

REPORT TO COLNE & DISTRICT COMMITTEE ON 7TH NOVEMBER 2024

Application Ref: 24/0536/FUL

Proposal: Full: Erection of 5 no. detached dwellings with associated infrastructure including new vehicular accesses from Keighley Road and 15 no. parking spaces.

At: Land to the SE of the junction with Vernon Road and Keighley Road, Laneshaw Bridge

On behalf of: Mr J Driver

Date Registered: 12/08/2024

Expiry Date: 07/10/2024

Case Officer: Neil Watson

This application has been deferred from the last meeting, in order to allow the applicant time to prepare a set of amended plans. Amended plans have been received moving the 4 units back into the site by 3m. The levels remain the same.

Site Description and Proposal

The application site relates to an open piece of land accessed off Keighley Road. It is a sloping site which is beyond the settlement boundary, in the Open Countryside and within the Green Belt.

The proposal is for the erection of five dwellings in total, four are to be positioned to the eastern side of a tree belt and one is to be to the other side, adjacent to Croft House.

Relevant Planning History

None relevant

Consultee Response

Lancashire Fire & Rescue Service

The proposed development should conform to Building Regulations to ensure that adequate access can be achieved for a fire appliance.

Environmental Health Officer

Requested conditions for a construction method statement, construction site noise / nuisance, control of dust and a contaminated land informative.

Lancashire County Council Highways

Having reviewed the documents submitted, together with site observations, Lancashire County Council acting as the local highway authority does not raise an objection regarding the proposed development and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site subject to the following comments being noted and conditions and informative notes being applied to any formal planning approval.

Proposal

The proposal is for the erection of one x three bed and four x four bed detached dwellings with associated off-road parking and the construction of two new vehicular accesses onto Keighley Road.

Site planning history

No previous planning history.

New site accesses

The new access for the proposed detached house on the West of the site must be constructed to the county council's specification and not as the details submitted. The highway authority will not permit the proposed cellweb road surfacing within the public footway.

In addition, the first 5m measured into the site from the back edge of the public footway shall be surfaced in a bound porous material to prevent loose surface material from being carried onto the public highway network where it could pose a hazard to other users.

The formation of the new vehicle accesses from Keighley Road to the development site would need to be carried out under a legal agreement (Section 278) with Lancashire County Council as the highway authority. Works should include, but not be exclusive to:

Single dwelling - the construction of the access to an appropriate standard including dropped kerbs and footway crossing.

Four dwellings - the construction of the access to an appropriate standard including a minimum width of 4.5m, radius kerbs, buff coloured tactile paved dropped pedestrian crossings on both sides of the new access, re-location of any highway gullies within the access, the re-instatement of the redundant field access footway crossing to an appropriate standard including full height kerbs, make good any damage along the site boundary to tie in with the rear of the existing footway.

All dwellings - amendments to the carriageway centre line hatching will also be required, together with a street lighting assessment.

If planning approval is granted the developer is advised to contact Lancashire County Council as soon as possible to start the Section 278 process and should not wait until condition discharge stage. Due to the high volume of agreement submissions currently being received by the county council this process can take at least six months to complete. No works should be undertaken within, or which affect, the highway network maintained at public expense without the necessary agreement first being in place in order to prevent legal action from being taken against the developer.

The applicant should also provide written confirmation that they are not introducing any retaining structures along the site boundary with Keighley Road.

Visibility splays

The development site is accessed via Keighley Road (A6068), which is subject to a maximum speed limit of 30mph outside the site. For a road with a speed limit of 30mph a Stopping Sight Distance of 43m should be provided (Manual for Streets). The highway authority considers that the visibility splays shown from both accesses on the Proposed Site Plan (Drawing No PL05 Rev B) are adequate. If the development is approved the visibility splays must be controlled by condition to ensure that adequate visibility to and from the accesses is maintained at all times.

Car & cycle parking

In line with recommendations in the borough council's Parking Standards two car parking spaces should be provided for a three bed dwelling and three spaces for a four bed dwelling.

The double garages proposed for all five dwellings are considered adequately sized internally to provide two car parking spaces, secure storage for at least two cycles and electric vehicle charging points. The charging points shall be fitted in line with the Dept for Transport's guidance regarding Electric Vehicle Charging in Residential and Non-residential Buildings, which states that charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicles.

