



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

**TO: WEST CRAVEN COMMITTEE**

**DATE: 2<sup>nd</sup> February 2016**

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications.

## REPORT TO WEST CRAVEN COMMITTEE ON 02 FEBRUARY 2016

**Application Ref:** 13/15/0524P

**Ref:** 19099

**Proposal:** Full: Variation of Condition: Vary Conditions 13 and 15 of Planning Permission 13/05/0969P (Drainage).

**At:** D WILKINSON & CO RILEY STREET GARAGE RILEY STREET EARBY  
BARNOLDSWICK BB18 6NX

**On behalf of:** St Vincent's Housing Association

**Date Registered:** 26 October 2015

**Expiry Date:** 21 December 2015

**Case Officer:** Kathryn Hughes

### **Site Description and Proposal**

The application has been called in to Committee by a Councillor.

The application site is a completed residential development located within the settlement boundary of Earby and Earby Conservation Area. The site is not allocated for any specific use in the Replacement Pendle Local Plan.

The approved scheme was to demolish a vehicle repair garage and erect a two storey block of eight two bedroom flats. The scheme has been completed but not all the conditions have been discharged. A recent application to discharge conditions was submitted and it was established that some conditions could not be discharged due to an alternative drainage system being installed to that originally agreed. Therefore this application has been submitted to amend these conditions in order to allow a subsequent discharge.

This application seeks to modify condition no.'s 13 and 15 of planning permission 13/05/0969P which are listed below:

- 13.** The site shall be developed with separate systems of drainage for foul and surface water.
- 15.** Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

It is proposed to vary condition 13 to read:

- 13.** The site shall be developed with a combined system of drainage for foul and surface water.

It is proposed to vary condition 15 to read:

- 15.** Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

### **Relevant Planning History**

**13/04/0568P** - Outline: Residential Development (0.13 ha) - Approved 08/09/04

**13/05/0969P** - Full: Demolition of vehicle repair garage and erection of two storey block of eight

two bedroom flats - Approved 02/03/06

**13/06/0032P** - Conservation Area Consent: Demolition of vehicular repair garage building to enable erection of apartments - Approved 02/03/06

### **Consultee Response**

LCC Highways - The car parking layout has been provided as the approved plan, the car parking shall remain unobstructed for the perpetuity of the site.

Yorkshire Water - No objection.

Earby & Salterforth Drainage Board

Earby Town Council - Due to insufficient information and detail in the application and the existing known overcapacity of the combined surface and foul water then it was proposed that council object.

### **Public Response**

Site and press notices posted and nearest neighbours notified by letter without response.

### **Relevant Planning Policy**

<b>Code</b>	<b>Policy</b>
ENV 1	Protecting and Enhancing Our Natural and Historic Environments
ENV 2	Achieving Quality in Design and Conservation
ENV 7	Water Management
LIV 1	Housing Provision and Delivery
LIV 5	Designing Better Places to Live
SDP 1	Presumption in Favour of Sustainable Development
	Supplementary Planning Document: Conservation Area Design and Development Guidance

### **Officer Comments**

The main issue is whether revised drainage arrangements would be acceptable and not lead to adverse conditions away from the site.

#### **1. Principle of Development**

Planning permission was granted on 8th September, 2008 subject to thirty four conditions, some of which are pre-conditions requiring submission and approval prior to commencement on site whilst others require submission within two weeks of commencement including demolition. It is the wording of conditions 13 and 15 of which it is proposed to vary.

Yorkshire Water has stated that they would not normally accept an on/off site combined system especially as there is a surface water sewer in the vicinity. However, as the drainage arrangement have been signed off by Building Control/NHBC and the system has been in place for seven years then they will not object to the proposed variation of condition.

The agent has provided confirmation that Yorkshire Water approved the proposals to discharge into the existing combined sewer immediately adjacent to the site on Riley Street.

The agent has also stated that in order to provide a separate drainage system for foul and surface water the following would be necessary:

- vacant and provide alternative arrangements for the occupants during the works which could take several weeks;
- installation of a second drainage system would be technically difficult due to space and therefore it would result in the majority of the existing system being removed and new foul and surface water systems being required; and
- there is no Yorkshire Water surface water sewers in the vicinity. Therefore installing a separate system at the time or now would achieve little as the foul and surface water discharges from the site would still discharge to the existing Yorkshire Water combined sewer immediately adjacent to the site on Riley Street.

There is more soft landscaping on the site than the previous use and therefore the surface water run off will be less than than previous.

Building control have confirmed the above and have issued completion notices based on this discharge on the 28th May, 2008 as the most appropriate option at that time

### Summary

Bearing in mind the approval given by Yorkshire Water in 2007 it is recommended that conditions 13 and 15 be amended as stated above. All other conditions shall remain as previously worded with conditions that have previously been discharged being removed.

The variation of these two conditions will not change the drainage system which has been installed over send year ago but will allow for the conditions to be formally discharged.

### **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 variations of the conditions would not change the drainage scheme which has been implemented nor any other element of the development which has been completed and occupied for many years.

### **RECOMMENDATION: Approve**

Subject to the following conditions:

1. No demolition or alteration shall take place before a contract for carrying out the works of redevelopment has been submitted to and approved in writing by the Local Planning Authority and planning permission has been granted for the redevelopment for which the contract provides.

**Reason:** To safeguard the character and appearance of the area.

2. The proposed development shall not be brought into use unless and until the car park shown on the approved planning has been constructed, surfaced, drained and marked out in

accordance with details to be submitted to and agreed in writing with the Local Planning Authority. The parking spaces shall thereafter always remain unobstructed, available for parking and for communal use only with no spaces reserved for individual dwellings.

**Reason:** In order to ensure that the site is provided with adequate levels of internal car parking in the interests of highway safety.

