



<b>REPORT FROM:</b>	<b>PLANNING, ECONOMIC DEVELOPMENT AND REGULATORY SERVICES MANAGER</b>
<b>TO:</b>	<b>POLICY AND RESOURCES COMMITTEE</b>
<b>DATE:</b>	<b>25<sup>th</sup> JUNE, 2020</b>

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## **PLANNING APPLICATION**

### **PURPOSE OF REPORT**

To determine the attached planning application.

## REPORT TO POLICY AND RESOURCES COMMITTEE 25<sup>th</sup> JUNE 2020

**Application Ref:** 20/0243/FUL

**Proposal:** Full: Construction of two three bedroom detached dwellings and one pair of semi-detached dwellings (Re-Submission).

**At:** Garage Site, Back Gisburn Road, Blacko

**On Behalf of:** Mr Mark Sugden

**Date Registered:** 09 April, 2020

**Expiry Date:** 04 June, 2020

**Case Officer:** Christian Barton

This application has been referred from Barrowford & Western Parish Committee as Members were minded to Refuse this on the following grounds:

- Overdevelopment, too big and too dominant.

Approval has already been given for 3 dwellings on a much smaller part of the site and the scheme fully accord with the Design SPD in terms of potential impacts.

This would have been likely to result in costs on any subsequent Appeal.

### **Site Description and Proposal**

The application site is an area of undeveloped land located immediately adjacent to the settlement of Blacko. The site formerly housed a number of glasshouses and outbuildings with a row of derelict garages found in the eastern part. It is surrounded by terraced dwellings and a Public House to the west, fields to the south and a row of garages and allotments to the north. A detached dwelling is found to the southeast with a barn with an extant Class Q conversion permission to the northeast.

The application involves the erection of 4 dwellings of two different types. A pair of semi-detached dwellings are proposed with two larger detached properties on the sites western half. The smaller dwellings would have a cottage style appearance with a more modern design proposed for the detached properties. They would have natural stone elevations, blue slate roofs and grey uPVC doors and windows. Each dwelling would have its own dedicated garden and parking areas with access gained directly off Gisburn Road. This proposal is a resubmission of a previous scheme with changes applied to the dwellings design and layout.

### **Relevant Planning History**

13/15/0578P – Full: Demolition of garage block and erection of three dwellinghouses in one row with parking and cycle stores – Approved with Conditions – March 2016.

19/0912/FUL – Full: Erection of No. 4 three bedroom detached dwellings – Refused – February 2020.

## **Consultee Response**

LCC Highways – There is no objection to the amended proposal shown on Site layout 2018/14/2F - Rev F – dated 20.03.2020. The visibility splays at the site access and driveways are shown on the layout and should be kept clear of any obstructions above 1m high.

The garages at plots 1 & 2 will count as a secure cycle store, plots 3 & 4 (cottages) will require secure, covered cycle stores. In addition an external electric vehicle charging point should be provided at each dwelling. A surface water drainage scheme should be submitted to ensure that no water from the development site is deposited onto the public highway Gisburn Road.

PBC Environmental Health – Conditions should be added to any approval regarding a Construction Method Statement, a Contamination Method Statement, controlling the hours of construction materials deliveries, noise, vibrations and dust from the construction phase and burning onsite.

PBC Rights of Way – The additional housing will increase the volume of private residential traffic using 13-9 FP92 but this would continue to be at relatively low levels and would not cause any significant inconvenience to pedestrians. The effects of the development on the footpath are likely to be of more concern during the development because of the impact of construction vehicles and other plant and machinery using the footpath. As a result of this likely impact we would request that a note is added to any planning permission to draw the developer's attention to the presence of the right of way.

Public footpath 13-9 FP41 is an unmade public footpath. The plans submitted show that a post and wire fence would be installed on the western edge of the footpath leaving a width 2.0m for the footpath. The corner of the nearest proposed building would be just over 2.5 metres from the fence line and footpath, but there is no indication of the extent to which any excavations will be required so that the house sits level in the land. Therefore, the developer will need to take great care not to encroach onto the site of the footpath during construction, and will need to ensure that there is no lasting impact on the footpath by the way in which site is levelled and landscaped. Again, a note added to the planning permission would be very helpful.

United Utilities – 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. A condition should be attached to any approval to ensure the development is drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way achievable.

Blacko Parish Council – Blacko Parish Council support the principle of the re-development of the derelict garage colony which is brownfield land, but do not support the current application which is not sympathetic with the existing modest cottage properties. We object on the basis of the poor design of the proposal, which fails to take any opportunities for improving the character, quality of the area and the way it functions; thus posit that the development should be refused as per paragraph 130 of the National Planning Policy Framework.