One further car parking space can be provided elsewhere within the curtilage for the four bed dwellings. The highway authority therefore considers that an adequate level of off-road car parking can be provided. However, to ensure that vehicles can enter and leave the site in forward gear all the manoeuvring areas shown on the Proposed Site Plan (Drawing No PL05 Rev B) should be kept free from obstructions.

Refuse bins

A bin collection area should be provided within both the accesses to prevent bins from being stored on the footway whilst awaiting collection as these may cause an obstruction or hazard to other highway users, particularly for the plot near the bus stop on Keighley Road. A revised plan should be provided

Surface water drainage

The highway authority has noted that surface water from the development is proposed to drain to an existing watercourse (Colne Water).

The applicant would need to apply to Lancashire County Council, as the Lead Local Flood Authority, for consent to discharge water into a watercourse. Any planning permission granted does not provide consent or approval under any other act, enactment, bylaw, order or regulation. The Flood Risk team can be contacted on SUDS@lancashire.gov.uk and any correspondence should include the planning application reference. Further information regarding Ordinary Watercourse Consent is also available on the council's website at the following link: [Accessing advice about an application for ordinary watercourse consent - Lancashire County Council](#)

General

Given the high volume of traffic which passes along Keighley Road and that this is a greenfield site a Construction Method Statement including site plan will need to be submitted to demonstrate that the development will not have a detrimental impact on highway safety.

Subject to the receipt of an amended plan showing bin collection areas and the removal of the cellweb construction within the new vehicular access for the single dwelling, the following conditions and informative notes should be applied to any formal planning approval granted.

Laneshaw Bridge Parish Council

Laneshaw Bridge Parish Council strongly objects to the application for 5 dwellings on land to the southeast of the junction with Vernon Road and Keighley Road. The Parish Council is concerned the proposed application will not be in keeping with the street scene and will cause an overbearing presence on the surrounding area.

The Parish Council is aware the application is within the Greenbelt and the applicant has submitted the application under the proviso set out in S154 of the NPPF. However, the view of the parish council is this application isn't "limited infill" instead it significantly alters the relationship between the Greenbelt and the village. Additionally, this proposal would create a ribboned development from the heart of the village to the boundary with Colne and permanently change the visual outlook of the village.

For these reasons, the Parish Council strongly objects to the application and request the application be refused.

Environmental Health

Construction Method Statement condition requested

Environment Officer (Trees)

In principle, I have no real objection to this but, if you are minded to approve the proposals, there are few outstanding issues to deal with.

The main concern is the layout that includes the single property to the west of the site, the access is proposed through the middle of 2 B Category Horse Chestnut trees that are subject to a TPO. The Arboricultural Impact Assessment (AIA) covers the important points about the use of a Cellular Confinement System (CCS) so the roots are not compromised, but this is very expensive operation that needs careful consideration and expertise in its construction.

For this reason, and bearing in mind the Arboricultural Method Statement (AMS) referenced in the AIA is only 'pre-liminary', it is important that a further updated AMS is conditioned that covers details such as: boundary treatments, service runs, and supervision of the construction of the CCS. These finer details are very important to ensure that the trees are not compromised by the proposed development during the construction phase.

The proposals also include the removal of trees to facilitate the design layout and access, (2 sections of approx. 8m of hedge and 4 low grade Hawthorn trees), therefore, a fully detailed landscaping scheme should be conditioned if planning approval for the site is given.

There are also concerns relating to level changes particularly with the access into and out of the site. Please can you assure me that trees are not going to have to be removed later due to sight lines and that fact that the existing A6068 is a very busy road. If you could flag this with Highways that would be appreciated.

Cadent

There is no objection to the proposed development but there are medium and low pressure gas mains within the vicinity of the site which need to be carefully noted and informative note is requested.