3. No part of the development hereby permitted shall be commenced until: -
- a) an investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site has been carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001 and be agreed in writing with the Local Planning Authority prior to the investigation and assessment being carried out) and submitted to and approved in writing by the Local Planning Authority;

And,

- b) a comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) has been submitted to and approved in writing by the Local Planning Authority.

All agreed remediation measures shall thereafter be carried out in accordance with the approved implementation timetable under the supervision of a geotechnical professional and shall be completed in full accordance with the agreed measures prior to development being commenced on the construction of any building hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

In addition, prior to commencing construction of any building, the developer shall first submit to and obtain written approval from the Local Planning Authority a report to confirm that all the agreed remediation measures have been carried out fully in accordance with the agreed details, providing results of the verification programme of post-remediation sampling and monitoring and including future monitoring proposals for the site.

**Reason:** To ensure a safe form of development that poses no unacceptable risk of pollution to water resources or to human health.

4. Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 3m either side of the centre line of the main/sewer, which crosses the site.

**Reason:** In order to allow sufficient access for maintenance and repair work at all times.

5. The site shall be developed with a combined system of drainage for foul and surface water.

**Reason:** In the interests of satisfactory and sustainable drainage supply.

6. Within 1 month of the commencement of the development a scheme for the disposal of surface water drainage, including details of any balancing works and off-site works, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.

**Reason:** In the interests of satisfactory and sustainable drainage supply.

7. Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

**Reason:** To ensure that no surface water discharges take place until proper provision has been made for its disposal.



**Application Ref:** 13/15/0524P

**Ref:** 19099

**Proposal:** Full: Variation of Condition: Vary Conditions 13 and 15 of Planning Permission 13/05/0969P (Drainage).

**At:** D WILKINSON & CO RILEY STREET GARAGE RILEY STREET EARBY BARNOLDSWICK BB18 6NX

**On behalf of:** St Vincent's Housing Association

## REPORT TO WEST CRAVEN COMMITTEE ON 02 FEBRUARY 2016

**Application Ref:** 13/15/0546P

**Ref:** 19122

**Proposal:** Outline: Erection of 4 dwellings with garages, (Access, Layout and Scale)

**At:** LAND OPPOSITE THE BARN BEN LANE BARNOLDSWICK BB18 6HR

**On behalf of:** Mr L Green

**Date Registered:** 10 November 2015

**Expiry Date:** 5 January 2016

**Case Officer:** Mubeen Patel

### **Site Description and Proposal**

The application is brought to committee as it has received more than three objections.

The application seeks outline consent (including means of access, layout and scale) for the erection of 4 dwellings with separate garages on land opposite the Barn, Ben Lane, Barnoldswick, field number 5467.

As present the site consists part of a large well maintained field mainly used for grazing sheep. The proposed site measures 0.19ha and is separated from Ben Lane by a 1.2m high stone wall. The site contains mature trees which have Tree Preservation Orders.

The land is immediately adjacent to, but outside of the settlement boundary of Barnoldswick and within the Open Countryside. Open fields are positioned to the rear of the site with detached dwellings to the front. Further residential properties are positioned along Skipton Road to the north.

### **Relevant Planning History**

The site has no relevant planning history.

### **Consultee Response**

**Highways** - The Highway Development Control Section does not have any objections regarding the proposed 4 dwellings and are of the opinion that the proposed development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site.

The site will be accessed via a new access on to Ben Lane. Ben Lane is an unclassified road and is categorised as a Local access road with a speed limit of 20mph. The planning application is for less than 50 new dwellings and as such the applicant does not need to provide a transport assessment.

TRICS is the national standard system used to predict trip generation and analysis of various types of development. Using a typical TRICS report for a privately owned housing development, the development will generate an estimated 25 vehicular movements a day with an estimated peak flow of 2 to 3 vehicles between 17:00 and 18:00.

The Highway Development Control Section is of the opinion that the proposed development should have a negligible impact on highway capacity in the immediate vicinity of the site.

The Lancashire County Councils five year data base for Personal Injury Accident (PIA) was checked on the 8th December 2015. The data based indicates there has been one incident near the proposed site access. The report indicates the accident is not related to the highway.

Whilst any accident is regrettable, the highway network surrounding the site is considered to have a good accident record and indicates there is no underlying issue which the proposed development would exacerbate.

Using table 7.1 from Manual for Streets and an estimated 85th percentile speed of 30mph the sight lines of 2.0 x 43m to be provided in both directions. The applicant has indicated 2.4 x 43m on plan.

The geometry and location of the proposed site access is acceptable.

The new site access will need to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Environment Directorate before works begin on site. Further information and advice can be found at [www.lancashire.gov.uk](http://www.lancashire.gov.uk) and search for 278 agreement.

The Highway Development Control Section recommends a 1.8m wide footpath for the full frontage of the site with Ben Lane to aid social inclusion and the promotion of social inclusion for the new residents with pedestrian gates onto Ben Lane. The footpath would also protect the sight lines from the site.

The recommended footpath to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Environment Directorate before works begin on site. Further information and advice can be found at [www.lancashire.gov.uk](http://www.lancashire.gov.uk) and search for 278 agreement.

The proposed development does not affect any public rights of way.

As the development is for less than 10 properties a section 106 transport planning contribution for the development is not required.

Based on the Joint Lancashire Structure Plan the Highway Development Control Section is of the opinion that the applicant has provided adequate off road parking provision for this type and size of development.

**Building Regulations** - Required.

**Tree Officer** - I have no objection in principle; however, there are two large mature TPO trees along Ben Lane which may be affected by this proposal. The tree to the south corner is shown on the drawing and referred to in the supporting text as being retained and the scheme is annotated as having a protective fence and area in accordance with BS 5837 (2012). However, there is a second tree on the verge to Ben Lane outside the adjacent dwelling to the west which is not shown on the drawing and not referenced in the text.

