



**REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER**

**TO: WEST CRAVEN COMMITTEE**

**DATE: 7<sup>th</sup> June 2016**

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications

## **REPORT TO WEST CRAVEN COMMITTEE ON 7<sup>th</sup> JUNE, 2016**

**Application Ref:** 16/0274/HHO

**Proposal: Full:** Erection of a single storey extension to the rear.

**At:** Ghyll Dene, Rainhall Crescent, Barnoldswick

**On Behalf of:** Mr & Mrs Goodwill

**Date Registered:** 19 April, 2016

**Expiry Date:** 14 June 2016

**Case Officer:** Kathryn Hughes

### **Site Description and Proposal**

The application site is a semi-detached residential property located within the settlement boundary of Barnoldswick.

The proposal is to erect a single storey extension to the rear elevation.

The extension would measure 6m x 4m x 3.34m to ridge (2.665m to eaves) finished in stone/render and natural blue slate to match the existing.

### **Planning History**

13/12/0015P - Demolition of existing garage and erection of two storey extension to side and single storey extension to rear - Approval given for two storey element, not for single storey – 5<sup>th</sup> March, 2012.

13/12/0324P – Demolition of existing garage and erection of new single storey garage to side – Approved 6<sup>th</sup> September, 2012

13/12/0015M1 – Application for a non-material amendment in respect of application 13/12/0015P – Approved 5<sup>th</sup> August, 2014.

### **Consultee Response**

Barnoldswick Town Council –

### **Public Response**

Nearest neighbours notified by letter. Six letters/webcomments received objecting to the proposal on the following grounds:

- The hedge's and foundations have already been done;
- The trees and hedges have already been removed;
- The site can be seen from the ginnel;
- I can see no significant alterations why permission should be granted this time round. The wall of the proposed sun lounge would overlap our dining room window giving us a view of wall;

- The beech hedge has been has been ripped up and five Leylandii trees on our land have had their roots cut back and a retaining wall built;
- On the last two applications it was stated that no trees or hedge would be removed;
- Our bedroom and bathroom with overlook the elevated position of the sun lounge and the open aspect of the design especially as the hedge has been removed;
- Current drainage of rainwater is inappropriate as it runs onto the lane which has not been repaired since the previous extension;
- This proposal, if approved, would mean further disruption and damage to the lane from heavy vehicles;
- The drawings show the ridge of the proposed extension lower than the flat roof of their neighbours; this is incorrect as the extension will be at least one metre above their neighbours. Based on an apex roof proposed the distance between the proposed extension and their neighbours extension leaves no access for maintenance of gutters or pipes on either property;
- The sun room looks more like a kitchen which was rejected previously;
- I feel this property is being overdeveloped and planning processes are being treated with no respect. The garden is already a building site and the proposed sun room will almost certainly be converted into a kitchen at a later date;
- If approved the proposed extension would directly overlook our property because of the extension is elevated there would be a direct line of sight into our kitchen, bedroom and bathroom and no amount of fencing/screening would preserve our privacy;
- The proposal is, in principle, identical to the rejected scheme and therefore is still inappropriate.

The applicant has responded to the above as follows:

We have altered the design and reduced the length, width and height as well as removing the WC and window and have received more complaints. Does this not suggest a strong case of neighbours getting together and gaining power to influence a planning decision and take the case to a committee meeting?

## **Officer Comments**

The main considerations for this application are policy issues, impact on amenity, design and materials and highway issues.

### 1. Policy

The relevant policies are:

ENV1 covers protection and enhancement of the natural and historic environment including biodiversity, ecology, trees, landscapes, open space and green infrastructure and historic environment.

ENV2 sets out general design principles, historic environment and climate change.

The Design Principles SPD applies to extension and sets out the aspects required for good design which avoid overshadowing or loss of outlook/privacy. Extensions should not project beyond 4m and larger extensions should only be considered where it is characteristic of the area and there would not be an unacceptable impact on neighbours.

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

### 2. Impact on Amenity

The proposed single storey side extension would be sited 300mm off the side eastern boundary with The Willows for 6m at a height of 2.66m to eaves.

The Willows has an existing single storey flat roofed extension along this boundary of around 3.8m in length with two windows in the rear elevation to serve a sitting room. The proposed extension would project a further 2.2m beyond that with full length sliding doors in the western elevation.

The existing extension at The Willows is higher than the proposed extension and there is a slight difference in levels between the two properties with the application site being lower. Therefore the height of the proposed extension would not result in any undue impact on The Willows. The existing hedges have been removed and a retaining wall and 2m high fence has been erected in the rear garden along this side boundary. The Willows is enclosed to the rear by existing properties which are at a higher level (approx.1m) and this results in the rear garden being enclosed and exacerbates the light issue to the rear of this property.

Bearing in mind that the applicants have erected a 2m high fence along this boundary, which they can carry out under permitted development rights, the proposed extension would not have much more of an impact on the amenity of The Willows than this fence due to the limited height of 2.66m to eaves and the slight difference in ground levels. The further projection of 2.2m beyond the existing single storey extension on the boundary would not result in any loss of light to such a degree as to warrant a refusal as the existing extension has two windows in the rear elevation.

The property sited to the rear (south) Bishopstone House is on a much higher level (over 1m) and has a rear projection which has no windows in its northern elevation and therefore would not be unduly affected by this proposal.

With regards to potential impact on any of the other surrounding properties this would be minimal as although it would be visible from these properties due to the existing overlooking of this property this proposal would not result in any harm or adverse impact to these properties amenity due to the distances and limited height of the proposal.

The proposed extension would be acceptable in this location and would not unduly impact on amenity.

The proposal therefore accords with policy ENV2.

### 3. Design and Materials

Materials proposed are stone to the western side elevation and render to the eastern side (between the two extensions) and the south rear elevation with natural blue slate to match the existing dwelling.

The design and materials proposed are acceptable in this location and will match the existing two storey extension to the side.

The proposal therefore accords with policy ENV2.

### 4. Highway Issues

At present the dwelling has ample off street parking provision and as the number of bedrooms would not be increased by this proposal this does not increase the requirement for car parking.

This is acceptable and accords with policy 31.

## 5. Summary

The scheme as proposed is acceptable in terms of design and materials, impact on amenity and parking provision and therefore accords with policy.

### **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 proposal is acceptable in terms of design and amenity and would not impact on amenity or raise highway safety issues. 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:

3, 4, 1 and 2B.

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

3. All materials to be used in the elevations and roof of the proposed development shall be as stated on the application form and approved drawings and shall not be varied without the prior written permission 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: 16/0274/HHO**

**Proposal: Full: Erection of a single storey extension to the rear.**

**At: Ghyll Dene, Rainhall Crescent, Barnoldswick**

**On Behalf of: Mr & Mrs Goodwill**

## REPORT TO WEST CRAVEN COMMITTEE ON 7<sup>TH</sup> JUNE 2016

**Application Ref:** 16/0142/VAR

**Proposal:** Full: Major: Variation of Condition: Remove Condition 21 (Renewable energy) of Planning Permission 13/10/0568P for the erection of a holiday village comprising 55 lodges, site reception building incorporating shop, cafe, health spa and managers accommodation, alterations to vehicular access, landscaping and tree planting.

**At:** PARK CLOSE QUARRY MOOR LANE SALTERFORTH BARNOLDSWICK BB18 5SP

**On behalf of:** Halton Homes Ltd

**Date Registered:** 01 April 2016

**Expiry Date:** 1 July 2016

**Case Officer:** Alex Cameron

### **Site Description and Proposal**

The application site is a former quarry located approximately 700m to the South West of the village of Salterforth. The site is accessed from Moor Lane. To the South, East and West is open countryside and to the North is a scrap yard. Adjacent to the North East corner of the site is a terrace of four houses at Park Close and a detached house at Lansdowne. To the South West of the site is the former Fanny Grey Hotel public house now converted to dwellings. Planning permission was on the site granted in 2010 for a holiday village of 55 lodges, this permission is now extant as the pre-commencement conditions have been discharged and the construction traffic access works undertaken to commence the development.

This application is to remove condition 21 of the planning permission:

**Condition 21** At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources as described in the glossary of the Planning Policy Statement 1: Delivering Sustainable Development (Planning and Climate Change). Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To comply with Planning Policy Statement 1 and the Supplement 'Planning & climate change'.

### **Relevant Planning History**

13/83/0475P - Change of use of workshop to transport maintenance depot. Approved.

13/04/0356P – Change of use of existing operational area (1,950m<sup>2</sup>). Withdrawn.

13/04/0737P – Certificate of lawfulness for existing use of land for storage, sorting, processing and trade sale of reclaimed building materials with ancillary retail sales. Refused.

13/04/1004P – Use of land for storage, sorting, processing and trade sale of reclaimed building materials (retrospective). Refused.