Public Response

There have been multiple letters of objection received, they can be summarised as follows:

- Roadworks will cause disruption
- Destruction of open green fields
- Not beneficial to the local area
- Highway safety - difficulty exiting onto Keighley Road
- Removal of hedgerows
- This is Green Belt land

- The proposed ridge heights do not reflect the adjacent properties
- The roofs are steeper than those in the existing area
- The four dwellings are much closer to Keighley Road than the adjacent dwellings
- Greater variation in the design and massing of the dwellings would be better here, more reflective of local character
- The drawings should include all five dwellings, the street scenes only show four
- The ground levels will have to be altered meaning the houses would perch on top of the land and not nestle into it
- Cumulative effect of this and other dwellings recently approved should be taken into account
- The Infilling of Green Belt land is questionable

Officer Comments

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 unless it is an exception outlined in the Framework or elsewhere in the LPP1.

Policy LIV1 (Housing Provision and Delivery) sets out the Council requirement to deliver new housing.

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.

The following saved Replacement Pendle Local Plan policies also apply:

Policy 31 'Parking' which is a saved Policy within the Replacement Pendle Local Plan requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP.

National Planning Policy Framework ("the Framework")

There are three elements to sustainable development which is the purpose of the planning system. There are economic, social and environmental objectives. Applications that accord with the development plan should be approved without

delay.

Part 5 relates to housing. The Government's objective is to significantly boost the supply of housing.

Part 6 identifies the need to build a strong and competitive economy including a prosperous rural economy.

Part 13 relates to the green belt. The purpose of the green belt is to keep land permanently open.

Para 152 In appropriate development is, by definition, harmful to the Green Belt. Inappropriate development should not be approved except in very special circumstances.

Para 154 sets out a number of circumstances where new building is not inappropriate. This includes:

e) limited infilling in villages;

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

– not have a greater impact on the openness of the Green Belt than the existing development; or

– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Green Belt

The application site lies in the Green Belt. It is adjacent to the settlement boundary for Laneshaw Bridge and would be reliant on Policy LIV1 for the supply of housing, until such a time as the Part 2 Local Plan is in place. The site is positioned between two existing dwellings, known as Eastfield and Croft House. As such, it is an infill plot of land. It relates well to the settlement boundary, being directly adjacent to it, it is in a sustainable location and would result in an increase in the supply of dwellings in Pendle by five units.

Comments have been made by members of the public objecting to this application, regarding its position in the Green Belt. Many revolve around the view that the site is in green belt and there should not be any development within it.

Planning policy nationally restricts development in the Green Belt as being inappropriate unless specified otherwise. Where inappropriate development is proposed permission should only be granted if there are very special planning circumstances.

One of the circumstances where development is not inappropriate is under part e) of paragraph 154 of the Framework as set out in the policy section above. The issue for Committee is whether the development is in accordance with part e). This requires the land to be infill in villages. There is no definition of infilling within the Framework or its glossary, nor is there any guidance or interpretation on this matter within the Core Strategy. The applicant has put forward some relevant case law which assists in the decision making process in this particular case. It is that of *Julian Wood v SoS and Gravesham Borough Council* [2015]. This set out that settlement boundaries are not necessarily to be considered the same as a 'village' for the purposes of the Green Belt tests. The Framework does not stipulate a specific size requirement with regards limited infilling and as the Wood case demonstrates, assessments should be made

with regard to the matter as found on the ground, with due consideration to the prevailing development pattern and physical characteristics of the site. It is clear that the prevailing characteristic of Laneshaw Bridge is that of a linear settlement running along Keighley Road. Indeed, this argument has previously been accepted by the Council in relation to similar development to the west of the application site which also represent limited infilling. The site would infill a gap between properties and for the reasons set out in case law, this would comply with paragraph 154 of the Framework. As such it is an exception to Green Belt policy.

Heritage

The proposed development is adjacent to the Conservation Area. The application is accompanied by a Planning Statement which includes commentary on heritage. The significance of the area is primarily derived from its landscape and the features associated with historic farming and use of the land. It also states that the designation is “rich in evidence of human occupation” and that “the medieval, post medieval and modern periods are all strongly expressed in the landscape”. The application site is separated from the northern boundary of the conservation area by Colne Water and also demarked by a significant change in topography and land rises up towards the A6068.

The enclosed nature of the site means that intervisibility between the development and the conservation area will be limited and cause no tangible harm to the setting of the asset. As such, the level of harm to the heritage asset is less than substantial and must be balanced against public benefit. In this particular case, the public benefit would be modest, being a contribution to the borough’s housing land supply, creation of jobs in the construction period and benefits to the local economy once the five dwellings are occupied.