It is important to ensure that these two trees are successfully protected and retained that the dimensions (trunk diameter) of the trees are given and the drawing shows that all construction is outside the calculated protection area.

**Environmental Health** - Environmental Health Services has considered the above-mentioned



application and offers no adverse comments.

## **Public Response**

Eight neighbours were notified by letter, 27 letters of objection have been received which state;

- This would be an eyesore in this pretty area;
- Ben Lane is a small poor quality road used mainly by children walking to school, dog walkers, cyclists and horse riders, this development would be dangerous and lead to congestion.
- Accidents will rise if there are more homes
- This will have a detrimental impact on the natural beauty
- This will have a detrimental impact on traffic flow
- This should be refused due to the dangerous access to the proposed properties
- Risk of flooding will be increased, we already have the problem of gardens being waterlogged
- Ben Lane is a single track lane; it is not suitable to be a major route for new properties.
- More properties will affect drainage
- Unnecessary to develop on a greenfield site when there are many brownfield sites available.
- Access from Ben Lane onto Skipton Road is a blind junction and at risk from accidents due to poor visibility.
- Trees around the site need to be protected.
- Ben Lane is not wide enough to accommodate the extra traffic
- No room for the lane to be widened or a footpath to be added
- The nearby culvert will not be able to cope with anymore excess water
- The area proposed is outside the settlement boundary and permission should normally only be given in exceptional circumstances
- The Strategic Housing Land Availability Assessment (SHLAA) states that as long as the area is meeting its housing targets then no permission should be given to any land outside these selected areas.
- The architect states that the development is 'rounding off', two thirds of the perimeter is not built up with consolidated development.
- The trees are to have serious root damage
- There is no farmhouse or barn to convert on the land
- There is poor street lighting in the area.

## **Relevant Planning Policy**

<b>Code</b>	<b>Policy</b>
ENV 1	Protecting and Enhancing Our Natural and Historic Environments
ENV 2	Achieving Quality in Design and Conservation
LIV 1	Housing Provision and Delivery
LIV 5	Designing Better Places to Live
LP 31	Parking
SDP 1	Presumption in Favour of Sustainable Development

## **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 National Planning Policy Framework (NPPF) does not change the statutory status of the development plan as the starting point for decision making. In this case, for the purposes of section 38(6) of the TCPA 2004, the development plan comprises Pendle's Local Plan Part 1: Core Strategy.

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

Paragraph 55 of the National Planning Policy Framework states 'Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances'.

Paragraph 32 of the Framework states that decisions should take in to account whether safe and suitable access to the site can be achieved and should only be refused where residual cumulative impacts are severe.

#### **Local Plan Part 1: Core Strategy**

Policies SDP1, ENV1, ENV2, LIV1 and LIV5 of the Core Strategy Part 1 are all relevant in the determination of new housing applications.

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.

ENV1 addresses issues such as biodiversity, the protection of designated landscapes and impacts on open space.

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.

LIV1 states that to encourage significant and early delivery of housing, proposals for new development will be supported on non-allocated sites within the Settlement Boundary which are sustainable. The Policy goes further to state that until the Council adopts the Pendle Local Plan Part 2 (Site Allocations and Development Policies) sustainable sites outside but close to a settlement boundary which make a positive contribution to the 5 year supply of housing land will be supported.

LIV5 advises that the types and sizes of new dwellings to be provided should help to diversify the existing housing stock and achieve a better, more balanced mix of dwellings in the borough.

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. This is addressed in the Highways section below.

### **Principle of Development**

The site is located outside of a settlement boundary, with its south western front abutting the settlement boundary of Barnoldswick. The site therefore falls within the open countryside. Paragraph 55 of the NPPF states that 'Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances'. However, as the site is not an isolated one as it abuts the settlement special circumstances do not have to be demonstrated here.

The current position of the Council is that there is a 5 year supply of housing land. In this instance the Council has not yet adopted the Pendle Local Plan Part 2: (Site Allocations and Development Policies). This outline proposal for 4 dwellings would further encourage the early delivery of the housing requirement and is therefore supported by the aims of Policy LIV1. Policy LIV1 also states proposals for new housing development will be supported where they accord with other policies of the Core Strategy and are on sustainable sites outside of the settlement boundary.

The Council must therefore consider the sustainability of the site outside of a defined settlement boundary and support those which would not result in isolated or incongruous developments and provide links to existing services/facilities.

The site is within walking distance of public transport where regular buses travel along Skipton Road. The site also has easy access to essential services given its location near schools, major employment sites and its close location to Barnoldswick town centre. Taking in to account the edge of settlement characteristics of the site and its close relationship with existing development, it is not isolated for the purposes of Paragraph 55. Development in this location would not result in an unacceptable loss of open countryside.

Therefore, in terms of location, a site of this nature, which has clear and established links to Barnoldswick and associated services, would be sustainable and its development would help to ensure a five year supply. The proposed development would therefore accord with the NPPF and Policy SDP1 of the Local Plan Part 1.

### **Layout and Scale**

Paragraphs 47 through to 68 of the NPPF contain guidance on providing a wide variety of homes and requiring good design. Policies ENV1 and ENV2 of the Local Plan Part 1 echo these points and are relevant in the determination of this application.

This application has been submitted in outline, with matters of appearance and landscaping reserved. Therefore at this stage, assessment of the application in terms of design is limited to layout and scale. It is sought to erect 4 dwellings. Currently there are no buildings on site, the proposed dwellings would be in the form of a terrace layout fronting Ben Lane. The housing type would have a mix of dwellings with Plot 1 mimicking the form of a barn conversion, Plots 2 and 3 positioned centrally will be more traditional cottage style, whilst Plot 4 will have an appearance of a farm house.