13/07/0800P – Engineering operations to form landscaped bund. Refused.

13/10/0568P - Major: Erection of a holiday village comprising 55 lodges, site reception building incorporating shop, cafe, health spa and managers accommodation, alterations to vehicular access, landscaping and tree planting.

### **Consultee Response**

Salterforth Parish Council

### **Public Response**

A press and site notice have been posted and 14 neighbours notified – No response.

### **Officer Comments**

At the time of granting planning permission the policy basis for imposing a condition requiring 10% of energy to come from renewable sources stemmed from Planning Policy Statement 1 and the North West Regional Special Strategy, these policy documents have since been cancelled and superseded by the National Planning Policy Framework. Current national and local policy does not require that a percentage of energy is secured from renewable energy sources and therefore there is no longer any requirement for the imposition of this condition.

Taking this into account the removal of this condition is acceptable.

### **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 condition is no longer necessary under current local or national policy. 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 development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: Location Plan, 369-01A, 369-02A, 369-03, 369-04, 369-05, 369-06, 369-07, 369-08, 369-11, 369-10, 369-12, 369-13, 369-14, 369-15, 369-18, 369-19, 369-21, 369-23, 2283-10, 2283-11, 2283-12, 2283-13, 2283-SK2, SK-23

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

2. The chalets shall be occupied for holiday purposes only:
  - (1) the chalets shall not be occupied as a person's sole or main place of residence.
  - (2) No less than 18 chalets shall be let at any time solely for short let accommodation. The short let chalets shall not be occupied by any one person for a period exceeding 28 days in any calendar year.



- (3) the owner/operator shall maintain an up-to-date register of the names of all owners/ occupiers of individual units on the site and their main home addresses, along with a list identifying current short let chalets and shall make this information available at all reasonable times to the Local Planning Authority.

**Reason:** In order to ensure the proper control of the use of the holiday units and to prevent the establishment of permanent residency.

3. The development must be begun not later than the expiration of three years beginning 10<sup>th</sup> February 2011.

**Reason:** In order to comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (As Amended).

4. The cafe, shop and spa located in the reception building hereby approved shall be for the sole use of occupants of the holiday park hereby approved.

**Reason:** To protect the viability of the town centre.

5. No part of the development shall be occupied until a footpath linking the site to High Lane as shown on Drawing No. 369-02A has been constructed and is open for use. The footpath shall be retained and open for access to High Lane at all times.

**Reason:** In order to provide a pedestrian link to High Lane in the interest of highway safety.

6. Prior to the commencement of development, a scheme for the construction of off-site works of highway improvement shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, no part of the development hereby approved shall be occupied until the approved scheme has been constructed and completed in accordance with the details agreed.

**Reason:** To satisfy the Local Planning Authority that details of the highway scheme/works are acceptable before work commences.

7. Before work commences on the site, facilities shall be provided and retained within the site, by which means the wheels of vehicles may be cleaned before leaving the land. All vehicles shall thereafter use the facilities.

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

8. No part of the development shall be commenced until all the highway works to facilitate construction traffic access have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

**Reason:** To enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

9. No part of the development hereby permitted shall be occupied until the land between the existing highway boundary and the visibility splays indicated on the submitted drawing no. 369-05A has been cleared of all obstructions exceeding 0.9 metres in height. The land shall be so maintained thereafter at all times that the proposed development is in use.

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

10. 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. 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:** To ensure that the development is adequately landscaped so as to integrate with its surroundings.

11. All hard and soft landscape works shall be carried out in accordance with the recommendations of BS 4428 (1989). The works shall be carried out prior to occupation of any part of the development or in accordance with a timetable to be agreed in writing by the Local Planning Authority. Any trees or plants that within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

**Reason:** To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

12. The windows in the first floor East elevation of the lodges 3 and 4 as shown on drawing No. 369-01A shall at all times be glazed only with obscure glass of a type and degree of obscurity to be first agreed in writing by the Local Planning Authority prior to its installation. Any replacement glazing shall be of an equal degree of obscurity to that which was first approved. The windows shall be hung in such a way so as to prevent the effect of obscure glazing being negated by way of opening.

**Reason:** To safeguard residential amenity.

13. The proposed development shall not be brought into use unless and until the car park shown on the approved plan has been constructed, surfaced, sealed, drained and marked out in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The parking spaces and turning areas shall thereafter always remain unobstructed and available for parking and turning purposes.

**Reason:** In the interest of amenity.

14. 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.

15. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation

**Reason:** To identify contamination from previous uses, ensure any remediation is undertaken and safeguard future uses, occupiers and the environment beyond.

16. Demolition or construction work shall not begin until a scheme for protecting the nearby residents from noise and vibration from the site during these works has been submitted to and approved in writing by the Local Planning Authority. All measures which form part of the approved scheme shall be adhered to throughout the period of demolition and/or construction.

## NOTES

1. The contractor shall have regard to the relevant parts of BS 5228 1997 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.
2. The local planning authority expects that the best practical means available in accordance with British Standard Codes of practise 5228:1997 Parts 1 to 4 shall be employed at all times to minimise the emission of noise from the site.
3. Reference should be made to the Council's 'Code of Practice for Construction and Demolition Sites'.

**Reason:** To ensure a satisfactory standard of amenity for neighbouring properties.

17. A scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority within two weeks of the commencement of development. The scheme shall provide for separate systems for foul and surface waters and be constructed and completed in accordance with the approved plans before the first dwelling is occupied.

**Reason:** To control foul and surface water flow disposal and prevent flooding.

18. Before each lodge is first occupied waste containers shall be provided in the bin storage areas on each plot.

**Reason:** To ensure adequate provision for the storage and disposal of waste.

19. No tree felling, branch lopping or vegetation clearance in connection with the development hereby approved shall take place between the 1st March and 31st July.

**Reason:** To ensure protection of the habitat of nesting birds which are protected under the Wildlife & Countryside Act, 1981.

20. The development shall be carried out in strict accordance with the recommendations set out in the Extended Phase 1 Habitat Survey received 27/10/2010. Any additional reports required in accordance with those recommendations shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant works. The recommendations of the approved reports shall be wholly implemented in accordance with timescales set out in the report and thereafter retained.

**Reason:** To ensure protection of the habitat of bats and barn owls which are protected under the Wildlife & Countryside Act, 1981.

**21.** Prior to the commencement of development on site a method statement shall be submitted to the Local Planning Authority for written approval which shall include the following:

- i) the parking of vehicles of site-operatives and visitors
  - ii) loading and unloading of plant and materials
  - iii) storage of plant and materials used in constructing the development
  - iv) the erection and maintenance of security hoardings including decorative displays, where appropriate
  - v) wheel-washing facilities
  - vi) measures to control the emission of dust and dirt during construction
  - vii) a scheme for re-cycling/disposing of waste resulting from demolition and construction works
- 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.

**Note:**

Burning on site

The development site is located in a built-up area with neighbouring occupiers. Pendle Borough Council receives many complaints about smoke from bonfires, which are inappropriate in built-up areas. The practice of burning wastes on site is an old-fashioned practice, which normally constitutes an offence under the Duty of Care provisions of the Environmental Protection Act 1990. The applicant is cautioned against permitting any bonfire to take place during demolition, site clearance or construction. For further information, contact Environmental Health at Pendle Borough Council by telephoning (01282) 661199.

Construction

Construction projects should always be carried out in accordance with the Council's 'Code of Practice for Construction and Demolition'. Dust control This development is located in a built-up area close to residential properties. Demolition and construction operations frequently cause short-term dust problems and Pendle Borough Council receives many complaints about such problems. The applicant is requested to ensure that:

1. dust generation is considered prior to site works, and
2. dust control measures are provided such as sheeting of work areas and water dampening of stockpiles and roadways.