National Grid (Cadent) – Informative notes regarding gas infrastructure should be included on any decision notices approving this application.

## **Public Response**

A site notice has been posted and public comments have been received objecting on the following grounds;

- Vehicle access to the site is not suitable for the proposed development;
- The site currently generates no traffic;
- The proposed design is not appropriate for the adjacent cottages.

### **Officer Comments**

The main considerations for this application are the principle of the development, design, residential amenity, highways, drainage and environmental impacts.

#### **1. The relevant Pendle Borough Council Local Plan Part 1: Core Strategy (2011 – 2030) policies are:**

- CS Policy SDP2 (Spatial Development Principles) states that proposals to develop outside of a defined settlement boundary (i.e. within the open countryside) will only be permitted for those exceptions identified in the Framework, or policies in a document that is part of the development plan for Pendle;
- CS Policy ENV1 (Protecting and Enhancing our Natural and Historic Environments) seeks to ensure a 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;
- CS 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 the wider locality;
- CS Policy ENV4 (Promoting Sustainable Travel) requires new development to have regard to potential impacts that may be caused on the highway network. Where residual cumulative impacts cannot be mitigated, permission should be refused;
- CS Policy ENV5 (Pollution and Unstable Land) states that new development is required to address the risks arising from contaminated land or unstable land, including that arising from mining legacy, through remediation work that makes the site suitable for the proposed end use;
- CS Policy LIV1 (Housing Provision and Delivery) sets out the Councils requirement to deliver new housing at a rate of 298 dwellings per annum. Proposals for housing outside of but close to the settlement boundary are supported in sustainable locations;
- CS Policy LIV5 (Design Better Places to Live) states that the layout and design of new housing should reflect the site surroundings, and provide a quality environment for its residents, whilst protecting the amenity of neighbouring properties. Provision for open space and/or green infrastructure should be made in all new housing developments.

#### **Other policies and guidance's are also relevant:**

- Saved Policy 31 of the Replacement Local Plan (Parking) sets out appropriate parking standards for new housing developments;
- The adopted Design Principles Supplementary Planning Document (SPD) sets out the aspects required for good design in relation to residential amenity;

- The Development in the Open Countryside Supplementary Planning Guidance (SPG) provides guidance on the appropriate positions of new buildings alongside the materials which would be acceptable for rural buildings.

### 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:

a) Approving development proposals that accord with an up-to-date development plan without delay;  
or

b) 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.

There is a presumption in favour of sustainable development as set out in Paragraph 11. Applications that conform to the development plan should be approved. Where policies are out-of-date development should be approved unless the policies in the Framework provide a clear reason for refusing (the policies which apply are set out in footnote 6) or any adverse impacts of approving would significantly and demonstrably outweigh the benefits. This is commonly referred to as 'the tilted balance'.

In broad terms a five year supply of housing is calculated by assessing how many units are required per annum, adding or subtracting houses delivered or under delivery, adding in the appropriate buffer for under delivery and then assessing how many houses can be brought forward within 5 years on sites. Pendle currently has a 4.6 years supply of housing land and the tilted balance is therefore applicable to housing schemes.

## **2. Principle of Housing**

The application site is located directly adjacent to the settlement boundary. Residential properties are positioned to two sides and services, facilities and regular public transport links are all within walking distance. The development would be within a sustainable location for housing and is acceptable in principle thereby according with Policies SDP2 and LIV1.

## **3. Design and Visual Amenity**

This proposal would constitute as back land development with the site being located on the transitional cusp between urban form and open land beyond to the east. When viewed from public vantage points to the south and east the proposed dwellings would be predominantly taken in the context of the terraced cottages along Gisburn Road though a large detached house and agricultural building with an extant permission for a residential conversion also contribute to the setting of the immediate location. The proposed dwellings would be contained within that existing cluster of buildings.

The overall configuration and position of the site means that the dwellings would not contribute to or impact on the wider street scene in general. Therefore, the main design considerations should be how the proposal sits within its immediate surroundings and potentially affects the character of the wider area. Concerns have been raised about layout of the development along with how it would integrate with the urban grain of the village. Amended plans have been submitted showing a cul-de-sac with a staggered and organic housing layout. It is acknowledged that the majority of the dwellings in Blacko stagger main roads though a number of cul-de-sacs with more modern dwellings branch off those highways and this proposal would align with those existing developments. Moreover, the relief of the land which slopes upwards to the east towards the open countryside, alongside interspersed vegetation, would provide natural screening from far reaching views.