Therefore, in terms of heritage impact, the proposal accords with Policy ENV1 of the Local Plan: Part 1 Core Strategy and paragraph 208 of the Framework.

Design

The applicant has submitted a proposed layout including five large detached dwellings, each with their own off street parking and garden areas. There are three different house types and they are arranged in a linear form along the line of Keighley Road. House Types 1 & 2 are four bedroom dwellings split across three floors. House Type 3 is a three bedroom dwelling with two floors. The land slopes away steeply from Keighley Road to Colne Water to the south of the site. As such, the dwellings are to be set into the land with the single storey element to the Keighley Road side and the two and three storey elements closer to Colne Water, working with the natural ground levels.

In terms of materials, there is a mix of natural stone, timber boarding, standing seam zinc and render. Roofs will be natural slate and window frames would be timber or aluminium. The pallet of materials is generally traditional and there is a variety of material in the surrounding area including stone, brick, timber boarding, terracotta roof tile and slate.

The majority of openings to the proposed dwellings are of a domestic scale and although there are some larger openings to the rear, in order to maximise the appreciation of views across the valley, these are not unacceptable. They are characteristic of rear elevations elsewhere in Pendle and indeed other properties which look over Colne Water. The dormers to the front of the dwellings (House Types 2 & 3) are indicated as being flat roof with zinc cladding. The applicant has been asked to amend these to a dual pitched dormer and amended plans are awaited.

In terms of visual amenity, the application site would be viewed from the opposite side of Colne Water in the context of the existing ribbon development along Keighley Road. Although there would be a change to the long and short range views, given the existing development to the north

of Keighley Road the overall visual impact would not be significant. The 4 dwellings have been moved back into the site by 3m. This would have an impact on the views of the dwellings being set back further away from the road and is acceptable.

Subject to the receipt of amended plans in relation to the dormers, the proposed development is in accordance with Policy ENV2 of the Local Plan: Part 1 Core Strategy.

Impact on Amenity

Turning next to the relationship of the dwellings with existing properties. There are houses on the opposite side of Keighley Road but there is a public highway between where members of the public could stand and gain views into the properties at reasonably close quarters. As such, there would not be an unacceptable neighbouring amenity issue with regard to the neighbours opposite on Keighley Road.

To the rear, there are no properties within a 21m distance which would result in an unacceptable neighbouring amenity issue. To the side of the application site closest to Eastfield, there is a distance of at least 21m separating the side elevation of the main dwelling and the proposed dwelling. However, there is also a single storey structure between Eastfield and the proposed dwellings, which has a conservatory wrapping around the side and rear of it. There is a separation distance of 9.5m between the conservatory and the proposed dwelling. However, the buildings are not aligned, so the proposed dwelling is off-set from the neighbouring conservatory. There are also several sources of light to the conservatory and there is to be a staggered rear elevation to the closest proposed dwelling. All these factors mean that the proposed dwellings would not have an unacceptable impact upon neighbouring amenity at Eastfield.

To the other side of the application site there is a property known as Croft House. This is in excess of 21m from the nearest proposed dwelling. As such, there would be no unacceptable neighbouring amenity issue.

A construction method statement could be imposed as part of a planning condition, in order to minimise disruption during the construction phase. A condition could also be imposed relating to boundary treatments, particularly in relation to the raised patio area to the rear garden adjacent to Eastfield. This would ensure that the raised patio would not result in an unacceptable neighbouring amenity issue with the garden or the conservatory area at Eastfield.

In terms of their interrelationship with each other, the proposed dwellings are all set at a sufficient separation and do not have windows which would allow visibility between the dwellings. As such, there would be no unacceptable impact upon the future occupants of the proposed development.

Overall, the proposed development would not result in any unacceptable neighbouring amenity issues.

Ecology & Trees

The application is accompanied by an Arboricultural Impact Assessment and a Preliminary Ecological Appraisal. In total four trees are required to be removed to facilitate the development as well as two short sections of hedgerow. The applicant has submitted a plan which indicates that the existing hedgerow would remain in place, with the exception of the two points of access which would be required, which would create gaps in the hedging. There are TPO trees within the site and the Council's Environment Officer (Trees) has recommended that a further arboricultural method statement is provided prior to any commencement of development. This is something which could be secured by condition. A landscaping scheme is also required to mitigate the tree loss but there is scope within the site boundary to provide a suitable planting scheme to replace

the losses. Tree protection fencing would also be required by way of a planning condition, in order to protect the trees which are to remain on the site.