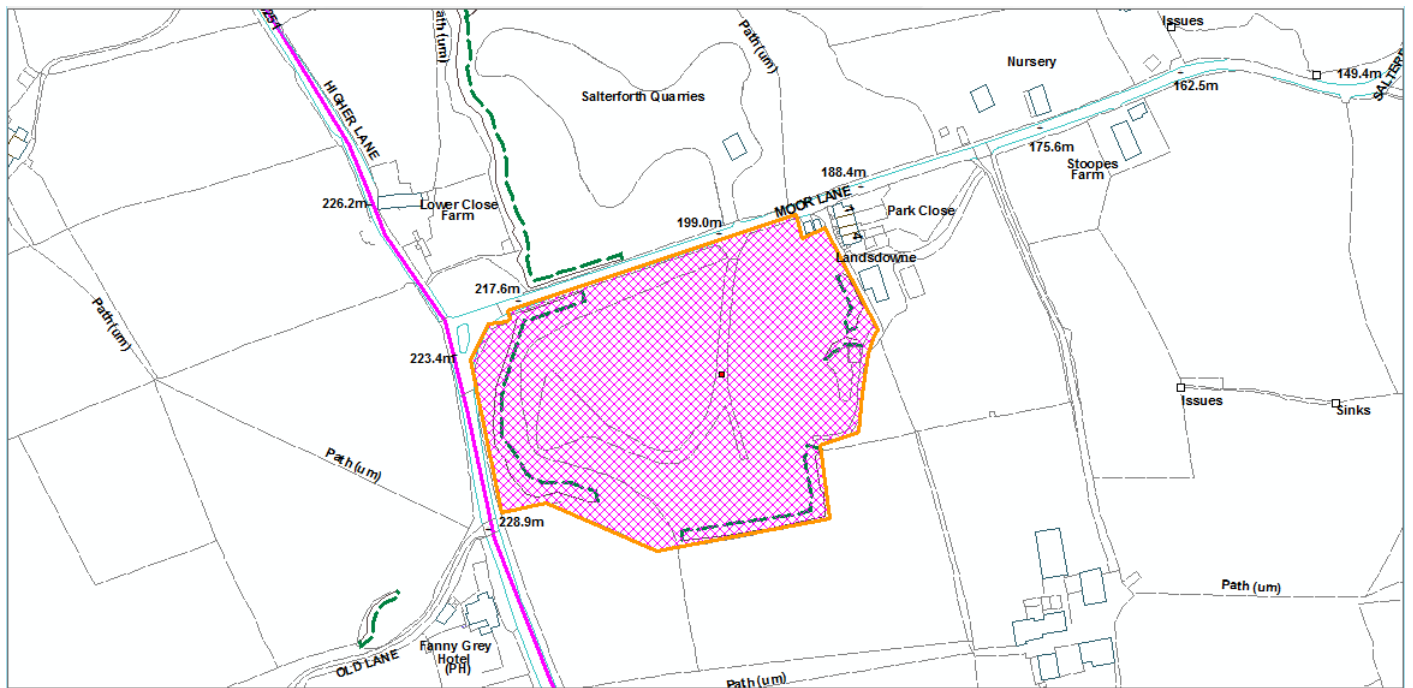
Periods of dry weather are the most frequent cause of unforeseen problems. Please ensure that suitable water supplies and equipment are available at short notice.

Smoke Control Area

The development site is located within a formal Smoke Control Area designated by order. For this reason:

1. No wastes derived during demolition, site clearance or construction may be burned on the site.
2. No combustion appliance may be operated unless it has been passed as suitable for use in a Smoke Control Area.

For further information, contact Environmental Health at Pendle Borough Council, by telephoning (01282) 661199.



**Application Ref:** 16/0142/VAR

**Proposal:** Full: Major: Variation of Condition: Remove Condition 21 (Renewable energy) of Planning Permission 13/10/0568P for the erection of a holiday village comprising 55 lodges, site reception building incorporating shop, cafe, health spa and managers accommodation, alterations to vehicular access, landscaping and tree planting.

**At:** PARK CLOSE QUARRY MOOR LANE SALTERFORTH BARNOLDSWICK BB18 5SP

**On behalf of:** Halton Homes Ltd

## REPORT TO WEST CRAVEN COMMITTEE ON 7<sup>TH</sup> JUNE 2016

**Application Ref:** 16/0136/REM

**Proposal:** Reserved Matters: Major: Erection of 31 dwelling houses (Appearance, Landscaping, Layout and Scale).

**At:** LAND OFF LONG ING LANE BARNOLDSWICK BB18 6BJ

**On behalf of:** Stirling Investment Properties LLP

**Date Registered:** 10 March 2014

**Expiry Date:** 5 May 2014

**Case Officer:** Alex Cameron

### **Site Description and Proposal**

The application site is a field to the south of Long Ing Lane. To the east are semi-detached dwellings on Moss Side, which the site wraps around and garages to the rear of terraced houses on Victoria Road, to the west are dwellings on Riding Close and to the south is open land. The majority of the site falls within the settlement boundary of Barnoldswick, however the line of the boundary follows the rear boundary of the gardens of Moss Side across the site and so the area of land to the south of that falls outside of the settlement. The site has no other designation or planning constraints.

This application is for the remaining reserved matters (appearance, landscaping, layout and scale) resulting from the approval on appeal of an outline application (access only) for a residential development (ref: 13/14/0100P). The proposed development would be 31 houses comprising the following:

- 6 split level four bedroom semi-detached houses (three storeys to front two storeys to rear)
- 6 split level three bedroom semi-detached houses with integral garages (three storeys to front two storeys to rear)
- 3 two storey (plus habitable room in roof space) 3 bedroom houses in blocks of three.
- 9 two storey 3 bedroom dwellings in blocks of three.
- 2 two storey three bedroom semi-detached houses.
- 2 two storey four bedroom detached houses with detached garages.
- 3 two storey four bedroom detached houses with integral garages.

The proposed houses would be finished with artificial stone walls, cast stone window/door surrounds, artificial slate roofs and white uPVC fenestration.

### **Relevant Planning History**

No relevant history.

### **Consultee Response**

**LCC Highways** - The following changes to the proposed highway design are recommended:

1. The minimum internal single garage size to be 6x3m and this includes integral garages.

2. The Joint Lancashire Structure Plan and the Pendle Local Plan 2001-2016 Appendix 2: Car and Cycle Parking Standards recommends the following individual parking provision: -
  - One-bedroom properties to have 100% parking.
  - Two to three bedroom properties to have 200% parking.
  - Four to five bedroom properties to have 300% parking.

3. It is recommended that all private drives fronting garages to be a minimum of 6m long and this must not include any of the required 2m wide service verge. The drive length can be reduced to 5.5m if roller shutters are fitted and conditioned as part of the planning decision. The recommended distance of 6m is based on the length of a large family car (Ford Mondeo Estate 4.58m long), clearance at the rear of the car (200mm), overhang of the garage door (600mm) and room to stand in front of the car and open/close the garage door (600mm).

4. The sight lines of 2.0 x 25m to be provided in both directions from the centre of the new site drive for plot 1 D onto Long Ing Way. The site line requirement is based on table 7.1 from Manual for Streets and an estimated wet road 85<sup>th</sup> percentile speed of 20 mph.

The applicant should provide accurate details of the required sight line requirement, before determining the application, ensuring the entire sight line requirement is fully over land within the applicants control and/or over the adopted highway.

The required sight line requirement may be reduced if the applicant can provide an acceptable traffic study, which indicates the 85<sup>th</sup> percentile traffic speeds are less than detailed above. The traffic study would need to be carried out over a full week by an approved specialist showing the 85<sup>th</sup> percentile wet road traffic speeds in both directions the numbers of vehicles, types of vehicles and the speed of vehicles passing the proposed new access.

Where acceptable sight lines at the junction are not provided the Highway Development Control Section would raise an objection to the development in the interest of highway safety

5. The private drives to have a minimum width of 3.2m where they are used for vehicular access and pedestrian access to the property. From Approved Document M (Access to and use of buildings). Clause 6.15-b and 6.17-a require flights with unobstructed widths of at least 900mm.
6. Prove the access at the rear of plot 25E by swept path analysis for a twin axel refuse vehicles to ensure refuse and emergency vehicles can access plot 31F
7. Carriageway to have a desirable maximum gradients of 6%, although a gradient of 5% is desirable where a significant number of pedestrians are expected. (Manual for Streets 2 8.4.01 and 8.4.2) The maximum gradient of 5% to be applied for a minimum of the first 10m of carriageway.
8. Where pedestrians are expected the gradient should ideally be more than 5% with a maximum of 8% for wheel chair users (Manual for Streets 2 5.2.5)

The following comments are regarding the future highway adoption under a section 38 agreement with Lancashire County Council and the applicant is advised to consider these comments as part of this planning application, where they wish to offer the road for adoption. Where the recommendations below are not implemented the highways may not be suitable for adoption. Further guidelines regarding acceptable prescribed highway adoptable layouts can be found on the Lancashire County Council Residential Road Design Guide and the Lancashire County Council Specification for Estate Roads 2011 edition. Some minor variations to these documents may be considered on a case by case basis but the emphasis will be on highway safety and maintenance.

1. Carriageway to have a desirable maximum gradients of 6%, although a gradient of 5% is desirable where a significant number of pedestrians are expected. (Manual for Streets 2 8.4.01 and 8.4.2) The maximum gradient of 5% to be applied for a minimum of the first 10m of carriageway.
2. Where pedestrians are expected the gradient should ideally be more than 5% with a maximum of 8% for wheel chair users (Manual for Streets 2 5.2.5)

The Highway Development Control Section recommends the following conditions as part of the formal planning decision: wheel wash, driveway construction, visibility splay, car parking, highway works, road survey, construction traffic management plan, estate road phasing and construction, street maintenance, road drainage and lighting details.