Concerns have been raised regarding the dwellings design in relation to the adjacent cottages. This amended proposal involves two dwelling types, two of which would mimic the appearance of traditional cottages. The two detached dwellings would in no way resemble traditional terraced properties yet in this location there is no direct policy requirement for them to do so. With this revised scheme each dwelling would be afforded a more proportionate plot size in relation to the host dwellings scale and appropriate materials are proposed throughout. When those factors are considered, and with suitable conditions in place to control the quality and finish of construction materials and landscaping, the proposed development would be acceptable in visual design terms in accordance with Policies ENV2 and LIV5 and the guidance of the Open Countryside SPG.

#### **4. Residential Amenity**

The proposed dwellings would be built on land slightly higher than the adjacent cottages yet each dwelling would be built a sufficient distance away to ensure no overbearing impacts are caused for their occupants. The schemes layout would also ensure the proposed dwellings do not appear overbearing to the remaining adjacent occupants.

In relation to privacy, the staggered layout of the proposed dwellings would ensure each plot has a sufficient level of privacy and no proposed main habitable room windows directly overlook any adjacent dwellings within 21m. Subject to all glazed doors and windows in the west elevations being obscurely glazed, the proposal would be acceptable in relation to domestic privacy.

A further condition is recommended to ensure fencing is erected on the west boundary to reduce the effects of headlight glare and subject to that condition the proposed development would be acceptable in relation to residential amenity in compliance with Policies ENV2 and the guidance of the Design Principles SPD.

#### **5. Highways, Parking and Footpaths**

A number of concerns have been raised on highways grounds regarding parking provision, the constrained nature of the site access and the impacts the development would have on the highway network. It is acknowledged that the site access is constrained and there is a high demand for on-street parking along Gisburn Road.

However, with this site there is a clear fall-back position to consider regarding its previous use as an 8 unit garage site and horticultural nursery. The amount of traffic generated by the proposed dwellings would ultimately not exceed the levels of the former uses to an extent which would justify refusing the application. That position also underpinned the decision making process of the expired permission for three houses, and the recent refusal which also attracted a number of objections on highways grounds. All technical matters regarding construction of the estate road were addressed through the previous submission and no such concerns have been raised by LCC Highways with this scheme.

Each dwelling would be afforded a sufficient level of parking for its size. In relation to cycle storage a condition is recommended to ensure cycle storage is provided for Plots 3 and 4 and subject to that condition the scheme would be compliant with the Car and Cycle Standards of Saved Policy 31. A condition regarding the installation of electric car charge points is not necessary given the scale of the proposal. Any logistics regarding the construction phase can be adequately controlled through condition and the dwellings proposed position would not obstruct any public footpaths.

LCC Highways have raised no principle objections and I concur with their findings. Subject to appropriate conditions, including one to ensure adequate visibility splays are provided, the proposed development would have no unacceptable impacts on highway safety in accordance with Policy ENV4.

## **6. Drainage**

Adequate foul and surface water drainage could be required through condition and it is likely a well implemented surface water drainage scheme would provide a betterment on site, and a reduction in flooding around the site access. Therefore, the proposed development is acceptable in terms of drainage.

## **7. Trees and Ecology**

The Arboricultural Impact Assessment provides an overview of the existing trees on site and outlines the main issues for removal or retention. There are no TPO's existing on the site and the trees found on the site boundaries provide negligible landscape value. A Preliminary Ecological Assessment has also been submitted which concludes 'no evidence was recorded to suggest use of the site by protected species'. Any supporting comments made from the PBC Environment Officer will be added as part of an update report. The proposed development would be acceptable in relation to trees and ecology in compliance with Policy ENV1.

## **8. Contamination**

Environmental Health have requested conditions to control noise, vibrations and dust from the construction phase and the burning of waste. The Construction Method Statement condition added includes aspects to control hours of operation and onsite logistics such as storage areas which will ensure the impacts from noise and vibrations are minimised. The condition also requires the provision wheel washing facilities to control dust emissions and details relating to waste disposal to reduce the potential for burning waste onsite. The burning of waste is ultimately covered by non-planning legislation and such activity does not require a specific condition.

The previous uses of the site have the potential to cause terrestrial soil contamination. Therefore, a condition has been added requesting a Contamination Report in order to minimise any risks of contamination and comply with the requirements of Policy ENV5.