In terms of ecology, the preliminary assessment confirms that there are no protected species within the site and recommends some mitigation measures. This can be secured by a suitably worded planning condition.

Overall, the proposed development accords with Policy ENV1 of the Local Plan: Part 1 Core Strategy in this regard.

Highways and Access

The application currently has one field gate into the site. The proposed development is to have two points of access, one serving House Type 3 and the other serving the four dwellings further east within the site. The Highways Authority have not objected to the scheme. They initially suggested some alteration to the bin collection area and also the inclusion of cell web material within the public highway. The Council's Environment Officer has reviewed the amended plans and agrees that cell web is not required in the existing footpath, in order to adequately protect the trees.

There would be adequate off-street parking within the site. Cycle storage and electric vehicles charge points could be secured by planning condition.

The proposals are satisfactory from a highway safety perspective.

Drainage

The applicant has submitted detail in the form of a drainage strategy setting out that foul drainage would be connected to an existing combined sewer in Keighley Road. The surface water would be drained via an attenuation tank at a restricted discharge rate, into Colne Water. The applicant has followed the surface water drainage hierarchy in the Planning Practice Guidance and it is not possible to drain the site by infiltration due to the conditions of the sub soil. Subject to condition for a final drainage strategy, the proposed development is acceptable in this regard.

Biodiversity Net Gain

The application is accompanied by a small site metric, as is required for minor applications of this nature since 2nd April 2024. The metric sets out that some modified grassland would be lost as a result of the proposed development, the applicant intends to create a 10.81% uplift in the area habitat and a 12.64% uplift in the hedgerow habitat at the post intervention stage. As such, it more than meets the threshold for applications which are now required to provide at least 10% biodiversity uplift.

The applicant would have to enter into a s106 in order to take care of the 30 year management and maintenance arrangements which are required for the proposed intervention. This would be subject to a condition as would other applications nationally.

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 access and principle of the proposed development accord with the policies of the Replacement Pendle Local Plan and National Planning Policy Framework. 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 conditions

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:

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

3.Samples of materials including descriptions, [name of source/quarry] shall be submitted to the Local Planning Authority for written approval prior to commencement of work on the site. The development shall be carried out using only the agreed materials.

Reason: In order that the Local Planning Authority can assess the materials in the interest of the visual amenity of the area.

4.Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Schedule 2 Part 1, Classes A, B and C of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: in order to preserve the openness of the green belt.

5.No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Wheel washing facilities
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
- viii) Details of working hours
- ix) Routing of delivery vehicles to/from site

Reason: In the interest of highway safety.

6.No development hereby approved shall commence until a scheme for the construction of the site accesses, including off-site highway works, has been submitted to, and approved by,

the Local Planning Authority in consultation with the Highway Authority. works shall include, but not be exclusive to:

- the construction to the highway authority's specification of a dropped vehicular crossing to the single dwelling to the West of the site;
- the construction of the access to the four dwellings to an appropriate standard including a minimum width of 4.5m, radius kerbs and buff coloured tactile paved dropped pedestrian crossings either side of the access;
- the re-instatement of the redundant field access footway crossing to an appropriate standard including full height kerbs;
- make good any damage along the site boundary to tie in with the rear of the existing footway;
- amendments to the carriageway centre line hatchings on Keighley Road;
- a street lighting assessment;
- the re-location of any highway gullies within the new accesses.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.

7. Prior to occupation of the first dwelling visibility splays measured 2.4m back from the centre line of the access and extending 43m in both directions on the nearside carriageway edge on Keighley Road shall be provided as shown on the approved plans. Nothing shall be erected, retained, planted and/or allowed to grow at or above a height of 0.9m above the nearside carriageway level which would obstruct the visibility splays. The visibility splays shall be maintained free from obstruction thereafter for the lifetime of the development.

Reason: In the interest of highway safety to ensure adequate inter-visibility between highway users at the site access.

8. Prior to occupation of the first dwelling the vehicular access shall be constructed to an appropriate standard and the driveway paved in a bound porous material for a minimum distance of 5m into the site from the rear of the footway.