**PBC Environment Officer** – The landscaping scheme is acceptable.

**PBC Environmental Health** – Please attach a note regarding radon gas.

**United Utilities** – No objection subject to drainage conditions.

**Lead Local Flood Authority** - No objection to this reserved matters application, however, it is noted that the requirements of Condition 9 (Foul and Surface Water) of Planning Permission 13/14/0100P have not yet been satisfied. Pendle Borough Council and the applicant are reminded that the proposals for appearance, landscaping, layout and scale can directly impact the nature of any proposed surface water drainage strategy for the site.

**Lancashire Constabulary Architectural Liaison** - In order to prevent and reduce the opportunity for criminal activity and anti-social behaviour at the proposed development I make the following security recommendations:-

The scheme should be developed to Secured By Design Security standards. Secured By Design is a nationally recognised security scheme supported by the police that designs out the opportunity for crime by target hardening dwellings from crimes such as burglary. Secured By Design guides and checklists can be found at [www.securedbydesign.com](http://www.securedbydesign.com) or from the above office.

All doorsets and windows should be tested and certificated to PAS 24/2012 security standards in accordance with the Building Regulation Approved Document Q. Front doorsets should be fitted with a door viewer and security bar/chain. All ground floor glazing should be laminated and windows fitted with restrictors.

Rear gardens should be secured with a 1.8m fencing arrangement such as close boarded timber. Access should be restricted to the rear of the dwellings with a lockable 1.8m high gating arrangement that is fitted as flush with the front of the building line as possible.

Dwellings should be illuminated with anti-vandal proof dusk till dawn lighting units at the front and rear of the property.



Dwellings should be fitted with an intruder alarm system or alternatively a 13 amp non switched fused spur suitable for the residents to have an alarm system installed.

Natural England – No objection.

Barnoldswick Town Council

### **Public Response**

Press and site notices have been posted and 61 neighbours notified – 10 responses have been received objecting to the proposed development on the following grounds:

Traffic issues and highway safety.

The outline application was for 29 houses this is for 31.

The access for plot 1 onto Long Ing Lane was not included in the outline application.

This development should be considered together with the Barnsay Shed site rather than individually.

Three storey and detached houses are not in keeping with the area and will dwarf existing houses at Moss Side.

The field is used by dog walkers.

The public footpaths though the site should remain as public footpaths.

The layout ignores the proposed public rights of way through the site.

Overlooking of properties on Moss Side.

Traffic, headlights and street lighting on the adjacent estate road would cause a disturbance to residents of Moss Side

Risk of flooding to surrounding properties.

There are many springs on the site, these have not been mentioned.

Impact of the development on local schools and medical services.

Impact on wildlife including protected species.

Bats use Moss Side as a flight path.

Residents of Moss Site should be compensated for disruption during construction if this goes ahead.

Properties on Moss Side will be devalued by the development.

Moss Side is a private road and we will not allow any work to encroach it.

There is not enough room on the field for 31 houses.

The proposed houses are too expensive.

Sewerage/drainage is inadequate for the existing properties.

Utilities are only just adequate, my property has very low water pressure which is effected when other properties use theirs.

Plot 24 would be only 1m away from Oak Lea and would restrict access to the gable of the side extension.

We are concerned that ploys 5-11 may use Moss Site to gain Access to their gardens or park causing an obstruction.

No provision for green space.

No affordable housing provision.

Due to the gradient of the land it will be difficult for service vehicles and emergency services to access the site in the winter months.

Noise issues from Silentnight.

### **Officer Comments**

This is a reserved matters application, the principle of residential development on this site and the acceptability of the access have be established by the outline permission. Only the appearance, landscaping, layout and scale of the development can be considered in this application.

### **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 SDP2 sets out the roles each settlement category will play in future growth. Barnoldswick is a key service centre which provide the focus for future growth and will accommodate the majority of new development.

Policy SDP3 identifies housing distribution in West Craven Towns as 18% of the total required in the Borough over the Plan lifetime. The total housing requirement for Pendle is 5662 which equates to 298 units per annum. The amount of development proposed here is not disproportionate to the amount Barnoldswick could expect to accommodate over the 15 year plan period.

Policy ENV1 of the Local Plan 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 of the Pendle Local Plan Part 1 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 ENV7 does not allow development where it would be at risk of flooding and appropriate flood alleviation measures will be provided and/or would increase the risk of flooding elsewhere.

Policy LIV1 sets out the housing requirement identified in Policy SDP3 above. At the present time sites have not yet been allocated in The Pendle Local Plan Part 2: Site Allocations and Development Policies.

Policy LIV5 states that layout and design 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.

### Replacement Pendle Local Plan

Policy 4D (Natural Heritage - Wildlife Corridors, Species Protection and Biodiversity) States that development proposals that would adversely impact or harm, directly or indirectly, legally protected species will not be permitted, unless shown to meet the requirements of The Conservation (Natural Habitats, &c.) Regulations 1994.

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

### National Planning Policy Framework (“the 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 paragraphs 18 to 219 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.

Paragraph 47 of the Framework requires local planning authorities to identify a supply of deliverable housing sites to provide five years’ worth of their housing requirements.

### **Visual Amenity**

The proposed houses would be of a simple but good quality design finished in artificial stone and artificial slate with features such as cast stone lintels, sills, surrounds and door pediments that would enhance their appearance. The layout of the site is somewhat constrained by the levels of the site, which slopes steeply up from Long Ing Lane, and this has influenced the split level design of some of the proposed houses with three stories to the front and two to the rear. Whilst the majority the existing housing in surrounding area is primarily two storey, the proposed three storey split level houses are acceptable in terms of design and appropriate to this steeply sloping site. The details of design, scale and layout are therefore acceptable in terms of visual amenity in accordance with policies ENV2 and LIV5.

### **Residential Amenity**

The proposed layout would provide an adequate level of privacy for occupants of surrounding houses with a minimum habitable window to window separation distance of 23m and window to garden distance of 9m. The proposed layout also has acceptable separation distances between the proposed dwellings and would provide an acceptable level of privacy and amenity space for occupants. The details of design, scale and layout are therefore acceptable in terms of residential amenity in accordance with policy ENV2.

### **Highways**

The principle of the main access to the site and overall transport implications of the development has already been approved by the outline permission.

The proposed layout plan shows an additional access onto Long Ing Lane for plot 1. Subject to the provision of adequate sightlines this access is acceptable in terms of highway safety, this can be controlled by condition.

The car parking standards in the RPLP are for 2 spaces for a 3 bedroom house and 3 spaces for a four bedroom house. There are some plots on the proposed development that are one space below this maximum standard, however, visitor parking is proposed and the overall parking provision of 70 spaces is just 3 below the maximum standard. The proposed car parking layout is acceptable subject to a condition requiring that three of the proposed visitor spaces are instead dedicated to plots 2-4, which would otherwise only have one space, which could result in cars from those properties parking on Long Ing Lane.

## **Public Rights of Way**

Public footpath No. 20 runs adjacent to the south east corner of the site and there are also two proposed public rights of way running across the site. The first would run from footpath No. 20 through the site from the south east corner to the west side exiting onto Riding Close, the second would run from the south west corner of the site to meet the first where it exits at Riding Close.

Footpath No.20 would be unaffected by the proposed development, provision would be made to the rear of plots 28-31 for the first of the proposed footpaths described above, from there pedestrians could follow the road round to an exit onto Riding Close, provision for the route of the second footpath is also proposed and its route would follow that of the estate road to the exit onto Riding Close. Therefore, pedestrian accessibility though the site would not be compromised by the proposed development.

## **Landscaping**

The submitted details of landscaping would be acceptable.

## **Drainage**

A culverted watercourse runs adjacent to the western boundary of the site. This runs outside of the site boundary and so would not be built over.

A drainage statement has been submitted with the application this proposes attenuation to limit surface water runoff from the site to the existing greenfield discharge rate to an existing culvert in Long Ing Lane. The relevant consultees have no objection to this. With this attenuation in place the development would not result in an increase in the risk of flooding of adjacent properties.

## **Other issues**

A number of responses objecting to the proposed development have been received, many of these objections relate to issues that were considered in the previous outline application, such as the principle of the development, overall highway safety impact, impacts on services, site ecology etc.

Although 29 houses were indicated in the outline application the applicant is not tied to that number, 31 houses can be acceptably accommodated by the proposed layout.

## **Summary**

The layout, scale, design and landscaping of the proposed development are acceptable and it is recommended that the application be approved.

### **Reason for Decision**

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is compliant with policy and the principle of residential development is accepted in this location and the proposed access is acceptable in terms of highway safety. 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. This notice constitutes an approval of matters reserved under Condition ... of Planning Permission No.13/14/0100P and does not by itself constitute a planning permission.