## **9. Five Year Housing Supply**

Pendle currently does not have a five year supply of housing. As such consideration needs to be given to Paragraph 11 of the Framework. This is quoted above but is commonly referred to as the application of the tilted balance. As with all applications the development needs to be assessed against the Development Plan and then the tilted balance needs to be taken into consideration. The tilted balance indicates that where policies most relevant for the determination of the application are out of date approving the application unless the any adverse impacts of doing so would significantly

and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

For this application the development would conform to the development plan and the recommendation is to approve it. The tilted balance would add weight to this as the benefits of housing provision would outweigh any disbenefits.

## **10. Summary**

The proposal involves the erection of 4 dwellings together with associated works. Subject to appropriate conditions, the development would be acceptable in terms of the principle, design, residential amenity, highways, drainage, trees and ecology and environmental impacts in compliance with Policies SDP2, ENV1, ENV2, ENV4, ENV5, LIV1, and LIV5, Saved Policy 31 and the guidance of the Design Principles SPD and Open Countryside SPG.

## **Reason for Decision**

Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. Subject to appropriate conditions, the proposal would be acceptable in terms of principle, design, residential amenity, highways, drainage and environmental impacts. 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 strict accordance with the following approved plans: 2018/14: 1, 2F, 3A, 4C and 5.

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

3. No above ground works shall commence on site unless and until, representative samples of all the external materials to be used in the construction of the roofs and walls, together with samples showing the colour and finish of the windows, doors and cladding materials of the dormers and design details of the surfacing material to be applied to the driveways to be installed as part of the development hereby approved, have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved materials.

**Reason:** To ensure a satisfactory form of development in the interests of the visual amenity of the area.

4. Improvements to the junction of the site with Back Gisburn Road as shown on approved plan '2018/14/2F' and the new estate road shall be constructed in accordance with the Lancashire



County Council Specification for Construction of Estate Roads, to at least base course level, prior to the commencement of any other development on the site.

**Reason:** To ensure adequate access for construction vehicles and in the interests of highway and pedestrian safety.

5. The estate road shall be surfaced, sealed and completed in its entirety prior to occupation of the first unit.

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

6. Prior to the occupation of any dwelling hereby approved, the driveways, parking areas and turning head as shown on approved plan '2018/14/2F' shall be laid out and made available for use thereafter for the parking of vehicles associated with the occupants of the dwellings.

**Reason:** In the interest of highway safety.

7. Plans and particulars showing a scheme of foul sewers and surface water drains, shall be submitted to, and approved in writing by the Local Planning Authority, and development shall not be commenced before these details have been approved, unless otherwise agreed in writing. Such works shall be carried out concurrently with the rest of the development and in any event shall be finished before any dwelling is occupied.

**Reason:** In order that the Local Planning Authority may be satisfied with the drainage details of the proposal.

8. Prior to the occupation of Plots 3 and 4, covered cycle storage arrangements shall have been provided within each plot in accordance with a scheme which shall have first been submitted to and agreed in writing by the Local Planning Authority. The cycle storage arrangements shall thereafter remain in perpetuity with the development.

**Reason:** To provide facilities to optimise sustainable travel to the site.

9. The development hereby permitted shall not be commenced 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) All proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
- b) All proposed boundary treatments with supporting elevations and construction details;
- c) An outline specification for ground preparation;
- d) All proposed hard landscape elements and pavings, including layout, materials and colours;
- e) The proposed arrangements and specifications for initial establishment;
- f) 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 that the development is adequately landscaped so as to integrate with its surroundings.

10. The access shall be so constructed that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2 metres distant from the adjoining edge of carriageway, to points 1.05 metres above ground level at the edge of the adjoining carriageway and 11 metres distant in each direction measured from the centre of the access along the nearside adjoining edge of carriageway prior to the commencement of any other works on site and thereafter be permanently retained as shown on plan 2018/14/2F.

**Reason:** In order to ensure satisfactory visibility splays are provided in the interests of highway safety.

11. Notwithstanding the provisions of Article 3 and part 1 of the Second Schedule of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A (Extensions and other alterations), B (Additions to the roof), C (Alterations to the roof), and E (Curtilage buildings) of Part 1 of Schedule 2 of that Order, shall be carried out without express planning permission first being obtained from the Local Planning Authority.

**Reason:** To enable the Local Planning Authority to control any future development on the site in order to safeguard the character and amenity of the area and impacts on neighbouring properties.