Reason: In the interest of highway safety to prevent loose surface material from being carried on to the public highway.

9. Prior to first occupation of any dwelling hereby approved the parking and manoeuvring areas shown on the approved plans shall be constructed and laid out and thereafter always remain available for the parking and manoeuvring of vehicles associated with that dwelling and shall be kept free from obstructions in perpetuity.

Reason: In the interest of highway safety to ensure that satisfactory levels of parking and manoeuvring are provided within the site to allow vehicles to enter and leave in forward gear.

10. Prior to occupation of the first dwelling the footway shall be reinstated to full kerb height where any vehicle crossover is redundant in accordance with the approved plans and Lancashire County Council's Specification for Construction of Estate Roads, to be retained in that form thereafter for the lifetime of the development.

Reason: To maintain the proper construction of the highway and in the interest of pedestrian safety.

11. Prior to first occupation each dwelling shall have an electric vehicle charging point. Charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicle currently available.

Reason: To ensure that the development supports sustainable forms of transport

12. No above ground works shall commence unless and 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. 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 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: In order to ensure the site is properly landscaped in the interest of the visual amenity of the area.

13. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

14. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

15. The development hereby approved shall be carried out in strict accordance with the Arboricultural Impact Assessment, prepared by Lakeland Tree Consultancy, dated 07/08/2024.

Reason: To protect the trees in the interests of amenity of the area.

16. Unless approved in writing by the Local Planning Authority no ground clearance, demolition, or construction work shall commence until protective fencing, to BS 5837 : 2005 at least 1.25 metres high securely mounted on timber posts firmly driven into the ground has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land, and no work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. The fencing shall be located at least 1.00 metre beyond the protected area detailed in BS 5837. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction.

Reason: To prevent trees from being damaged during building works.

17. Prior to commencement of the development hereby approved, a further updated Arboricultural Method Statement shall be submitted and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in strict accordance with the details of the method statement.

Reason: In order to adequately protect the trees on site.

18. No part of the development commence unless and until a Planning Obligation pursuant to section 106 of the Town & Country Planning Act, 1990 (or any subsequent provision equivalent to that section) has been made with the Local Planning Authority. The said obligation shall provide for monitoring of Biodiversity Net Gain over a 30 year period.

Reason: To ensure that the proposed development makes provision to enhance biodiversity on the site and that this can be monitored for a period no less than 30 years following completion of the development.

19. The development may not be begun unless—

- (i) a biodiversity gain plan has been submitted to the planning authority and
- (ii) the planning authority has approved the plan

Phase plan

- (b) the first and each subsequent phase of development may not be begun unless—
 - (i) a biodiversity gain plan for that phase has been submitted to the planning authority and
 - (ii) the planning authority has approved that plan

Reason: In order to fulfil the obligations for Biodiversity Net Gain, in accordance with the Environment Act 2021, Schedule 14

Informative Note

1. Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions. Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

2. The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as the Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to:

- the construction to the highway authority's specification of a dropped vehicular crossing to the single dwelling to the West of the site;
- the construction of the access to the four dwellings to an appropriate standard, including a minimum width of 4.5m, radius kerbs and buff coloured tactile paved dropped pedestrian

- crossings either side of the access; • the re-instatement of the redundant field access footway crossing to an appropriate standard including full height kerbs;
- make good any damage along the site boundary to tie in with the rear of the existing footway;
- amendments to the carriageway centre line hatchings on Keighley Road;
- a street lighting assessment;
- the re-location of any highway gullies within the new accesses.

The applicant should contact the county council for further information by telephoning the Development Control Section (Area East) on 0300 123 6780 or by email on developeras@lancashire.gov.uk , in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.

3. The applicant would need to apply to Lancashire County Council, as the Lead Local Flood Authority, for consent to discharge water into a watercourse. Any planning permission granted does not provide consent or approval under any other act, enactment, bylaw, order or regulation. The Flood Risk team can be contacted on SUDS@lancashire.gov.uk and any correspondence should include the planning application reference.

Application Ref: 24/0536/FUL

Proposal: Full: Erection of 5 no. detached dwellings with associated infrastructure including new vehicular accesses from Keighley Road and 15 no. parking spaces.

