

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

TO: WEST CRAVEN COMMITTEE

DATE: 9TH JANUARY 2024

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO WEST CRAVEN AREA COMMITTEE 9TH JANUARY 2024

Application Ref: 23/0807/PIP

Proposal: Permission in Principle: Erection of 6 no. dwellings.

At: High Lea, Manchester Road, Barnoldswick

On behalf of: Mr Daryll Barnes

Date Registered: 15/12/2023

Expiry Date: 09/01/2024

Case Officer: Laura Barnes

This application has been called in by a Councillor.

Site Description and Proposal

The application site is located off Manchester Road. It is located beyond the settlement boundary within the Open Countryside.

This is an application for Permission in Principle for the erection of six dwellings on the site.

Relevant Planning History

13/13/0067P Full: Demolition of existing conservatory, erection of two storey extension to rear and part two storey, part single storey extension to side with balcony above and installation of new bay window to front - Approved with Conditions

13/07/0210P - Full: Reposition existing domestic conservatory on side to rear elevation. Approved with Conditions

13/05/0406P - Full: Erection of single storey domestic extension to side to replace conservatory - Approved with Conditions

23/0499/PIP – Permission in Principle: Erection of one dwelling.
Approved unconditionally

Consultee Response

LCC Highways

Site Access

As stated, the existing access is proposed to be used which currently provides access to High Lea.

The development now proposed would lead to an intensification in use of the site from two dwellings (High Lea and one dwelling approved under 23/0499/PIP) to eight. Whilst Permission in Principle has been granted for one dwelling (23/0499/PIP) traffic movements generated by one dwelling would be significantly lower than for the additional six proposed, not only those generated

by the households but also the additional traffic movements generated to service the properties, eg deliveries, post, visitors etc, which would lead to an intensification in use.

The submitted Planning Statement (page 2) says that the site is 'within walking distance of Barnoldswick town centre and near to a bus route to the centre'. However, there are no continuous footways between the site and the town centre, nor do any bus services currently operate along this section of Manchester Road, leading to a consequent reliance on the use of private vehicles. The Town Centre and Bus Station are located approximately 1.4km and the nearest local service bus stop is approximately 900m which are not considered to be within walking distance.

The Planning Statement submitted also states that the existing access could be widened to allow two vehicles to pass within the access. It also states that the stone boundary walls along the roadside 'would be moved back from the road edge and built to a low level' (page 2). Again no details have been submitted at this stage to demonstrate that the above works are physically possible or that they would achieve the access and appropriate visibility splays.

Visibility splays

Manchester Road is classified B6251 and is subject to a maximum speed limit of 30mph outside the site.

There was a traffic count undertaken in June 2021 on Manchester Road at the Letcliffe Lane junction which is located approximately 180m north of this site. This recorded 85%ile speeds in excess of the speed limit at 39.71mph north bound and 38.14mph south bound. The road geometry and street scene are similar at both sites, and it is therefore likely that the vehicle speeds at the site access for this proposed development will be in excess of the speed limit. The visibility splay for these speeds would need to be increased to 94m. There is no evidence that these splays can be achieved.

The Planning Statement submitted states that visibility splays of 43m could be achieved in both directions, although these have not been demonstrated and note the above comments. In its response to the previous planning application for this site the highway authority stated that if adequate visibility splays cannot be provided at the amended site access, then there would be an objection in principle to the proposal. Visibility splays must be over land with the applicant's ownership and/or the publicly maintained highway network with no part being over third party land.

Internal access

The internal site access is proposed to be across the front and down the side of High Lea.

There is no clear intervisibility between the access outside High Lea and the track leading to development site. The access track to the proposed dwellings is too narrow to allow two vehicles to pass leading to vehicles potentially having to reverse long distances or wait within the access thereby obstructing or blocking the access. The manoeuvring area and access may also be obstructed by vehicles parked outside High Lea.

Refuse collection

Refuse is currently collected from the roadside. A refuse vehicle would not service the proposed development meaning that residents would have to take their bins to be collected from Manchester Road. These could reduce or obstruct the access given the number of bins required by the additional six dwellings proposed.

Conclusion

In conclusion, the highway authority raises an objection regarding the proposed development and are of the opinion that the proposed development will have a detrimental impact on highway safety in the immediate vicinity of the site which would be contrary to paragraph 111 of the NPPF.