12. Before a dwelling unit is occupied waste containers shall be provided for each plot.

**Reason:** To ensure adequate storage facilities for domestic refuse, in the interest of residential amenity.

13. Prior to the commencement of development the applicant shall have submitted to and have agreed in writing by the Local Planning Authority a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site. The method statement shall detail how:-

- a) An investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS10175:2001) will be carried out and the method of reporting this to the Local Planning Authority; and
- b) A comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority. All agreed remediation measures shall thereafter be carried out in accordance with the approved implementation timetable under the supervision of a geotechnical professional and shall be completed in full accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

In addition, prior to commencing construction of any building, the developer shall first submit to and obtain written approval from the Local Planning Authority a report to confirm that all the agreed remediation measures have been carried out fully in accordance with the agreed details,

providing results of the verification programme of post-remediation sampling and monitoring and including future monitoring proposals for the site.

Advisory Notes:

- (i) Where land identified as having the potential to be contaminated is undergoing redevelopment, a copy of the leaflet entitled 'Information for Developers on the investigation and remediation of potentially contaminated sites' will be available to applicants/developers from the Council's Contaminated Land Officer. The leaflet will be sent to the developer by request;
- (ii) Three copies of all contaminated land reports should be sent to the Local Planning Authority;
- (iii) This condition is required to be fully complied with before development is commenced. Failure to comply with the condition prior to commencement of work may result in legal action being taken.

**Reason:** In order to protect the health of the occupants of the new development and/or in order to prevent contamination of adjacent water courses.

**14.** Prior to the commencement of development on site a Construction Method Statement shall be submitted to the Local Planning Authority for written approval which shall include the following;

- a) The parking of vehicles of site-operatives and visitors;
- b) Working hours;
- c) Loading and unloading of plant and materials;
- d) Position of staff welfare facilities;
- e) Storage of plant and materials used in constructing the development;
- f) Wheel-washing facilities;
- g) Measures to control the emission of dust and dirt during construction;

The development shall proceed strictly in accordance with that method statement.

**Reason:** In the interest of the amenity of the area and highway safety during construction work.

**15.** Prior to the occupation of any dwelling hereby approved, plans and particulars shall have been submitted to and approved in writing by the Local Planning Authority overseeing the height and positions of all boundary treatments on the west boundary and the development shall thereafter proceed in strict accordance with the agreed details.

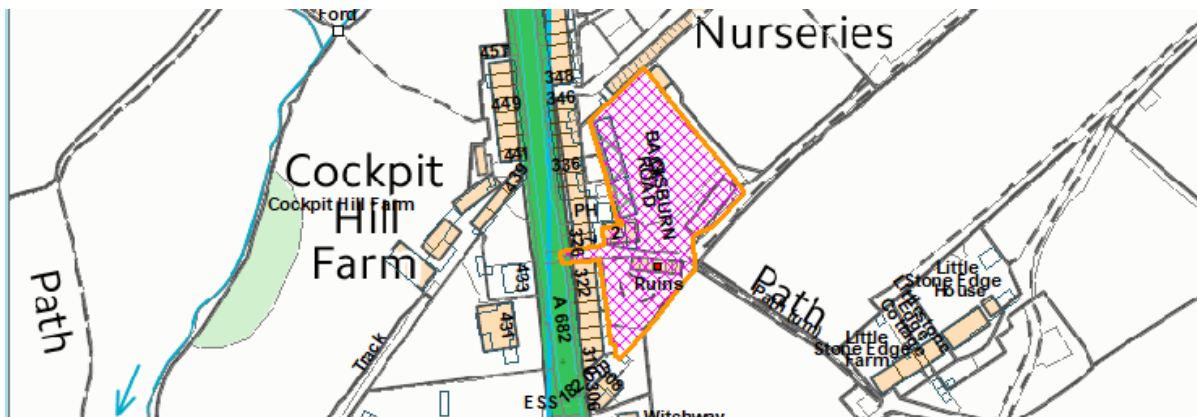
**Reason:** To prevent glare from car headlights and overlooking in the interest of residential amenity.

**16.** The windows and glazed door in the west elevations of Plots 1 and 4 shall be fitted with obscured glazing with a level of obscurity of Level 3 or above, unless otherwise agreed in writing by the Local Planning Authority, which shall thereafter be retained in perpetuity. Any replacement glazing shall be of an equal degree of obscurity. The windows shall also be hung in such a way so as to prevent the effects of obscure glazing being negated by way of opening.

**Reason:** In order to protect the privacy of the occupiers of adjacent property and prevent overlooking.

## **Informatives**

1. 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.



**Application Ref: 20/0243/FUL**

**Proposal:** Full: Construction of two three bedroom detached dwellings and one pair of semi-detached dwellings (Re-Submission).

**At:** Garage Site, Back Gisburn Road, Blacko

**On Behalf of:** Mr Mark Sugden