



REPORT FROM: PLANNING, BUILDING CONTROL AND REGULATORY SERVICES ASSISTANT DIRECTOR

TO: WEST CRAVEN COMMITTEE

DATE: 31ST OCTOBER 2023

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning application.

REPORT TO WEST CRAVEN COMMITTEE 31ST OCTOBER 2023

Application Ref: 23/0604/VAR

Proposal: Variation of Condition: Vary Condition 2 (Amendments to boundary treatments to Plots 1, 2 and 3) of Planning Permission 21/0012/FUL.

At: Land At The Junction With Greenberfield Lane Gisburn Road Barnoldswick

On behalf of: Hattrell LLP

Date Registered: 04/09/2023

Expiry Date: 04/12/2023

Case Officer: Laura Barnes

This application is to be determined by committee because it relates to a Major development.

Site Description and Proposal

The application site is a housing development on land between the junction of Greenberfield Lane and Gisburn Road. At the time of the site visit the 15 dwellings had already been constructed.

The applicant seeks to amend the boundary treatment from that which has previously been approved. The approved plans indicate a boundary treatment which is 0.9m in height, whilst the amended plans indicate a hit & miss fence which is 1.8m in height with a common hawthorn hedge planted in front of this.

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 from Greenberfield Lane (Access, Layout and Scale) (Re-Submission) - Appeal allowed.

19/0025/FUL - Full: Major: Erection of 17 dwelling houses and new access – Appeal Allowed

21/0012/FUL – Full: Major: Erection of 15 dwelling houses and new access.

Consultee Response

LCC Highways

No objection

Lead Local Flood Authority

No comments

Public Response

Nearest neighbours have been notified by letter, multiple responses have been received, as follows:

- Originally it was to be a stone wall with a fence on top, now it is just a fence. The Listed Building opposite has stone walls, so stone walls would be more in keeping with the surroundings
- Dangerous conditions with large vehicles travelling close to this fence
- There are a number of children living on the site, a wooden fence would not provide sufficient barrier if a HGV were to breach the boundary
- The fence which has been installed is already deteriorating, a wall would be much better
- There is slurry and earth flowing into the parking area
- Unfair that this change is proposed once the plots have been sold off
- The issue of the incomplete fence has been reported as part of the snagging list but nothing has been done

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 (Presumption in Favour of Sustainable Development) takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

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

Policy ENV2 (Achieving Quality in Design and Conservation) identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Policy ENV4 (Promoting Sustainable Travel) seeks to promote sustainable travel as well as development impacts and accessibility and travel plans for major developments to mitigate any negative impacts.

Policy ENV5 (Pollution and Unstable Land) concerns the risks of air, water, noise, odour and light pollution in addition to addressing the risks arising from contaminated land.

Policy ENV7 (Water Management) concerns the risk of flooding from flood or surface water. It requires flood risk to be assessed and sustainable drainage measures to be used.

Policy LIV1 (Housing Provision and Delivery) sets out the requirement for housing to be delivered over the plan period. This policy allows for non-allocated sites within the Settlement Boundary as well as sustainable sites outside but close to a Settlement Boundary.

Replacement Pendle Local Plan

Saved Policy 31 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 of the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Principle of Development

The principle of development has already been established through the planning history. Therefore, the change between the existing permission and the proposed development is as follows: the boundary treatment around plots 1, 2, and 3 which shares a boundary with Gisburn Road and Greenberfield Road.

Design

The proposed amendment to the plans would see a stone wall of 0.9m in height with a timber hit & miss fence on top taking the overall height to 1.8m, replaced with a hit & miss fence which is 1.8m in height. The boundary which is proposed to change is the most prominent boundary to the site, on the junction with the two roads. This is a gateway site into Barnoldswick and a prominent focal point as you enter the town. It would result in a boundary treatment which would ordinarily be seen to the rear of dwellings. Local residents have pointed out the stone walls which are characteristic of the terraced dwellings along Gisburn Road as well as around the Listed Building opposite, on Brogden Lane. A hit and miss fence of 1.8m in height would not be sympathetic to this character and would result in harm to the visual amenity of the area. As such, it conflicts with Policy ENV2 of the Local Plan: Part 1 Core Strategy.

Residential Amenity

The proposed changes would not result in any different impact upon the neighbouring amenity than what has previously been approved. The height of the proposed boundary treatment is to be equal.

Highways

The Highways Authority have not raised objection to the proposed development. The amendments have been reviewed and are acceptable. The applicant has put forward a boundary treatment which is the same height as that which has previously been approved, although the materials are different. It is noted that some residents have raised concerns about the ability of a timber fence to protect children playing in garden areas if a HGV were to encroach into this private space from the public highway. This is not a material planning consideration. There would be no unacceptable impact upon highway safety.

Drainage

There is no alteration to the drainage proposals, as such there is no reason to review this information. It is noted that local residents have raised concerns about slurry and earth being piled up in the car parking area, this is a civil matter and not a material planning consideration.

Other Matters

The quality of the fencing has been called into question. Again, this is not something which can be reviewed at this stage. The type of fencing has already been agreed when the conditions relating to materials have been discharged.

RECOMMENDATION: Refuse

Due to the following reasons:

1. The proposed development would result in a 1.8m high hit & miss fence in the streetscene. This would be in an area which is a gateway into the town and is not characteristic of the surrounding boundary treatment materials. It would result in harm to the visual amenity of the area and is contrary to Policy ENV2 of the Local Plan, Part 1 Core Strategy.

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LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 18th October 2023