The development would be positioned well within Ben Lane and would not be readily seen from the main Skipton Road. The development would raise no significant concerns in terms of design or relationship with the highway frontage. Plots 1, 2 and 3 would have detached garages positioned towards the northern corner of the site, whilst Plot 4 would have a detached garage positioned to the rear of the dwelling, all will have parking spaces on their respective drives.

The architectural vernacular of the immediate area is mixed, populated by groups of older and more modern properties. As such there is no clear or defined style to replicate. From a physical perspective, the application site would most closely replicate the dwellinghouse 'The Barn' opposite the site. The proposed development site would not project further north into the field than the proposed dwellings preventing any significant encroachment in to the Open Countryside.

In terms of scale, whilst there are a number of bungalows in the vicinity, the two storey dwellings proposed (with the plans and submitted information indicating stone walls and slates for the roof) would not appear incongruous or at odds with its surroundings. The immediate area is predominantly characterised by older and newer dwellings and due to its set back from the main highway on Skipton Road, wider public vantage points would be limited.

Policies ENV1 and ENV2 of the Core Strategy Part 1 and Paragraph 56 of the NPPF require good design. Whilst the individual appearance of the properties must be assessed through the submission of reserved matters, the form, scale and layout of the proposed development generates no adverse issues at this stage.

The details submitted are therefore acceptable and compliant with both Local and National requirements.

## **Amenity**

In terms of residential amenity, the principle assessments to be undertaken are the potential impacts of the proposed two storey dwellings on the properties positioned opposite on Ben Lane and on the rear elevations of the dwellings positioned along Skipton Road. Open fields lie to the north east and south east of the site.

The proposed layout shows the dwellings would maintain a distance of approximately 35m to the bungalow properties opposite, it should be noted the proposed two storey dwellings are positioned on slightly lower ground level than these bungalows further reducing any impact. A distance of approximately 16m would remain between Plot 1 and the detached property 'The Barn' opposite, given this property would be positioned at an angle in relation to the front of these properties, the distance between these properties is seen to be acceptable.

The rear elevations of the properties on Skipton Road numbers 1 and 2 'The Elms' would be at a distance of approximately 30m from the side elevation of plot 1 which is sufficient. A distance of approximately 11m would be retained between the rear elevations of these properties and the proposed detached garages. Given the height of the 2m solid wall between these two sites, single storey height of the garages and their pitched roofed designs which would taper away from these properties, the layout of these garages would be acceptable.

The Council's Design Principles SPD advises that a minimum distance of 12m should be provided between principle windows and side elevations and 21m between principle windows which face each other. Whilst the final position of window openings in the new development will only become apparent on the submission of reserved matters, the layout of the scheme at present respects these separation distances. The style, size and type of any windows within the development can be suitably controlled in the subsequent application.

The separation, scale and massing of the dwellings would not lead to an unacceptable relationship. Additional natural landscaping will also assist in screening the development.

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. In this case each property would have sufficient curtilage and the layout provides a good mixture of private and public areas without being overly cramped. The dwellings would be enclosed by 1.2m high stone walls, which help to reflect the semi-rural character of the area.

### **Highways**

The site will be accessed via a new access on to Ben Lane. Ben Lane is an unclassified road and is categorised as a Local access road with a speed limit of 20mph. An application for 4 dwellings does not require a transport assessment to be submitted.

It is considered the development will generate an estimated 25 vehicular movements a day with an estimated peak flow of 2 to 3 vehicles between 17:00 and 18:00. Given these details, the proposed development will have a negligible impact on highway capacity in the immediate vicinity of the site.

The five year data base for Personal Injury Accident (PIA) was checked on the 8th December 2015. This data indicated that there has been one incident near the proposed site access. This report also indicated the accident was not related to the highway. The data collected shows that the highway network surrounding the site is considered to have a good accident record and indicates there is no underlying issue which this proposed development would exacerbate.

For a road of this type sight lines of 2.0 x 43m need to be provided in both directions. The plans submitted indicate 2.4 x 43m sight lines would be provided which is sufficient and acceptable. Each property would have sufficient parking provision within its curtilage by way of driveways and garages along with room to manoeuvre and turn within the site. Highways Control have no objections to the development.

A condition requiring the formation of a footpath along only the front of the site which would end abruptly is not justified for a development of this size.

Therefore, the proposed development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site and would be in accordance with Policy 31 of the RPLP and Paragraph 32 of the NPPF.

### **Landscaping**

Landscaping has been reserved for future approval, however, there are two large mature TPO trees along Ben Lane which may be affected by the proposal. The tree to the southern corner is shown on the drawing and referred to in the supporting text as being retained. However, there is a second tree on the verge to Ben Lane outside the adjacent dwelling to the west which is not shown on the drawing and not referenced in the text.

It is important to ensure that these two trees are successfully protected and retained and that the

dimensions (trunk diameter) of the trees are given and any future drawings show that all construction is outside the calculated protection area for these trees. The Trees Officer has no objection in principle, however, a good landscaping scheme will be important to the quality of the development and would be assessed in more detail at the reserved matters stage.

## **Ecology**

The land has no statutory designation in terms of ecology and would not affect any such designations.

## **Summary**

The proposed development of this site for housing would make a positive contribution to the Council's housing supply and is within a sustainable location as encouraged by National guidance. Highways safety and the scale and layout of the dwellings in this location would be acceptable and on balance, 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 development accords with the 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 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: 2604

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

4. For the full period of construction, facilities shall be available on site for the cleaning of the

wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.

**Reason:** To prevent stones and mud being carried onto the public highway to the detriment of road safety.

5. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and a car parking and manoeuvring scheme shall be submitted to the Local Planning Authority for written approval. Each dwelling shall not be occupied unless and until the car parking spaces and manoeuvring areas for that dwelling have been marked out and surfaced in accordance with the approved scheme. The car parking spaces and manoeuvring areas shall thereafter at all times remain unobstructed and available for parking and manoeuvring purposes.