Reason: The application relates to matters reserved by Planning Permission No.13/14/0100P.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 605/01C, 605/02/A, 605/03A, 605/04A, 605/05A, 605/06A, 605/07A, 605/12B, 1979/100A, 1979/101A, 1979/102A, 1979/104A, 1979/105A, 1979/106A, 1979/110A, 1979/111A, 1979/112A.

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

3. Within two weeks of the commencement of development samples of the external materials to be used in the construction of the roofs and walls and samples of the colour and finish of windows and doors of the development hereby approved shall have been submitted to the Local Planning Authority for written approval. The development shall be carried out in strict accordance with the approved materials.

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

4. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Statement AMF/DFS4683, Version 2 - Dated March 2014. For the avoidance of doubt and unless otherwise agreed in writing by the Local Planning Authority, surface water must drain at the restricted rate of 8.1 l/s. No surface water will be permitted to drain directly or indirectly into the public sewer. The development shall be completed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding

5. Prior to the commencement 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. The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Resident's Management Company; and
- b. Arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as ongoing inspections relating to performance and asset condition assessments, operation costs, regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements 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 manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development.

6. The new estate road for the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any development takes place within the site and shall be further extend before any development commences fronting the new access road.

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

7. Plot 1 shall not be occupied unless and until visibility splays measuring 2.0 metres by 25 metres in both directions measured along the centre line of the proposed access from the continuation of the nearer edge of the existing carriageway of Long Ing Lane have been provided in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. The land within these splays shall be maintained thereafter, free from walls, fences, trees, hedges, shrubs, ground growth or other vegetation/structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.

Reason: To ensure adequate visibility at the street junction or site access in the interest of highway safety.

8. No dwellings hereby approved shall be occupied unless and until car parking and manoeuvring scheme has been submitted to and approved by the Local Planning Authority. The scheme shall include details of allocation of spaces and plots 2-3 shall each be allocated one of the visitor parking spaces shown on the approved Site Layout plan. Thereafter the parking and manoeuvring areas for each dwelling shall be marked out and surfaced in accordance with the approved scheme prior to the occupation of that dwelling. The car parking spaces, garages and manoeuvring areas shall thereafter at all times remain free from obstruction and available for car parking and manoeuvring purposes.

Reason: To ensure the provision of adequate parking and turning facilities in the interest of highway safety.

9. Within two weeks of the commencement of the development an Estate Street Phasing and Completion Plan shall be submitted to the Local Planning Authority. The Estate Street

Phasing and Completion Plan shall set out the development phases and the standards that estate streets serving each phase of the development will be completed. The Estate Street Phasing and Completion Plan shall set out dates for entering of the section 38 agreement of the Highways Act 1980 and/or the establishment of a private management and Maintenance Company. No dwelling hereby approved shall be occupied unless until the Estate Street Phasing and Completion Plan has been approved in writing by the Local Planning Authority, the approved plan shall thereafter be fully implemented in accordance with the timescales set out in the plan.

Reason: -To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of highway safety and to ensure a satisfactory appearance to the highways infrastructure serving the development to safeguard the visual amenities of the locality.

10. No dwelling hereby approved shall be occupied unless and until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.

Reason: -To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of highway safety and to ensure a satisfactory appearance to the highways infrastructure serving the development to safeguard the visual amenities of the locality.

11. No dwelling hereby approved shall be occupied unless and until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality.

12. All hard and soft landscape works shall be carried out in accordance with the approved landscaping plan and the recommendations of BS 4428 (1989). The works shall be carried out prior to occupation of any part of the development or in accordance with a timetable to be agreed in writing by the Local Planning Authority. Any trees or plants that within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in the interest of visual amenity.

13. The window openings shall be set back from the external face of the wall. The depth of reveal shall be at least 100mm.

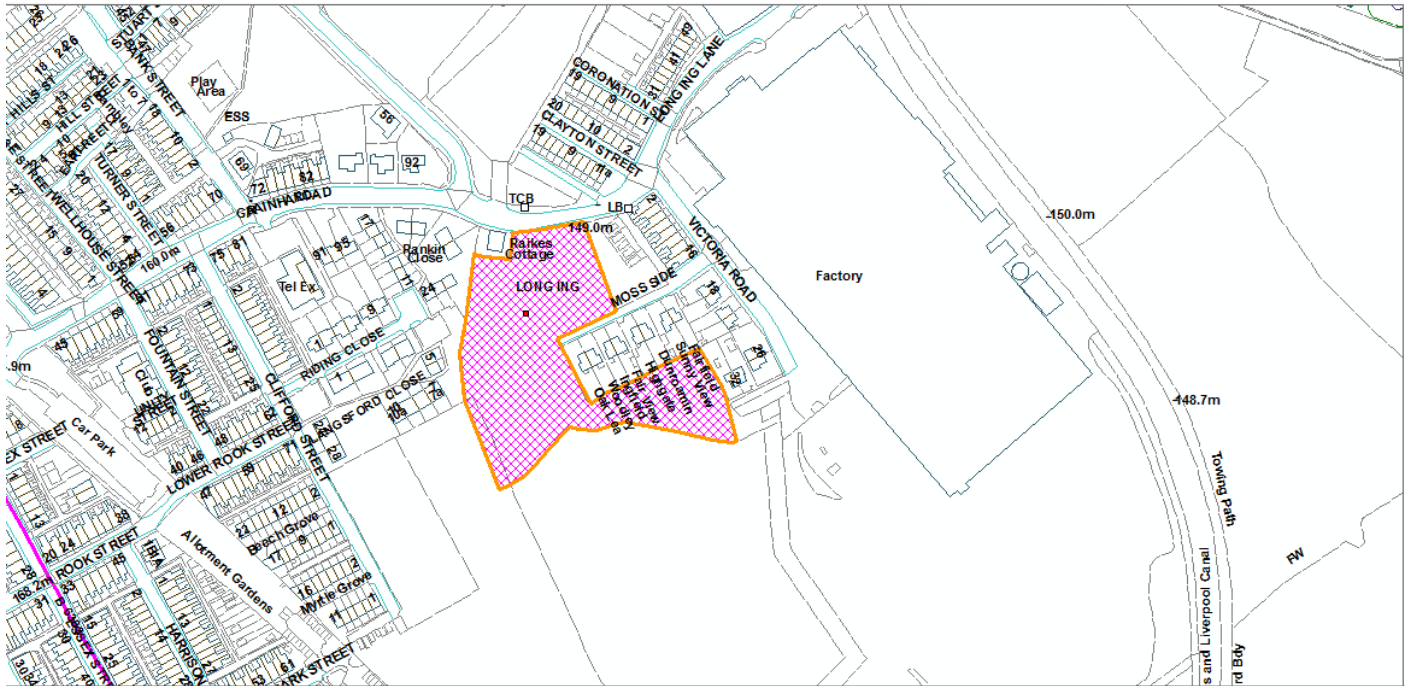
Reason: To ensure a satisfactory appearance to the development in the interest of visual amenity

**Application Ref:** 16/0136/REM

**Proposal:** Reserved Matters: Major: Erection of 31 dwelling houses (Appearance, Landscaping, Layout and Scale).

**At:** LAND OFF LONG ING LANE BARNOLDSWICK BB18 6BJ

**On behalf of:** Stirling Investment Properties LLP





## REPORT TO WEST CRAVEN COMMITTEE ON 7<sup>TH</sup> JUNE 2016

**Application Ref:** 16/0159/OUT

**Proposal:** Outline: Demolition of existing nursing home and construction of 5 dwelling houses in a terrace row (Access, Layout and Scale).

**At:** Briercliffe Lodge, Rainhall Crescent, Barnoldswick

**On behalf of:** Mr R Eyton Jones

**Date Registered:** 05/04/2016

**Expiry Date:** 31/05/2016

**Case Officer:** Alex Cameron

### **Site Description and Proposal**

The application site is a detached stone building used as a care home, located in a residential street within the settlement of Barnoldswick surrounded by detached and semi-detached houses and bungalows.

This is an outline application for the access, layout and scale for a residential development of 5 houses. The proposed houses would be erected in a single terraced row set back 24m from the boundary with Rainhall Crescent, with a parking forecourt to the front.

### **Relevant Planning History**

None.

### **Consultee Response**

Yorkshire Water – no comments.

Environmental Health – Please attach contaminated land condition.

LCC Highways – no objections in principle to the proposed development, providing the following recommendations can be addressed:-

The applicant should provide three off road parking spaces for each 4 bedroom dwelling. The current parking would be acceptable if the car parking spaces were not allocated to any individual and the parking remained communal.

The current proposals do not provide any acceptable facilities for cycle storage for plots 2, 3 and 4. A minimum of two secure cycle spaces for each two to three bedroom property, to support social inclusion and promote sustainable forms of transport. From the “Code for Sustainable Homes 2007”. Cycle storage should not be through the dwelling of a terraced house, provide footway access to all rear gardens.

