

REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND
REGULATORY SERVICES MANAGER

TO: POLICY AND RESOURCES COMMITTEE

DATE: 25th JUNE, 2020

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PLANNING APPLICATION

PURPOSE OF REPORT

To determine the attached planning application.

REPORT TO POLICY AND RESOURCES COMMITTEE 25TH JUNE 2020

Application Ref: 20/0119/PIP

Proposal: Permission in Principle: Erection of up to four dwellings.

At: Land to the East of Osbourne Terrace, Osbourne Terrace, Newchurch in Pendle.

On behalf of: Mr Steve Fisher

Date Registered: 25.02.2020

Expiry Date: 12.06.2020

Case Officer: Charlotte Pinch

Site Description and Proposal

The application was considered by Barrowford and Western Parishes Area Committee. The resolution was to refuse the application on the grounds of the proposed development having a detrimental impact on the Forest of Bowland AONB and therefore contrary to Policy ENV1. A decision on that basis would be contrary to Policy and therefore the application has been referred to this Committee for consideration.

The application site is a piece of undeveloped agricultural land, directly adjacent to Osborne Terrace to the west and a sewage works to the north. The site is located outside the settlement boundary, within Open Countryside. It is also on land designated as Forest of Bowland Area of Outstanding Natural Beauty (AONB) and Newchurch and Spenbrook Conservation Area.

The proposal is for the erection of up to four dwellings. The principle of residential development in this location is the only aspect to be considered as part of this application.

Relevant Planning History

None relevant.

Consultee Response

LCC Highways

The existing road along the development frontage is a single vehicle width, privately maintained, partly unmade with no formal road drainage or street lighting. Measures to improve the road along the development frontage will be necessary to provide a widened, paved, drained and lit access to serve the development traffic.

It is essential that the existing road fronting the development site is within the red edge and that the third party landowner of the road fronting the development site gives authority for the applicant to improve the section of road.

If the road cannot be improved then there would be an objection in principle to the proposal.

Should this matter be resolved satisfactorily then there is no objection.

The junction of Osborne Terrace and Spenbrook Road is sufficient to accommodate the additional traffic.

Osborne Terrace is an unclassified road with a 30mph speed limit. The first 100m length from its junction with Spenbrook Road is adopted highway and then it becomes public footpath 20 as it continues to the east.

The formation of a site access with adequate visibility splays on the development frontage is achievable.

There are a number of matters that will need addressing at technical details stage which include:-

1. Improve the existing road along the development frontage by widening, paving, draining and lighting.
2. Provide a paved, drained site access with visibility splays of 2.4m by 43m in both directions.
3. Provide adequate access for refuse collection and emergency vehicles in accordance with the Manual for Streets.
4. Seek consent from Lancashire County Council Flood Risk Team for works in proximity to the watercourse including any culverting or diversion of the route.
5. Protect the route of footpath 33 which runs through the site along the western side.
6. Provide off-street car parking for each dwelling in accordance with the Pendle Borough Council parking standards, 2 spaces for 2-3 bedroom dwelling and 3 spaces for 4+ bedrooms. Provide secure covered cycle parking for at least 2 cycles and an electric vehicle charging point at each dwelling.

PBC Countryside Access Officer

Public footpath 33 runs through the site and therefore any development proposals should avoid any interference with this line.

If Planning in Principle is granted then an advisory note should be included to advise of the presence of the public footpath.

Suggested note

The developer should take note of all the public footpaths running through the site and take utmost care to ensure that these are kept undisturbed and free of obstruction during the course of the development. Any breach of the legislation which protects public rights of way can result in legal action, fines and default action carried out and re-charged to the landowner. Any proposals for the temporary diversion or closure of a footpath should be made to Lancashire County Council's public rights of way team. An enquiry about permanently diverting or closing the footpath may be made to Pendle Council.

Lancashire Fire and Rescue

No objection.

United Utilities

Drainage

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the applicant to consider the following drainage options in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

We recommend the applicant implements the scheme in accordance with the surface water drainage hierarchy outlined above.

Should the applicant receive Planning in Principle permission for this proposal, United Utilities will review the drainage element of any application for Technical Detail Consent in line with the surface water hierarchy. Our consideration of the drainage proposals in line with the drainage hierarchy will be reflected in our response to the Local Planning Authority which is likely to include a suggested condition relating to drainage. Should the applicant propose to connect surface water to the public sewer, we will request evidence to show that the previous options detailed in the hierarchy have been fully investigated and discounted.

Water supply

If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the water network is required to meet the demand, this could be a significant project which should be accounted for in the project timeline for design and construction.

Please note, all internal pipework must comply with current Water Supply (water fittings) Regulations 1999.

United Utilities' property, assets and infrastructure

The applicant should consider the proximity of the site to the nearby wastewater treatment works with the appropriate offsets to the proposed development.