**Reason:** Vehicles reversing to and from the highway are a hazard to other road users.

6. Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately surfaced in pavements, tarmacadam or other approved material.

**Reason:** To prevent loose surface material from being carried on to the public highway.

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.



**Application Ref:** 13/15/0546P

**Ref:** 19122

**Proposal:** Outline: Erection of 4 dwellings with garages, (Access, Layout and Scale)

**At:** LAND OPPOSITE THE BARN BEN LANE BARNOLDSWICK BB18 6HR

**On behalf of:** Mr L Green

## REPORT TO WEST CRAVEN COMMITTEE ON 02 FEBRUARY 2016

**Application Ref:** 13/15/0566P

**Ref:** 19154

**Proposal:** Full: Demolition of Pennine House and erection of five houses and on-site Parking (Re-Submission).

**At:** ACE CASE LTD PENNINE HOUSE NEW ROAD EARBY BARNOLDSWICK  
BB18 6UY

**On behalf of:** Ace Sales Ltd

**Date Registered:** 27 November 2015

**Expiry Date:** 22 January 2016

**Case Officer:** Kathryn Hughes

### **Site Description and Proposal**

This application has been called in to Committee by a Councillor.

The application site is a warehouse building located within the settlement boundary of Earby and Earby Conservation Area.

To the West is a vacant social club which is currently being refurbished, to the North is Victoria Mill which has been subdivided into industrial units, to the East is Earby Beck and industrial buildings opposite and to the South are dwellings at Brook Street. The existing building has a detailed and attractive red brick facade facing on to New Road. Behind the detailed facade is a simpler more functional structure.

The proposed development is the demolition of this building and the erection of five dwellinghouses.

The buildings would be three storey with a two storey element to the frontage of New Road and parking provision at ground floor level of the three storey element. The building would be constructed in coursed natural stone to the lower block facing New Road and the back elevation with render proposed to the remaining elevations. A natural slate roof is proposed with timber windows and doors.

A previous application (13/11/0070P) to demolish this building was refused because it would have resulted in the loss of the facade of the existing building, the submitted flood risk assessment was inadequate, the proposed layout did not make adequate provision for car parking and the impact of noise from adjacent potentially noise generating uses had not been addressed.

A previous application to retain the facade with a row of six three storey townhouse erected to the rear was approved.

### **Relevant Planning History**

13/11/0070P - Full: Demolition of Pennine House and erection of seven dwellings. Refused, 12/05/2011.

13/11/0072P - Conservation Area Consent: Demolition of Pennine House. Refused, 12/05/2011.

13/11/0339P - Full: Demolition of Pennine House, retain facade with conversion and new building work to form 6 dwellings - Approved 25th August, 2011.



13/11/0340P - Conservation Area Consent: Demolition of Pennine House with retention of facade - Approved 25th August, 2011.

13/15/0027P - Full: Demolition of Pennine House and erection of five dwelling houses - Withdrawn.

### **Consultee Response**

LCC Highways - No objection providing the applicant can improve the sight lines to the east and provide secure covered cycling facilities.

The site will be accessed via a new access on to New Road which is unclassified and has a speed limit of 20mph.

Using a typical TRICS report the development will generate an estimated 35 vehicular movements a day with an estimated peak flow of 3 vehicles between 17.00 and 18.00.

The development should have a negligible impact on highway capacity in the immediate vicinity of the site.

A traffic study was carried out on the 13th March, 2015 which indicated that the 85th percentile speeds are 33mph eastbound and 30mph westbound. Using table 7.1 from Manual for Street and the 85th percentile speed of 33mph the sight lines of 2.0m x 49m need to be provided in a westerly direction. whilst using 30mph the sight lines need to be 2.0m x 43m in a easterly direction.

From observations on site and the location plan the sight line to the west are achievable, however, the sight line to the east is over third party land and obstructed by an existing 1.3m high parapet wall. The sight lines could be provided by narrowing the carriageway to a minimum of 5.5m fronting the site. The road narrowing would require a widening of the footpath with a 1 in 20 taper.

The new site access and associated off site works for the carriageway narrowing would need to be constructed under a section 278 agreement.

Parking provision is adequate and each 2/3 bedroom property should have a minimum of two secure cycle spaces.

Where the sight line issues can be resolved, the Highway Development Control Section recommends conditions relating to wheel washing, access driveway, visibility splays, car parking, cycling facilities, off site highway works and traffic management plan be attached to the decision notice.

Environment Agency - No objection and have the following comments to make:

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission.

#### **Condition**

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) by Peter Harrison Architects, dated November 2014, and the following mitigation measures detailed within the FRA:

- Finished floor levels are set no lower than 133.46m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

### **Reason**

To reduce the risk of flooding to the proposed development and future occupants.

Yorkshire Water - We have the following comments:

#### Water Supply

- i) This site can be supplied from gravity subject to property height and demand, expected pressures are approx. 50m - 60m at ground floor level.
- ii) A 2" private water main crosses the site, this would have to be diverted and all costs to be borne by Developer.
- iii) There may be other private water mains crossing the site for which the Company holds no records.
- iv) Some off-site main-laying may be required.

#### Waste Water

From the information provided by this application, observations from Yorkshire Water are not required.

#### Earby & Salterforth Drainage Board

PBC Environmental Health - The scheme shall be implemented in accordance with the noise mitigation measures specified in the Noise Report dated June 2014 submitted by Peter Harrison Architects. A land contamination condition shall be attached to any grant of permission.

PBC Conservation Officer - Pennine Houses makes a special contribution to the character and appearance of the conservation area: 'the use of red brick as a building material makes the building stand out in the streetscape in contrast to the buff coloured sandstone around it. The use of red brick with decorative sandstone dressings and the distinctive three-gabled form of the Edwardian building is also a contrast to the vernacular building styles evident in much of the conservation area'.