How will the refuse be collected without causing an obstruction by the refuse vehicle when collecting the refuse?

Please attach the following conditions: car parking and manoeuvring, cycling facilities.

Barnoldswick Town Council

## **Public Response**

A site notice has been posted and 7 neighbours notified. 5 responses have been received objecting to the development on the following grounds:

The proposed development of a row of 5 terraced houses is not in keeping with the detached, semi-detached and older houses in the surrounding area.

Increase in traffic along both Rainhall Crescent and Ben Lane. Additional traffic would make it more hazardous for pedestrians than it is already, and would likely lead to more accidents.

Noise pollution due to increased traffic.

The proposed parking provision is inadequate and additional parking would become a problem in the area and impair access to adjacent properties.

Intrusive overlooking of adjacent properties.

Impact on property values.

Briercliffe Lodge is an older property of historic interest and would be a loss to the town in architectural terms.

The current use is a vital resource for the community and a source of local employment.

## **Officer Comments**

As this is an outline application for access only the only matters to be considered in details at this stage are the provision of access, scale, layout and the principle of the development.

### **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 SDP2 sets out the roles each settlement category will play in future growth. Barnoldswick is a key service centre which provide the focus for future growth and will accommodate the majority of new development.

Policy SDP3 identifies housing distribution in West Craven Towns as 18%. The total housing requirement for Pendle at the present time is 5662. The amount of development proposed here is not disproportionate to the amount Barnoldswick could expect to accommodate over the 15 year plan period.

Policy ENV1 of the Replacement Pendle Local Plan 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 of the Pendle Local Plan Part 1 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 LIV1 sets out the housing requirement identified in Policy SDP3 above. At the present time sites have not yet been allocated in The Pendle Local Plan Part 2: Site Allocations and Development Policies.

Policy LIV4 sets targets and thresholds for affordable housing provision. For less than 15 dwellings in West Craven towns this is 0%.

Policy LIV5 states that layout and design 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.

Policy SUP1 sets out the general approach to the provision of community services and facilities.

### Replacement Pendle Local Plan

Policy 4D (Natural Heritage - Wildlife Corridors, Species Protection and Biodiversity) States that development proposals that would adversely impact or harm, directly or indirectly, legally protected species will not be permitted, unless shown to meet the requirements of The Conservation (Natural Habitats, &c.) Regulations 1994.

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 paragraphs 18 to 219 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.

Paragraph 47 of the Framework requires local planning authorities to identify a supply of deliverable housing sites to provide five years' worth of their housing requirements.

### **Principle of the Development**

The application site falls within the settlement boundary of Barnoldswick, this is a sustainable location for the proposed housing development.

Care homes are not among the defined community facilities that are protected by policy SUP1 of the LPP1 (which has replaced that part of Policy 32 of the RPLP) or within the National Planning Policy Framework and therefore the loss of the care home does not conflict with local or national policy.

### **Visual Amenity**

The existing building is not Listed or within a Conservation Area and taking this into account the loss of the building is acceptable. Although a terraced row is not reflective of the adjacent properties the proposed houses would be set well back within the site and, subject to an acceptable detailed design, the proposed development would not result in an unacceptable impact on the character and visual amenity of the area in accordance with policies ENV2 and LIV5.

### **Residential Amenity**

Concerns have been raised regarding privacy impacts, the front elevation of the proposed houses would be 40m from the front elevations of the dwellings opposite. To the rear the houses would face onto the garage and garden of Windrust separated by 10m or more and would maintain an acceptable level of privacy. Therefore, the proposed development is acceptable in terms of residential amenity in accordance with policies ENV2 and LIV5.

## **Ecology**

A bat survey has been submitted with the application, this finds evidence of sporadic access by bats but no evidence of a roost it recommends mitigation measures during demolition in case of discovery of bats. With a condition to ensure that the recommendations of the report are followed the proposed development is acceptable in terms of its potential impact on protected species in accordance with policy 4D.

## **Highways**

The proposed access is acceptable in terms of highway safety.

The car parking layout would provide two spaces per dwelling. The plans and forms indicate that the proposed dwellings would be up to four bedrooms, the parking standards in the Local Plan required a maximum parking provision of three spaces per four bedroom dwelling. The actual number of bedrooms would be set at the reserved matters stage when detailed design is considered. Although the proposed parking is below the maximum standard for four bedroom dwellings it would be acceptable if it remains communal, rather than being allocated to individual houses. An acceptable car parking layout can be ensured by condition.

The development should also provide for cycle storage and bin storage / collection areas. A condition is necessary for details of these to be submitted.

## **Summary**

The access, layout, scale and principle of the proposed development are acceptable and the application is recommended for approval.

## **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. An application for approval of the reserved matters (namely the appearance and landscaping of the site) shall be submitted in writing to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

**Reason:** This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Details of the appearance and landscaping (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

**Reason:** In order to comply with the requirements of Section 92 of the Town & Country Planning Act 1990.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: 2629.

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

4. Unless otherwise agreed in writing by the Local Planning Authority, plots 2, 3 and 4 shall not be occupied unless and until secure cycle storage for two cycles for each of plots 2, 3 and 4 has been provided for in accordance with a scheme that has been submitted to and approved by the Local Planning Authority. The cycle storage shall be retained thereafter and at all times shall be available for storage of cycles.

**Reason:** To allow for the effective use of the parking areas the promotion of sustainable forms of transport and aid social inclusion.

5. The dwellings hereby approved shall not be occupied unless and until car parking and manoeuvring areas have been marked out surfaced and made available for car parking and manoeuvring purposes in accordance with a scheme, including details of any allocation of spaces, that has been submitted to and approved by the Local Planning Authority. The car parking and manoeuvring areas shall thereafter at all times be maintained free from obstruction and available for car parking and manoeuvring purposes.

**Reason:** to ensure an adequate level of car parking provision is provided and maintained in the interest of highway safety.

6. The dwellings hereby approved shall not be occupied unless bin storage and collection areas have been made available in accordance with a scheme that has been submitted to and approved by the Local Planning Authority. The bin storage and collection areas shall thereafter at all times be available for bin storage purposes.

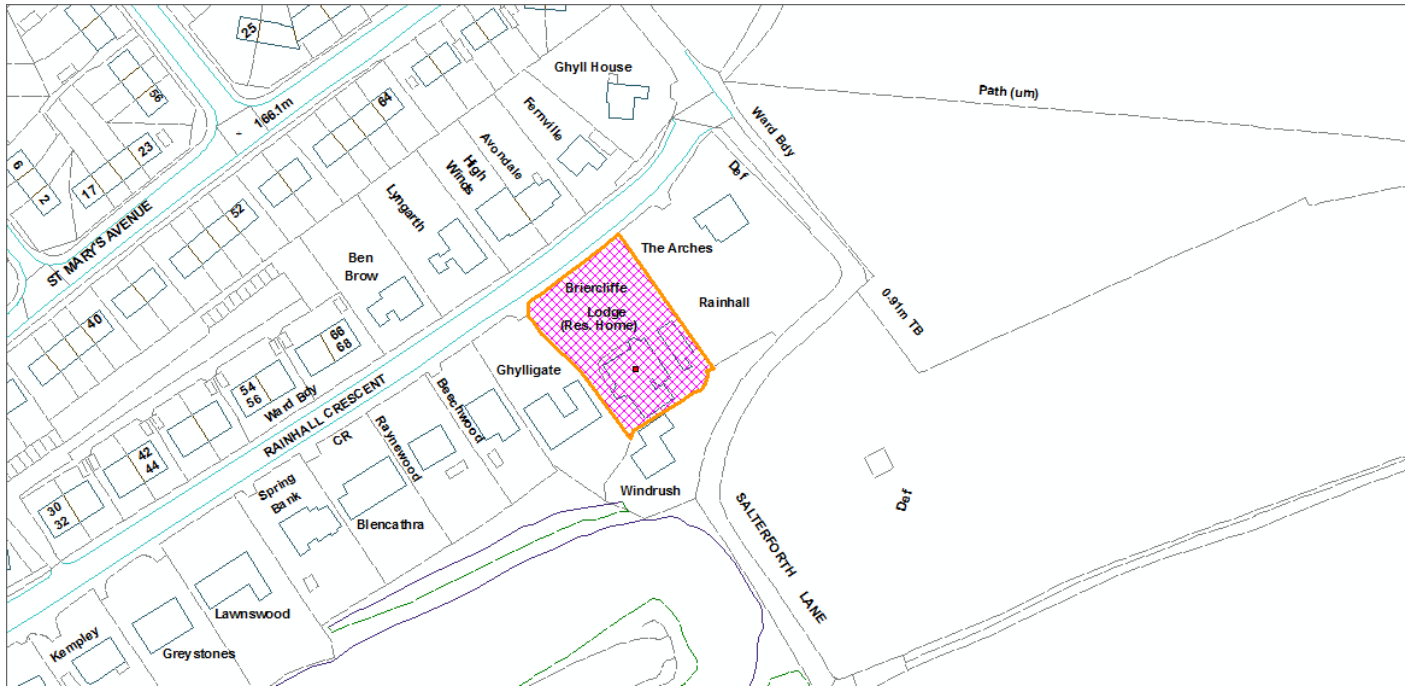
**Reason:** to ensure adequate facilities for the storage and collection of bins in the interest of highway safety.