Yorkshire Water

Please refer to United Utilities for drainage enquiries

United Utilities

Comments awaited

Environmental Health

Comments awaited

Public Response

Nearest neighbours have been notified by letter.

One letter of objection has been received raising the following issues:

- There is no bus route on Manchester Road
- There is no footpath on some stretches of Manchester Road
- Car use will be encouraged
- The road is already dangerous at this point, increasing the number of vehicles here would be risky
- This is not comparable to Letcliffe Farm
- The dwellings will unlikely be affordable housing so there is no social benefit

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.

Policy ENV4 (Promoting Sustainable Travel) sets out that proposals should follow the settlement hierarchy approach in Policy SDP2 and minimise the need to travel by ensuring they are developed in appropriate locations, close to existing or proposed services. Consideration should be given to locating new housing, employment and service developments near to each other to give people the opportunity to live and work within a sustainable distance.

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.

Development in the Open Countryside SPG supplements policies of the Local Plan relating to development in the open countryside.

Officer Comments

Principle of Development

The application site is located outside the settlement boundary, within the Open Countryside. It is located 410m from the settlement boundary of Barnoldswick.

Landscape issues affecting the Principle of Development

Policy LIV1 deals with housing provision and delivery. It states that non-allocated sites within a settlement boundary, where they are sustainable and make a positive contribution to the five year supply of housing land will be supported. As set out above, the proposed development is outside the settlement boundary within the Open Countryside. As such, it would make a small contribution to the Council's 5 year supply.

The proposal takes a prominent position upon a Public Right of Way with further rights of way to the south and east. The application site is a linear shape which follows the track known as Hodge Lane. There are dwellings further along Hodge Lane and in effect this site would form an infill plot between ribbon development which already exists along the lane. The proposed development would alter the short range views of the site but in longer range views, the dwellings would be seen in the context of the other properties on Hodge Lane. It would not result in an unacceptable landscape impact.

Highways issues

It has already been established that one dwelling in this location would be acceptable in principle. However, this application seeks to establish the principle of six dwellings in addition to the main dwelling known as High Lea. Although the applicant has set out in their planning statement that access and the necessary visibility splay could be achieved from the existing driveway serving High Lea, this is disputed by the highways authority. They have further commented that due to the speeds at which vehicles are actually travelling here the visibility splay would need to be longer than the applicant has set out and this may not be achievable without the use of third party land.

However, the issues which have been raised do not go to the heart of the principle of development. The initial stage of a PIP application allows the Local Planning Authority to consider the location and amount of development. This means that access and highway issues must be reserved for the Technical Details Stage of any application.

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. Taking into account all material considerations the proposed development is acceptable in principle. 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

INFORMATIVE

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

- Plans, including location plan, site plan, access visibility splay plan, elevation and floor plans.
- Planning Statement
- Foul and Surface Water Drainage Scheme
- Landscaping Scheme

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At: High Lea, Manchester Road, Barnoldswick

On behalf of: Mr Daryll Barnes

REPORT TO WEST CRAVEN AREA COMMITTEE 9TH JANUARY 2024

Application Ref: 23/0825/HHO

Proposal: Full: Retain palisade fence around front garden area.

At 6 Cavendish Street, Barnoldswick.

On behalf of: Mrs Emma Jackson.

Date Registered: 11/12/2023

Expiry Date: 05/02/2024

Case Officer: Joanne Naylor

Site Description and Proposal

The application site is a two storey mid-terraced property with a front garden area and a rear yard area. The application site is within the settlement boundary of Barnoldswick and is located within an area of predominately residential dwellinghouses, with traditional terraces and some modern dwellinghouses.

The proposal seeks retrospective planning permission to erect the palisade fence around the front garden area.

Relevant Planning History

22/0841/HHO: Full: Erect palisade fence around front garden area. Refused (7th February 2023).

Consultee Response

At the time of writing the delegated report (19th December 2023) the Consultee consultation period expires on the 2nd January 2024, no comment has been received from the Parish Council at the time of writing the report. The neighbour consultation expires on the 3rd January 2024, no responses have been received at the time of writing the report.

LCC Highways:

The application is a resubmission of a previously refused application (22/0841/HHO, LCC Highways raised no objection to the proposal, it would not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Parish/Town Council

Public Response

The nearest neighbours have been notified by letter, at the time of writing the report on the 19 December 2023, the neighbour consultation period would expire on the 3rd January 2024, no responses have been submitted to date.