At: Land to the SE of the junction with Vernon Road and Keighley Road, Laneshaw Bridge

On behalf of: Mr J Driver

REPORT TO COLNE & DISTRICT COMMITTEE ON 07th NOVEMBER 2024

Application Ref: 24/0546/HHO

Proposal: Full: Erection of a replacement first floor balcony to the rear.

At 1 Hollin Hall, Trawden, Lancashire

On behalf of: Mr A & Dr V O'Neill

Date Registered: 15.08.2024

Expiry Date: 10.10.2024

Case Officer: Athira Pushpagaran

This application has been deferred from the last meeting. Amended plans have been received as detailed in the report.

Site Description and Proposal

The application site is an end terrace house situated in a predominantly residential neighbourhood along Hollin Hall situated within the settlement boundary of Trawden. The application site also falls within the Trawden Forest Conservation Area and Lane house and Hollin Hall Townscape character Area identified in the Trawden Forest Neighbourhood Plan. The main access is from Hollin Hall. The existing dwelling has natural stone walls and a pitched tiled roof.

The proposed development is the erection of a first-floor balcony to the rear. The new balcony was in place at the time of the site visit. Amended plans have been received which show the design of what was proposed to a more open design with vertical timber finished balusters with a lattice design above it.

Relevant Planning History

No relevant planning history.

Consultee Response

Highways

No objection

Parish/Town Council

Councillors feel that this new balcony does not complement or enhance the terraced row or the house itself. The previous one was wooden throughout, and had some gaps and decorative features within it, making some effort to alleviate the square box on legs. It is highly visible from the road, poorly designed, too large both in height and depth for the house and terrace, and inappropriate in its current form for the Conservation Area. From ground level, none of the rear of the original property walls can be seen as it is covered by the conservatory and the balcony

Public Response

The nearest neighbours have been notified by letter, a site and press notice have been displayed. Several responses have been received with 8 of them supporting and 6 objecting the proposal. Out

of the 6 objections 2 are from the same address and would be counted as one, and out of the 8 supporting comments 2 are from the same address and would be counted as one.

The supporting responses raised the following points:

- There has always been a balcony there.
- Earlier one had become unsafe and in need of repair or replacement and posed safety issues
- improvement to the house and keeping with other buildings in the surrounding area
- allows more privacy to all parties.
- An approval would align with the council's climate action plan, as energy has already been expended in constructing the balcony, and additional energy would be required for its demolition.
- Minimal change in dimensions from the earlier balcony
- Does not draw attention

The objections raised the following issues:

- New balcony will worsen the intrusion into the privacy of neighbours' bedroom window and garden that the previous balcony already had.
- Inappropriate to the conservation area
- Poor design
- Taller metal girder handrails appear more oppressive than the previous one
- Overbearing structure
- Too large for the building
- No1 is at the end of a row of terraced cottages and the erected balcony can be clearly seen from the main road at the front
- will set a precedent for any further development within conservation areas within the borough
- not in keeping with the ethos of a conservation area
- no planning decision was taken on the previous development, and it only remained in place because no action was taken by the Council for the relevant 4-year period
- neighbour would be subject to the noise of conversations or music on the balcony, which was the case with the previous balcony
- The extension would be physically dominant and overbearing in the bedroom because of its mass and proximity
- The appeal decision submitted by the agent is not directly comparable to the proposal.
- proposal severely impacts on the privacy and amenity enjoyed and is overbearing and dominant for No3, with the increased length of the extension exacerbating this impact.
- proposal should be considered on its merits.

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 ENV1 seeks to ensure a particularly 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.

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.

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 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.

Para 139 of the framework states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

The Design Principles Supplementary Planning Document (SPD) applies to extensions and sets out the aspects required for good design and protecting residential amenity.

The Conservation Area Design and Development Guidance SPD sets out that new development should use good quality and predominantly natural building materials, be well detailed, and respect local architectural detailing and styles. It provides specific guidance on development relating to agricultural building and their sensitive adaptation to other uses.

Trawden Forest Neighbourhood Plan, in particular Policy 6 that states that development should respect, and where possible enhance, the setting, character, and appearance of Heritage Assets within the Neighbourhood Plan area and Policy 7 that sets out criteria for development with the Areas of Townscape Character.