According to our records there are no legal easements affected by the proposed development.

Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction.

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.uk

It is the applicant's responsibility to investigate the possibility of any United Utilities' assets potentially impacted by their proposals and to demonstrate the exact relationship between any United Utilities' assets and the proposed development.

Goldshaw Booth Parish Council

Object to the proposed development on the following grounds:

1. The site is within an Area of Outstanding Natural Beauty. The National Planning Policy Framework (February 2019) states "Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues". This proposal does not conserve or enhance landscape and scenic beauty.
2. Pendle Borough Councils Core Strategy 2011-2030, also states that "In determining proposals which affect the Forest of Bowland Area of Outstanding Natural Beauty (AONB) great weight will be given to conserving its landscape and scenic beauty. In addition, proposals will be considered on a needs basis, should be in scale with, and have respect for their surroundings and be in line with the AONB Management Plan objectives. Proposals in the AONB should have regard to the Forest of Bowland AONB SPG, or its replacement". It is the opinion of the Parish Council that there is not a "needs basis" given that a 29 new homes development is currently under construction in Spenbrook.
3. The area is adjacent to a stream which increasingly floods on a regular basis. The response from Lancashire County Council makes reference to seeking consent from LCC Flood Risk team for works in proximity to the watercourse.
4. The field is within open countryside and apart from cattle, horses and sheep grazing, there are a number of birds, deer and wildlife that would be disturbed.
5. There are concerns over access to the development and vehicular access is via narrow country lanes. The consultee response from Lancashire County Council makes reference to matters that will need to be addressed which include improvements to the road by widening, paving, draining and lighting.
6. There are several other points that the Highways and Transport letter raise, relating to visibility splays, access for emergency vehicles and off street parking, all of which are also concerns for the Parish Council.
7. There is a clapper bridge in the area, covered by grass which, it is believed is of historical significance.

Public Response

Twelve letters of objection were received from neighbouring occupiers, however two of the letters were from the same property, therefore the total number of valid objections is ten. Their comments can be summarised as follows:

- Harm to views from existing properties.
- Reduction in the value of surrounding properties.
- Increased noise and traffic in the area.
- Overdevelopment of the area and sufficient new development being built in the area at the minute.
- Proposed development is on a green-field site within the AONB.
- Access to Spen Brook is via steep, twisting lanes, which cannot accommodate additional traffic.
- The plot of land has not been previously developed.
- The site supports a range of wildlife, which would be disturbed.
- The proposed access cannot meet the width requirements as set out by LCC Highways.
- This could set a precedent for larger housing developments in the future.
- Existing issues with drainage and flooding in the area.
- Already a lack of facilities in the area, further housing will exacerbate this.
- The site is within the open countryside and Newchurch and Spenbrook Conservation Area.
- The access track is not owned by the applicant, but privately by residents.
- There is a footpath running through the proposed site.

Officer Comments

This is an application for a Permission in Principle (“PiP”). This is a form of planning application that has been specifically allowed to come forward as an alternative to normal planning applications.

The scope of permission in principle is limited to location, land use and the amount of development. A decision must be made in accordance with relevant policies in the development plan but based around the three factors. There is no other specific guidance about the way a PiP should be considered other than considering it based on existing prevailing planning policies.

A site that benefits from a PiP would then be subject of a further application for approval of technical details. It is regrettable that there has been no adequate guidance on what this would entail but in basic terms a Council can require any necessary details to be considered at the technical stage. The principle could not however be revisited at that stage.

Policy

Local Plan Part 1: Core Strategy

Policy SDP1 (Presumption in Favour of Sustainable Development) sets out the presumption in favour of sustainable development which runs through the plan.

Policy SDP2 (Spatial Development Principles) states that new development within settlement boundaries will be acceptable, unless it is an exception outlined in the Framework or elsewhere in the LPP1.

Policy LIV1 (Housing Provision and Delivery) sets out the housing requirement for Pendle, on allocated sites within settlements.

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.

Policy ENV2 (Achieving Quality in Design and Conservation) All new development should viably seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving our heritage assets.

Replacement Pendle Local Plan

Saved Policy 31 of the Replacement Pendle Local Plan sets out the maximum parking standards for development.

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.

Forest of Bowland AONB Supplementary Planning Guidance 2003

Conservation Area Design and Development Guidance Supplementary Planning Document 2008

Supplementary Planning Guidance: Development in the Open Countryside 2002.

Principle of Development

The application site is located within the Open Countryside, although it is directly adjacent to the settlement boundary. Paragraph 78 of the Framework deals with rural housing, it states that "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services." Policy LIV1 deals with housing provision and delivery. It states that until such time that the Council adopts the Pendle Local Plan Part 2, sustainable sites outside but close to a settlement boundary, which make a positive contribution to the five-year supply of housing land will be supported.