The principal significance of the building lies in the decorative red brick Edwardian façade to New Road, which reflects its original use as a billiard hall and is the elevation most visible and prominent in the street scene. Between the original red brick frontage and the stone parapet of the bridge is a single storey modern flat-roofed extension, which makes a negative contribution to the appearance of the CA. Additionally, the rear section of the building which runs alongside the beck, is a fairly basic structure in poor condition and its demolition has been accepted in a previous (now lapsed) consent for new housing behind the retained red brick façade and portico.

New Road has a varied character and townscape, with the striking forms of Brook Shed's chimney and engine house, and the imposing New Rd Community Centre, alongside terraced housing and shops. The decorative red brick façade of Pennine House contributes to this variety. Its demolition would cause some harm to the significance of the CA, and NPPF 132 requires any harm or loss to have clear and convincing justification. Seen in the context of the CA as a whole the harm would be less than substantial, and accordingly should be weighed against the public benefits of the proposal, including securing its optimum viable use (NPPF 134). The site is a prominent one adjacent to the beck, and has been vacant for some years, along with other buildings and sites in the vicinity. There would be clear benefits to both the town as a whole and to this part of the CA if a high quality well-designed housing development were to go ahead on this site. A Structural

Engineer's report has been submitted as part of the necessary justification to support demolition of the façade and portico. This states that although the lower front parts of the elevation are stable, the overall defects of the roof and masonry do not make it viable to retain the structure. Considerable work and cost would be needed if it is to be retained, and I accept that this would add to the difficulty of providing a realistic solution to development of the site.

Any replacement building would need to be of a sufficiently high quality in order to justify loss of the original façade. NPPF 132 emphasises the desirability of new development making a positive contribution to local character and distinctiveness. A submission in 2014 for a replacement façade was considered to require further development in terms of design. For the current submission the architect has introduced more modelling and interest to the façade, with a two-storey projecting bay and a larger scale to the window openings which is more reflective of the scale of those on adjacent buildings. The car park entrance and garden deck at first floor level have been well set back with gates and landscaping introduced in order to reduce their prominence from the street front. To the beck side elevation, openings have been introduced into the stone screen wall to provide visual interest to the beckside and some outlook from the undercroft car park. The plans indicate a rendered finish to the side elevations though the DAS states stone to be used throughout. In view of the position of the site alongside the Beck it would be desirable to use natural stone to all elevations. The proposed elevation to New Road, whilst lacking the distinctive style of the original façade, does reflect the materials, scale and proportions of the surrounding buildings in a more contemporary form, and would create a new point of interest on New Road, as well as a general uplift for the surrounding area. The loss of the modern single storey building would be a visual improvement and will enable the development to have a much better relationship with the adjacent stone bridge parapet. The detailing of the whole will be crucial to the design's success however, and I would like to see a more detailed elevational drawing of the front indicating proposed materials and finishes. The pattern of fenestration to the beck side elevation could also be developed further, and the rear elevation would benefit from the addition of window openings.

The following conditions are suggested if the application is minded for approval:

- Materials samples including mortar
- Detailed drawings of windows and doors, including finish
- Detailed design and finish of front and sides of deck, stairs, gates to access, and beck side screen wall
- landscaping
- Tie demolition to redevelopment in line with NPPF 136
- Archaeological building record prior to demolition

AMENDED PLANS - have been submitted which address the concerns raised above.

Earby Town Council

### **Public Response**

Site and press notices posted and nearest neighbours notified by letter without response.

## **Relevant Planning Policy**

<b>Code</b>	<b>Policy</b>
ENV 1	Protecting and Enhancing Our Natural and Historic Environments
ENV 2	Achieving Quality in Design and Conservation
ENV 7	Water Management
LIV 1	Housing Provision and Delivery
LIV 3	Housing Needs
LIV 5	Designing Better Places to Live
LP 31	Parking
	Supplementary Planning Document: Conservation Area Design and Development Guidance

## **Officer Comments**

The issues for consideration are compliance with policy, design and impact upon the conservation area, impact on amenity, flooding and drainage and highways issues.

- Policy

The site is previously developed land within a settlement boundary and has recently been granted permission for residential development and therefore the principle of housing development on this site is accepted.

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. The proposal's compliance with this policy is addressed in the flooding and drainage section.

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. The requirements of this policy are expanded upon by the Conservation Area Design and Development Guidance SPD. The proposal's compliance with policy and the Conservation Area Design and Development Guidance SPD is addressed in the design section.

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. The proposal's compliance with this policy is addressed in the design and amenity sections.

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. This is addressed in the amenity section.

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

- Design and Impact on the Conservation Area

The site is located within Earby Conservation Area, and so there is a duty under section 72(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the

desirability of preserving or enhancing the character and appearance of that area.

The proposed development would result in the loss of an Edwardian style red brick building which is a unique and attractive feature within Earby Conservation Area.

A Structural Engineer's report has been submitted in support of the demolition of the facade and portico which states that although the lower front parts of the elevation are stable, the overall defects of the roof and masonry do not make it viable to retain the structure.

Any replacement building would need to be of a sufficiently high quality to justify the loss of the original facade. The proposed front elevation does reflect the materials, scale and proportions of the surrounding buildings and would create a point of interest in the streetscene. The removal of the single storey building would be an improvement. Detailing, however, is crucial and a detailed elevational drawing indicating proposed materials and finishes and natural stone should be used on all elevations. Additional window openings to the rear would also improve the design.

Subject to amendments and appropriate conditions this could be detrimental to the character and appearance of the Conservation Area and is therefore unacceptable in terms of design in accordance with policies ENV1 and ENV2 and the guidance set out in the Conservation Area Design and Development Guidance SPD.