Officer Comments

The proposed development is in a residential area situated within the settlement boundary of Trawden. There are no underlying policies which would prevent the development in principle. The principal material considerations for the application are as follows:

Design and Heritage

The latest amended drawings for the balcony consist of open vertical balusters with a lattice design above it. The design of the balusters would be similar in appearance to that of the original balcony albeit being 0.1m taller than it. The vertical balusters would also be spaced to create a more open appearance in contrast to the solid close-boarded design presented to the previous committee. The design would have a timber handrail, timber lattice elements and timber cladding to steel for all other vertical and horizontal elements. The balusters and lattice design elements would all be rough sawn timber finished with Protek Timber Eco shield weathered wood. The proposed design albeit having a slightly vertical emphasis and 0.1m increased height, due to its open design and weathered finish

would not appear overbearing and would be visually similar to the original balcony that was replaced. The balustrade to the side elevation towards No.3 Hollin Hall would have a timber boarding behind the balusters to provide privacy to the neighbours without compromising the design.

The new balcony would still be constructed on the new steel posts. However, the steel posts and the base frame on which the balcony rests would be painted black. The existing dwelling already has window surrounds and rainwater goods on its prominent elevations painted black which is usually considered appropriate for buildings in a conservation area. Given this context, the black painted posts would not be completely out of keeping with the character of the dwelling and the conservation area and would blend in with the surroundings.

On balance, the proposal would not have any greater unacceptable impact on the character of the dwelling and the conservation area than the original balcony and would be acceptable in terms of design in accordance with policies ENV1 and ENV2 of the Adopted Pendle Local Plan Part 1: Core Strategy, the Adopted Pendle Design principles SPD Conservation Area Design and Development Guidance, and Policy 6 and 7 of the TFNP. The development would have a neutral impact on the significance of the conservation area and thus would not require an assessment as per paragraph 208 of the NPPF.

Residential Amenity

The council had been made aware that the initial removal of the previous balcony and work on the replacement balcony began w/c 20th May 2024 and was completed by 12th June 2024. The applicant has submitted an example of case law which looks at how these matters should be assessed. What has existed on property, and which is lawful has to be given significant weight in reaching a decision. As in this case there may have been amenity issues that the existing structure had but as the structure was lawful a new application must recognise that there were issues but cannot seek to remedy problems of a long-standing nature. That is regardless of how the structure became lawful.

There has been a balcony on the premises for a considerable period of time. Site visit photographs taken in 2011 show it in situ then. The exact time of its construction is not known but it has been in situ for a minimum of 13 years. In determining the merits of the case that lawful situation cannot be ignored and indeed it must be given significant weight in reaching a decision. The previous balcony already impacted the privacy of both the neighbours at No.3 and 1 Slack Booth Barn. The new balcony being setback from the party boundary with no.3 by 0.2m and projecting 0.365m more to the rear, would not have a discernible greater impact on the privacy of either of the neighbours than that was already existing. As such refusal of the new structure could not be justified in terms of loss of privacy or amenity as it does not make a longstanding situation any worse.

In this case the development would not have any unacceptable impact on the privacy and living conditions of neighbours and would be acceptable in accordance with policies ENV1 and ENV2 of the Adopted Pendle Local Plan Part 1: Core Strategy and the Adopted Pendle Design principles SPD.

Highways

The development raises no issues of highway safety.

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 housing development would accord with Local Planning Policy and would

be compliant with the guidance set out in the Framework, subject to compliance with planning conditions. 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:

- 712/6 New Balustrade to Balcony (received 30.10.24)
- 712/3B Elevations (received 30.10.24)
- 712/2 Part Ground and First Floor Plans (received 13.08.24)
- 712/1 Location and Site Plan (received 13.08.24)

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

3. All the external materials to be used in the elevations and roof of the development hereby permitted shall be as stated on the application form and approved plans and there shall be no variation without the prior consent of the Local Planning Authority.

Reason: These materials are appropriate to the locality and in order to allow the Local Planning Authority to control the external appearance of the development.

Application Ref: 24/0546/HHO

Proposal: Full: Erection of a replacement first floor balcony to the rear.

At 1 Hollin Hall, Trawden, Lancashire

On behalf of: Mr A & Dr V O'Neill