The proposed development is sited directly adjacent to the settlement boundary, which runs along the western boundary of the site. It is in line with the existing row of dwellings at Osborne Terrace and would not protrude beyond the front or rear boundaries of these properties. The sites proximity to the existing settlement and residential dwellings would constitute a sustainable location, which would make a positive contribution of up to four dwellings to the housing land supply. Whilst it has not been

adopted yet, the Pendle Local Plan: Part 2 has identified this site as an option for future housing development.

The application site is located within the Forest of Bowland AONB. Paragraph 172 of The Framework, states that “great weight should be given to conserving and enhancing the landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.” The AONB SPG advises that the AONB is not suitable for major housing developments, however policy must allow for housing to meet the needs of local people. The SPG also states that all proposals for new housing must meet a valid local need and must be accompanied by a Housing Needs Statement demonstrating the development would meet such a need. This guidance was adopted in 2003, when development outside of settlement boundaries was not acceptable. This requirement for a housing needs statement is not compliant with the NPPF and therefore is not necessary when assessing this proposal.

The proposed development site is located within a valley, so as not to be prominent in the landscape. It is sited directly adjacent to existing residential development to the west, a sewage works to the north and a farm complex to the east. The site is well screened and only noticeable when in close proximity, approaching from Osborne Terrace. This application is not a major scheme as defined in planning legislation. Although design, scale or layout of the proposed dwellings cannot be considered as part of this application, up to four dwellings in this location would not prevent panoramic views or a sense of openness in this area, nor would it result in a dominant form of development that would cause significant harm to the AONB.

There have been no technical reasons identified as to why Spenbrook and Newchurch-In-Pendle could not sustain up to four new additional dwellings.

In this instance the proposed site would be in a sustainable location and the principle of housing acceptable, which accords with Policy LIV1 and the NPPF.

Other Matters

Comments have been received regarding noise and traffic, visual impacts, flooding and drainage issues and land ownership. This Permission in Principle application can only consider the principle of development, including location, land use and the amount of development. Therefore, factors outside of this cannot be considered as part of this application and must be dealt with at the technical details consent stage.

Reason for Decision

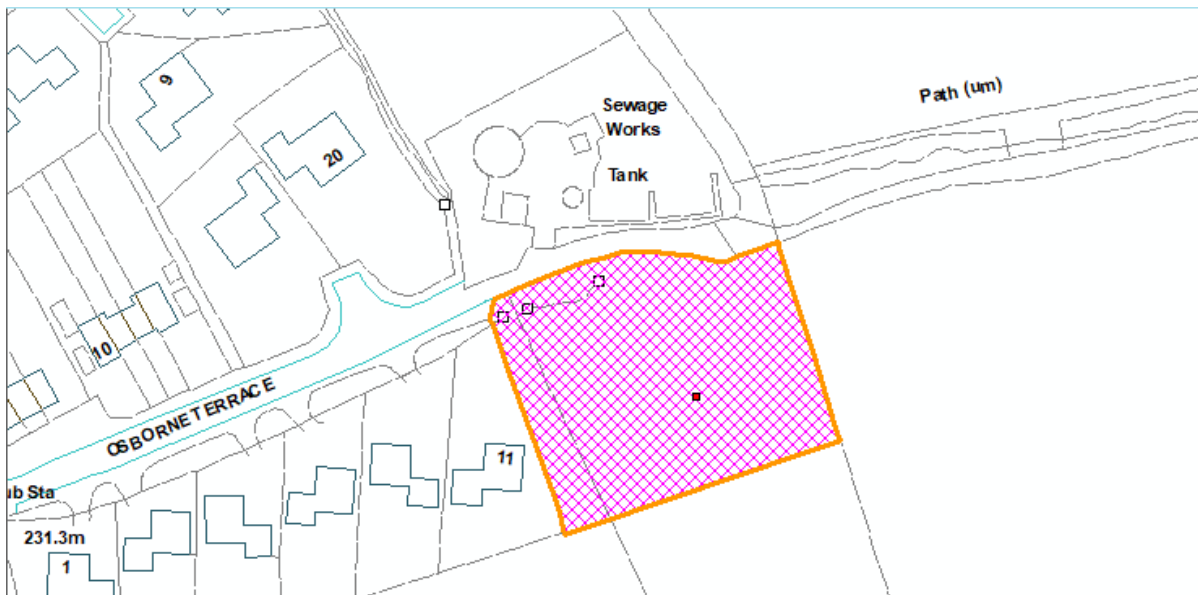
Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in principle. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

INFORMATIVE

As part of a technical details application the following information should be provided:

- Plans, including location plan, site plan, elevation and floor plans.
- Planning Statement.
- Heritage Statement.
- Contamination Survey
- Foul and Surface Water Drainage Scheme.
- Ecology Survey.
- Landscaping Scheme.



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