- Impact on Amenity

The site adjoins potentially noise generating commercial uses to the North and West. A statement assessing the potential impact of these uses on the occupiers of the proposed dwellings has been submitted with the application. This states that the proposed design and layout with noise sensitive rooms located away from noise generating uses and no shared walls with those uses would be sufficient to ensure that the neighbouring uses would not detrimentally impact upon the amenity of occupants of the proposed dwellings. The Council's Environmental Health section have assessed this statement and raised no objection to the proposed development subject to an appropriate condition.

The windows and garden terraces of the proposed development would look out onto commercial uses and taking this into account would not detrimentally impact upon the amenity of any nearby residential properties.

Therefore the proposed development is acceptable in terms of residential amenity in accordance with policies ENV2 and LIV5.

- Flooding and Drainage

The site is located within a flood zone. A flood risk assessment was submitted with the application, this has been assessed by the Environment Agency who have recommended that, with a condition to control floor levels.

The proposal is for surface water to be disposed of in the existing watercourse adjacent to site and whilst no objections have been raised by Environment Agency and Yorkshire Water it would be advisable to consider any possible alternatives to this. The agent has been requested to review this issue and any information received will be reported to the meeting in order to ensure that the proposed development is acceptable in terms of flood risk and therefore accords with policy ENV7,

- Highways Issues

The proposed development would provide off-street car parking for 10 cars at basement level. This would provide two off-street car parking per dwelling which is in line with the car parking standards for three bedroom houses set out in the Replacement Pendle Local Plan.

The car parking would be accessed from a new access onto New Road to be formed to the East of the building.

LCC Highways are satisfied that, with alterations to the road markings, adequate visibility splay can be onto New Road can be achieved. With a condition to ensure that the works necessary to provide the required splays are agreed and carried out the proposed development is acceptable in terms of highway safety.

This accords with policy 31.

## **Summary**

The principle of residential development in this location is acceptable and subject to appropriate conditions the proposed development is acceptable in terms of highway safety. The proposed development would not have a detrimental impact on the character and appearance of the Conservation Area and therefore accords with policies ENV1 and ENV2 of the Pendle Local Plan Part 1 and the guidance set out in the Conservation Area Design and Development Guidance Supplementary Planning Document and section 12 of the National Planning Policy Framework. Subject to an acceptable drainage scheme the proposal would accord with policy ENV7 in relation to flooding issues

## **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 would not adversely impact on amenity and would make a positive contribution to the conservation area subject to appropriate conditions and there would be no undue impact on highway safety and flooding subject to 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:101017-02, 101017-50 B, 101017-51 C, 101017-52 A & 101017-53 A,

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

3. Prior to the commencement of development samples of the materials, including mortar, 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. 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 Classes A, B, C & D of Part 1 of Schedule 2 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Part 1

A) no extensions shall be erected

B+C) no alterations to the roof of the building shall be carried out

D) no porches shall be erected

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

5. No demolition shall take place unless and until a contract/development agreement for the redevelopment of the site granted under this permission has been signed and the details have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that a commitment to implement the approved scheme has been agreed before demolition on the site commences.

6. No development including demolition shall take place unless and until the applicant has secured the implementation of a programme of archaeological investigation and recording in accordance with a written scheme of investigation which has been submitted to the Local Planning Authority and approved in writing and thereafter carried out in accordance with the approved scheme and timescales.

**Reason:** To record the features of archaeological importance.

7. Detailed plans and sections of the proposed windows and doors, front and sides of the deck, stairs, gates to access and back side screen wall at a scale not less than 1:20, together with details of proposed finishes, shall be submitted to and approved in writing by the Local Planning Authority within one week of the first works on site. The development shall thereafter at all times be carried out in strict accordance with the approved plans.

**Reason:** To enable the Local Planning Authority to control the detail of the work and in order to protect and preserve the character of this building in the conservation area.

8. No part of the development shall be commenced unless and until a Construction Code-of-Practice has been submitted to and approved in writing by the Local Planning Authority. The code shall include details of the measures envisaged during construction to manage and mitigate the main environmental effects of the relevant phase of the development. The submitted details shall include within its scope but not be limited to:

- a) A programme of works including phasing, hours of operation and measures for the control of traffic to and from the site, and within the site, during construction.

- b) The areas and methods of loading and unloading of plant and materials.
- c) The areas for the storage of plant and materials.
- d) Methods for dust control and suppression including asbestos controls and undertaking of regular dust monitoring including when dust monitoring and dust control/suppression are to be implemented.
- e) Details of wheel-washing facilities including location
- j) Compliance with BS5228: Part 1 1997 to minimise noise
- l) Measures to ensure that there is no burning of waste.
- m) Demolition Management Plan/Programme
- n) Location and details of site compounds
- u) Parking area(s) for construction traffic and personnel
- v) Routeing of construction vehicles

The Construction Code-of-Practice should be compiled in a coherent and integrated document and should be accessible to the site manager(s), all contractors and sub-contractors working on site. As a single point of reference for site environment management, the CCP should incorporate all agreed method statements, such as the Site Waste Management Plan and Demolition Method Statement. All works agreed as part of the plan shall be implemented during an agreed timescale and where appropriate maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure that adequate measures are in place to protect the environment during the construction phase(s).

- 9. The access shall be so constructed that there is clear visibility from a point 1.05m above ground level at the centre of the access and 2.0m distant from the adjoining edge of carriageway, to points 1.05m above ground level at the edge of the adjoining carriageway and 43m distant in an easterly direction and 49m distant in an westerly direction measured from the centre of the access along the nearside adjoining edge of carriageway prior to the commencement of any other works on site and thereafter be permanently retained.

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

- 10. A minimum of 2 cycle racks with appropriate signage shall be provided within the site prior to the proposed development being first brought into use, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

**Reason:** To reduce dependence on car-borne travel.

- 11. 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.