Officer Comments

The main considerations for this application are the policies, design and materials, residential amenity and highways.

Relevant Planning Policy

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

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.

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.

Paragraph 134 of the National Planning Policy Framework (2021) states that poor design should be refused where it fails to reflect local design policies.

The Design Principles Supplementary Planning Document (SPD) sets out the aspects required for good design.

Design and Materials

The Design Principles SPD provides advice for gates, walls and fences and that design plays an important role in defining the character of residential areas and particularly so on highway frontages. In traditional areas, the character of the area is determined by hedging, natural or brick stone walls and these boundaries should be preserved.

The terraced row of the application site is a mid-terrace dwellinghouse where the dwellinghouses on this terrace all have natural stone walls to the party boundaries at the front elevation and to the party boundary between neighbouring properties, with some of the properties adding iron railings to the top of the natural stone wall. The height of the existing natural stone wall ranges from 0.9m to 0.7m in height due to the sloping nature of the site. Opposite the application site, there is a modern housing estate which is open plan where the frontages have retained the openness. One of the modern houses which is on the corner plot of Cedars Close has erected a fence to the rear of the property and to the side boundary, however, the boundary treatment does not extend to the front elevation. For the more traditional dwellinghouses on Cavendish Street, the boundary treatments are that of low natural stone walls, some with metal railings above, and some with hedging. Furthermore, where Cavendish Street joins Colne Road the dwellinghouses here, being terraced and semi-detached, have retained the natural stone walls to the boundaries.

The planning application seeks to retain the fence around the front garden. The application site has a natural stone wall of circa 1m high which reduces in height due to the sloping site. A wooden fence has been erected on top of the boundary to the highway and to the party boundary of the neighbours at No. 4 and No. 8 Cavendish Street. The proposed fencing would increase the height of the boundary treatment to the highway by a maximum of 1.2m and a minimum of 0.9m, and would result in an overall maximum height of circa 2m to the highway boundary.

The overall height of the proposed fence to the adjoining neighbours at No. 4 and No. 8 Cavendish Street would be 2m where the boundary treatment meets the highway, and to the front elevation the height from the ground floor level of the dwellinghouse would be a maximum of 1.17m high.

The proposed materials would not match the existing materials of the traditional terrace rows having natural stone walls to the boundary treatment, and the design of the proposed fence would result in increasing the height of the boundary treatment to the highway by up to 1.2m in height, resulting in an overall maximum height of 2m. The proposed fencing would be poor design and the materials would not be in harmony with the original boundary treatment of the dwellinghouse and the terrace row, it would not preserve the boundary treatment and would impact negatively on the character of the area and the streetscene.

The design and material of the fencing would be poor design and an incongruous feature in a traditional setting. It would have a negative impact on the streetscene and on the character of the area. The proposed development would be contrary to Paragraph 134 of the Framework, Policy ENV2 and the Design Principles SPD.

Amenity

The proposed fence would increase the height of the boundary treatment with a maximum height of 2m and minimum height of 1.6m, and the proposed fence would be 1.17m to the front elevation of the dwellinghouse. The height of the proposed fencing would obscure the outlook to one side of the neighbouring dwellinghouses. However, as only one side would be obscured and the adjoining properties would have an outlook to the front and to the opposite side elevation, then the impact of the proposed fencing would have no unacceptable residential amenity impact on the neighbours at No. 4 and No. 8 Cavendish Street.

Highways

LCC Highways have raised no objection to this application, it would not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Summary

Public consultation period expires on 3rd January 2024, delegated powers are sought to refuse this application once the publicity period has expired.

Grant Delegated Powers: Refuse

1. The design and materials of the proposed fencing would be incongruous and out of character with its surrounding and the street scene. It would result in unacceptable harm to the character and visual amenity of the area and would result in poor design. The proposal would be contrary to Paragraph 134 of the National Planning Policy Framework, Policy ENV2 of the adopted Pendle Local Plan – Core Strategy and the Design Principles Supplementary Planning Document.

Application Ref: 23/0825/HHO

Proposal: Full: Retain palisade fence around front garden area.

At 6 Cavendish Street, Barnoldswick.

On behalf of: Mrs Emma Jackson.

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 28th November 2023