7. A scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority within two weeks of the commencement of development. The scheme shall provide for separate systems for foul and surface waters and be constructed and completed in accordance with the approved plans before the first dwelling is occupied.

**Reason:** to control foul and surface water flow disposal and prevent flooding.

8. The development shall be carried out in strict accordance with the recommendations set out in the Bat Survey Report received 5<sup>th</sup> April 2016.

**Reason:** To ensure protection of species protected under the Wildlife & Countryside Act, 1981.



**Application Ref:** 16/0159/OUT

**Proposal:** Outline: Demolition of existing nursing home and construction of 5 dwelling houses in a terrace row (Access, Layout and Scale).

**At:** Briercliffe Lodge, Rainhall Crescent, Barnoldswick

**On behalf of:** Mr R Eyton Jones

## REPORT TO WEST CRAVEN COMMITTEE ON 07 JUNE 2016

**Application Ref:** 16/0113/FUL  
**Proposal:** Full: Erection of 3 bedroom dwelling house  
**At:** Land adjacent to 7 The Hayfields, Salterforth, Barnoldswick.  
**On behalf of:** Mr C Nuttall  
**Date Registered:** 21 March 2016  
**Expiry Date:** 16 May 2016  
**Case Officer:** Mubeen Patel

### **Site Description and Proposal**

This application is brought to committee by the number of objections received.

The site is scrub land approximately 0.03ha in area positioned towards the end of the cul-de-sac adjacent to garages and No. 7 The Hayfields, the proposed site includes one of these existing garages. This is a full application for the erection of a detached 3 bedroom property constructed of artificial stone, concrete roof tiles and wood grain effect UPVC for the windows. The plans show a 1.5m high fence positioned along the south western boundary and a 0.9m post and rail fence along the south eastern boundary.

The proposal is essentially an infill and would be the eleventh dwelling on this cul-de-sac. It adjoins open countryside to the south east and is bounded by the development being constructed by Seddon Homes to the south west. The footprint of the property occupies approximately 62sqm of the site. The property is positioned within the settlement boundary of Salterforth.

A previous application at the site for a bungalow (13/02/0401P) was refused in 2002 as the site was very close to the rear of Silentnight's industrial complex, the back wall of the bungalow was proposed to be within 2m of their boundary and under 10m from an industrial unit. It was considered the dwelling would suffer a poor standard of residential amenity by way of disruption and pollution associated with the industrial operation. The Silentnight facility has now been demolished and residential development is being constructed.

### **Relevant Planning History**

13/83/0942 - approved outline planning permission for residential development of the Hayfields site.

13/85/0741 - refusal of planning permission for ten dwellings, as it constituted overdevelopment, with substandard provision of private open space, was poorly located adjacent to industrial activity and would create a highway hazard at the junction of the cul-de-sac with Earby Road.

13/85/1187 - refused planning permission for ten dwellings, for similar reasons to above, though this was overturned at appeal.

13/02/0401P – Erect detached bungalow – Refused – 03/09/2002.

### **Consultee Response**

**Highways** - The Highway Development Control Section does not have any objections in principle subject to the following comments.

From discussions with our traffic engineer we have concerns about the proposed off-road parking provision. Given the distance of the garage from the proposed development, and the pedestrian access layout, this could encourage parking in the existing turning head, which would be detrimental to other highway users on this cul-de-sac. From the information provided we have noted that the pedestrian access from the garage site is not within the applicant's ownership. Therefore we would prefer an area of off-road parking within the applicant's curtilage, accessed from the turning head.

The following note should also be applied to any formal planning approval:

1. The alterations to the existing site layout as part of the new works may require changes to the existing street lighting at the expense of the client/developer. Before any works commence the applicant should contact Lancashire County Council's Street Lighting Section to discuss the removal/replacement of the street lighting column on site adjacent to the garages. They can be contacted for further information by ringing 0300 123 6780 or by e-mail on [highways@lancashire.gov.uk](mailto:highways@lancashire.gov.uk)

**Environmental Health - Air Pollution Land Contamination - RAD2**

The property is located in an area where over 10% of properties are potentially affected by Radon. Full protective measures should be installed or a BR211 report should be carried out to determine if no basic or full protective measures are applicable.

For further advice, contact the Pollution Control Section of the Environmental Protection department on (01282) 661199 or [environmental.pollution@pendle.gov.uk](mailto:environmental.pollution@pendle.gov.uk).

**Public Response**

Eight neighbours were notified by letter; six objections have been received concerned with the following issues;

- Visitors to the Hayfields quite often have difficulties parking, another property would make this even worse;
- The property is over the building line for the Hayfields
- The design and style of the proposed house is not in keeping with the rest of the houses;
- The plans encroach the existing service line
- The properties on the Hayfields are all semi-detached and it would look odd on such a small plot of land
- The house will have to be sideways to other dwellings;
- The occupiers will have to park on the road and on the turning area
- If people park on the turning head it would create a danger.
- The property is oppressively close to our property
- We are concerned about the amount of radon on site.
- There would be an increase in traffic
- Inadequate access
- Conflict with Local Plan
- Planning permission was previously turned down for a bungalow at the site



## **Relevant Planning Policy**

<b>Code</b>	<b>Policy</b>
ENV 2	Achieving Quality in Design and Conservation
LIV 1	Housing Provision and Delivery
SDP 1	Presumption in Favour of Sustainable Development
SDP 2	Spatial Development Principles

## **Officer Comments**

The main issues to consider in assessing this application are policy compliance, design, impact on amenity, pedestrian and highways safety, parking provision and flood risk.

The starting point for consideration of any planning application is the development plan. Policies which are up to date and which conform to the provisions of the National Planning Policy Framework must be given full weight in the decision making process. Other material considerations may then be set against the Local plan policies so far as they are relevant.

### **Policy**

#### **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 paragraphs 18 to 219 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.

Paragraph 47 of the Framework requires local planning authorities to identify a supply of deliverable housing sites to provide five years' worth of their housing requirements.

Paragraph 57 of the Framework states, it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Paragraph 63 of the Framework emphasises that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area and furthermore Paragraph 64 leads on to state permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Paragraph 32 of the Framework requires developments to provide a safe and suitable access to the site.

#### **Local Plan Part 1**

Policy SDP1 (Presumption in Favour of Sustainable Development) is set out to secure development that improves the economic, social and environmental conditions in the area.

Policy SDP2 (Spatial Development Principles) prioritises new development within settlement boundaries provided they are of a nature and scale that is proportionate to the role and function of that settlement.

Policy LIV1 (Housing Provision and Delivery) sets out the Council requirement to deliver new housing at a rate of 298 dwellings per annum. It states 'to further encourage significant and early delivery of the housing requirement, proposals for new housing development will also be supported where they accord with policies of the Core Strategy and are on non - allocated sites within a settlement boundary where they are sustainable and make a positive contribution to the five year supply of housing land.

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

Policy ENV2 goes on to state 'Good design should be informed by, and reflect, the history and development of a place. Therefore:

- Developments should be practical and legible, attractive to look at, and seek to inspire and excite,
- All new development will be required to meet high standards of design, being innovative to obtain the best quality design solution and using materials appropriate to the setting'.

### **Principle of the development**

The site falls within the settlement boundary of Salterforth and has no other land use designations. It is within walking distance of public transport where regular buses travel along Kelbrook Road. The site also has easy access to essential services given its location near local shops and Salterforth primary school. Therefore the proposed property will be situated in a sustainable location and would be in accordance with policy SDP1 and SDP2 of the Core Strategy Part 1.

The property would be positioned on a non - allocated site within the settlement boundary and would make a positive contribution to the five year supply of housing land which would contribute to the early delivery of the Council's housing requirement, therefore the proposed dwelling would be in accordance with policy LIV1 of the Core Strategy Part 1 providing it accords with all other policies of the Core Strategy.

The NPPF and Local Plan Part 1 encourage the development of previously developed land but do not set a sequential test for applications. Therefore although the land is green field there is no policy position that would require any brownfield land to come forward ahead of this site.

The principle of residential development of this site is acceptable in accordance with the National Planning Policy Framework and Local Plan Part 1.

