways shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and maintenance company has been established.

Reason: To ensure that the estate road and footways serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential/highway safety.

- 13 Prior to the occupation of each dwelling hereby approved an electric vehicle charging point shall be provided for that dwelling.

Reason: To ensure that adequate provision is made to enable the use of more sustainable modes of transport.

Notes:

The granting of planning permission does not give approval to a connection being made to Lancashire County Council's highway drainage system.

Planning approval relates only to the powers under the Town and Country Planning Act, including the recommendations of the Lead Local Flood Authority. It does not provide any consent or approval under other acts, enactment, bylaw, order or regulation, including Land Drainage Consent, to discharge water into a water course. The applicant should be advised to contact Lancashire County Council's Flood Risk Management section by email on suds@lancashire.gov.uk , quoting the planning application number, to discuss their proposal before any development works begin.

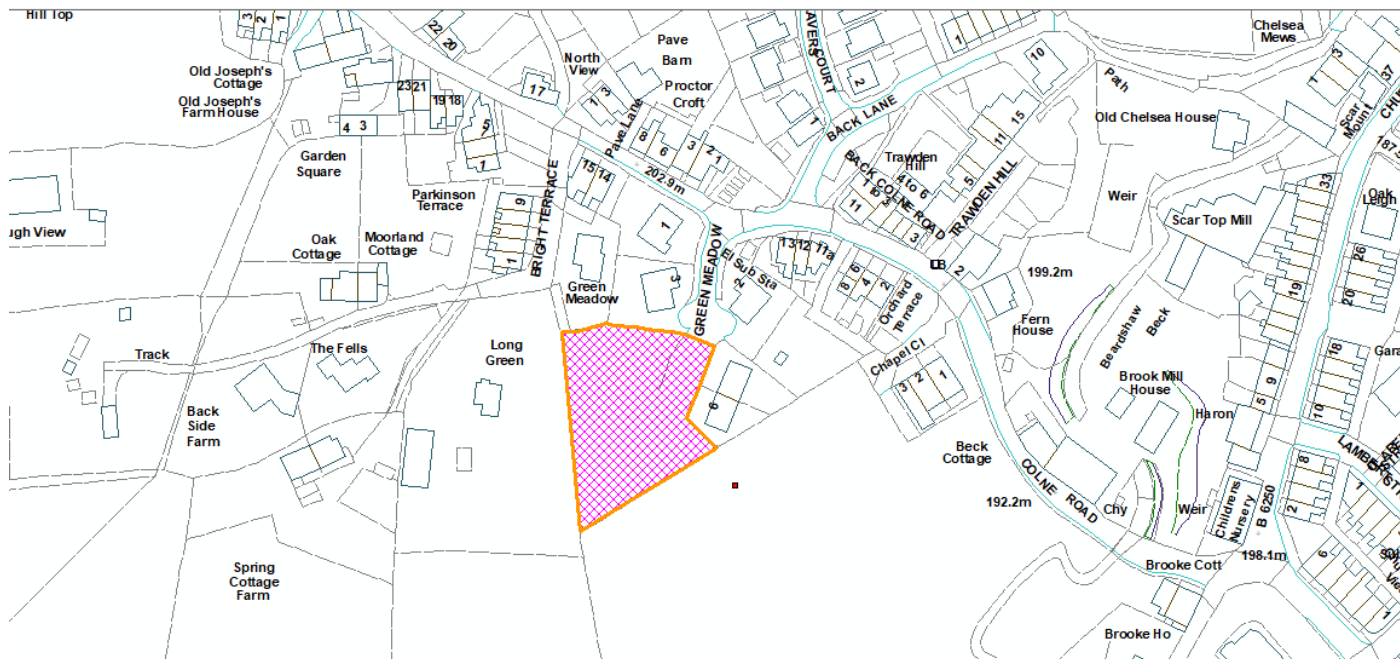
Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection plantprotection@cadentgas.com before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

United Utilities - A water main crosses the site. As we need unrestricted access for operating and maintaining it, we will not permit development over or in close proximity to the main. We require an access strip as detailed in our 'Standard Conditions for Works Adjacent to Pipelines'.

For advice regarding protection of United Utilities assets, the applicant should contact the teams as follows:

Water assets – DeveloperServicesWater@uuplc.co.uk

Wastewater assets – WastewaterDeveloperServices@uuplc.co.



Application Ref: 19/0750/FUL

Proposal: Full: Erection of 5 dwellings (2 pairs of semi-detached and 1 detached)
At: Land To The South Of, Green Meadow, Trawden

On behalf of: Foster Building Contractors Ltd

Date Registered: 08/11/2019

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/CPB

Date: 17th December 2020