### **Design**

The detached property would be a modern two storey dwelling with a total height of 6.65m, finished in artificial stone, marley modern concrete tiles for the roof, wood effect upvc for the window frames and doors and black guttering. A chimney stack will be positioned on the south western side elevation. The front of the dwelling would face the existing single storey garages and the side elevation of No. 7 The Hayfields whilst the rear elevation would face open fields to the south east. The north eastern side elevation will face the front elevation of No. 6 The Hayfields with the other side elevation facing the new Seddon Homes development.

The dwelling would be detached whilst all of the properties on The Hayfields are two storey semi-detached dwellings, furthermore the development would be forward of the existing building line given the boundaries of the site. However, the development would remain relatively well

screened from the busy thoroughfare Earby Road given its positioning at the back of the cul-de-sac. The materials proposed for the dwelling would match existing dwellings in the cul-de-sac and although forward of the building line this would be interrupted by the existing turning head keeping a relative distance from neighbouring properties. The dwelling would be of a similar height to the surrounding dwellings.

The site within its immediate surroundings outside of the Hayfields has a mixture of traditional properties with a variety of styles and materials within different sized plots. The proposed modern dwelling although different in design and style to the existing properties on the Hayfields would sit comfortably within this setting and the proposal would not have a negative effect on the character and appearance of the cul-de-sac or the area as a whole and therefore design is not justified as an out and out reason for refusing the application.

The property, although large within this small plot, would provide acceptable levels of parking and amenity space in relation to neighbouring dwellings. The scale and design of the property although of a different design character to other properties in the area would not be readily seen from public vantage points, furthermore the matching materials reduce the bulk and physical impact of the dwelling within its immediate context.

Given the positioning of the site and use of materials the property would be located to the back of The Hayfields Cul-de-sac which would enable the character of the street scene to be preserved. Therefore, by virtue of the positioning, location and quality design of the proposed dwelling would not have a negative impact on the area and would be in accordance with Policy ENV2 of the Core Strategy Part 1 and the NPPF.

### **Amenity**

The main properties potentially affected by the proposed dwellinghouse would be number 6 The Hayfields to the north east, number 7 The Hayfields to the north west and the Seddon Homes development to the west. The dwelling has been positioned with its front elevation facing the garages and the side of Number 7 so that it has minimal impact in terms of amenity on any neighbouring occupiers.

A distance of 16 metres would be retained between the side elevation of the proposed dwelling and the front elevation of number 6. The plans show the proposed dwelling would have two windows in this side elevation which would serve a hallway at ground level and bathroom at first floor level, given these windows do not serve habitable rooms there would be not detrimental overlooking on the occupiers of this neighbouring property. The front elevation of the dwelling would retain a sufficient distance of 21m to number 7 The Hayfields which has a small window in its side elevation and which does not serve a habitable room.

The proposal would potentially have an impact on plots 23 and 24 of the Seddon Homes development to the northwest which would have their rear gardens adjacent to the proposed site. The south western side elevation of the dwelling would have one window serving the stairs/landing which would not create unacceptable overlooking to the rear elevations of these dwellings. A distance of 20m would be retained to the rear of plot 24 and 15m to the rear of plot 23 which is sufficient not to create overshadowing or an overbearing impact which would be detrimental to any future occupiers of these properties. The windows in the rear elevation of the proposed dwelling would have an outlook onto open fields.

Taking all the above factors into account the proposed dwelling house would not detrimentally impact on the amenity of the occupants of any adjacent dwellings. The proposed development is therefore acceptable in terms of amenity in accordance with Policy ENV2.

### **Landscaping**

The plot as existing is scrub land, there are trees positioned to the rear of the existing garages which will be retained. The plans show the garden area will be grassed with a paved area around the dwelling. The proposed landscaping is acceptable.

### **Highways/parking**

The plans show the property would provide two parking spaces, one in the existing garage and the second one on the driveway up to the garage. The dwelling would provide three bedrooms and therefore the two parking spaces would be in accordance with adopted parking standards. The Highway Development Control Section does not have any objections in principle. A condition should be attached to any approval for the existing turning head adjacent to the site to remain free of parked vehicles so that a safe and free turning area is always available to maintain highways safety.

### **Ecology**

The site has no features which may provide habitat for protected species.

### **Flooding**

The site is not located within a flood zone and there is no history of flooding in or around the site.

### **Summary**

The proposed erection of a dwelling on this site is acceptable in principle as the site lies within the settlement boundary of Salterforth and the development is considered to be viable and sustainable. The property would not significantly impact on the amenity of any neighbouring properties and would be in accordance with Policy SDP1, ENV1, ENV2 and LIV1 of the Core Strategy Part 1 and the NPPF.

### **Reason for Decision**

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in principle and accords with Policies SDP1, ENV1, ENV2 and LIV1 of the Core Strategy Part 1. 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: Drawing No. 1, Drawing No. 2, Drawing No. 3.

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

3. Prior to the commencement of development samples of the materials to be used in the construction of the development hereby permitted (notwithstanding any details shown on previously submitted plan(s) and specification) shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

4. 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 the building is occupied.

**Reason:** In order that the Local Planning Authority may be satisfied with the details of the proposal and to avoid flooding.

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

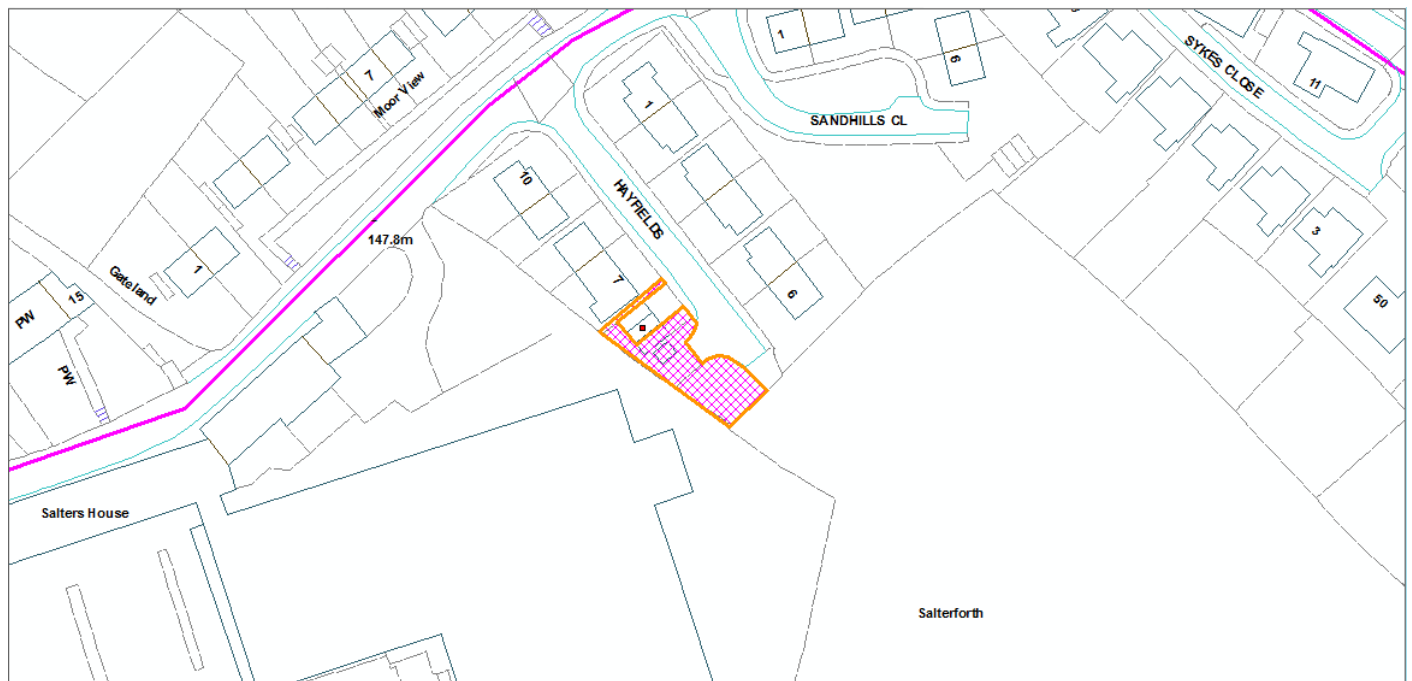
5. The turning head provided at the end of the cul-de-sac The Hayfields and adjacent to the proposed dwelling shall always remain unobstructed and available for turning purposes unless otherwise agreed in writing by the Local Authority.

**Reason:** In the interest of amenity and highways safety.

6. Before the dwelling unit is occupied, waste containers shall be provided in a bin/re-cycle storage area on the plot.

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

**Note:**



**Application Ref:** 16/0113/FUL

**Proposal:** Full: Erection of 3 bedroom dwelling house

**At:** Land adjacent to 7 The Hayfields, Salterforth, Barnoldswick.

**On behalf of:** Mr C Nuttall

## **LIST OF BACKGROUND PAPERS**

Planning Applications

**NW/HW**

**Date: 24<sup>th</sup> May 2016**