- 12. The level of the new access driveway shall be constructed 0.150m above the carriageway channel line of New Road.

**Reason:** To safeguard the future reconstruction of the highway.

- 13. Prior to the commencement of development, a scheme for the construction of the 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 (or phase) 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.

14. 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.

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

- a) an investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority; and
- b) A comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority.

All agreed remediation measures shall thereafter be carried out in accordance with the approved implementation timetable under the supervision of a geotechnical professional and shall be completed in full accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

In addition, prior to commencing construction of any building, the developer shall first submit to and obtain written approval from the Local Planning Authority a report to confirm that all the agreed remediation measures have been carried out fully in accordance with the agreed details, providing results of the verification programme of post-remediation sampling and monitoring and including future monitoring proposals for the site.

Advisory Notes:

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

**Reason:** In order to protect the health of the occupants of the new development and in

order to prevent contamination of the controlled waters.

16. 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:
- 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.

17. The development hereby permitted shall only be carried out in strict accordance with the approved Flood Risk Assessment (FRA) by Peter Harrison Architects dated November, 2014, and the following mitigation measures detailed within the FRA:

- Finished floor levels are set no lower than 133.46m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

**Reason:** To reduce the risk of flooding to the proposed development and future occupants.

18. Before a dwelling unit is occupied waste containers shall be provided in the bin/cycle storage areas on each plot.

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

**Note:**

1. The alterations to the existing highway as part of the new works may require changes to the existing street lighting at the expense of the client/developer. 2. The applicant is advised that the new site access, will need to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Environment Directorate before works begin on site. Advice to applicant. Under the terms of the Water Resources Act 1991 prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the New Cut designated a 'main river'. Advice to LPA/applicant We recommend that consideration be given to use of flood proofing measures to reduce the impact of flooding when it occurs. Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation with your building control department is recommending when determining if flood

proofing measures are effective.



**Application Ref:** 13/15/0566P

**Ref:** 19154

**Proposal:** Full: Demolition of Pennine House and erection of five houses and on-site Parking (Re-Submission).

**At:** ACE CASE LTD PENNINE HOUSE NEW ROAD EARBY BARNOLDSWICK BB18 6UY

**On behalf of:** Ace Sales Ltd

## REPORT TO WEST CRAVEN COMMITTEE ON 02 FEBRUARY 2016

**Application Ref:** 13/15/0602P

**Ref:** 19194

**Proposal:** Full: Erection of two storey extension to rear with decking and extension to driveway to side (re-submission)

**At:** 5 PICKARD CLOSE BARNOLDSWICK BB18 6JB

**On behalf of:** Mr G Collins

**Date Registered:** 15 December 2015

**Expiry Date:** 9 February 2016

**Case Officer:** Kathryn Hughes

### **Site Description and Proposal**

The site is a residential property located within the settlement boundary of Barnoldswick on a modern residential estate.

The proposal is to erect a two storey extension with a maximum height of 6.35m to ridge and raised patio area at a height of 0.5m above ground level both to the rear elevation which has existing Leylandii trees to the side and rear boundaries.

The proposed rear extension would measure 4m x 4.7m at ground floor and 4m x 3.15m at first floor. The overall height would be 6.35m to ridge (5.5m to eaves) finished in facing brick and concrete tiles to match the existing.

The patio area would measure 3.35m x 3.0m and would be raised 0.5m above ground level and constructed in timber materials.

The driveway is proposed to be extended from 10.5m to 15m in order to accommodate another off-street parking space giving three spaces in total.

### **Relevant Planning History**

13/15/0385P - Full: Erection of two storey extension and decking area to rear and extension of driveway to side - Refused 5th November, 2015.

### **Consultee Response**

LCC Highways - No objection providing the proposed car parking area is a minimum of 15m long and subject to a condition to be provided before the use of the premises becomes operative.

Yorkshire Water - No comments.

Barnoldswick Town Council - A site visit has been made to the property and we feel that the updated plans have taken in to consideration shown to the previous application. Numerous properties on this road have similar extensions. We see no reason to refuse the application.

### **Public Response**

Nearest neighbours notified by letter. Two comments received one in support and one against the proposal.

In support - we have no dispute over the proposed plans to extend this property. In view of these plans we feel the proposed double extension does not exceed the expectations of those properties already on the street with existing double extensions. This will enable modifications and growth of the family home and in particular, to incorporate an extended driveway would only prove to be of a positive interest.

Against - we have continued concerns regarding the proposed two storey extension. Despite concessions and alterations being made we still strongly believe that the extension will block the majority of the light that we currently get to both storeys of our property. We have taken photographs and believe the architects drawings of where the light comes on to our property are incorrect.

We also have concerns regarding access that any building will require and don't feel that the householders will have any regard for boundaries whilst work is on-going and completed. If permission is granted we would require a contract to be drawn up and signed stating that any subsidence or movement would be the householders responsibility.

The sewage pipe runs through the garden of no. 5 and the extension will run over the pipeline and access if any problems were to occur. We agree with the proposed extension to the driveway on the condition that it be used for their many vehicles and not to store their caravan.

### **Relevant Planning Policy**

<b>Code</b>	<b>Policy</b>
ENV 1	Protecting and Enhancing Our Natural and Historic Environments
ENV 2	Achieving Quality in Design and Conservation
LP 31	Parking
SPDDP	Supplementary Planning Document: Design Principles

### **Officer Comments**

The main considerations for this application are compliance with policy, impact on amenity, design and highways issues.

#### **Policy**

Policy ENV2 of the Local Plan Part 1: Core Strategy identifies the need for good quality design in new development and states that siting and design should be in scale and harmony with its surroundings. The requirements of policy in relation to domestic extensions are expanded upon by the Design Principles SPD. The proposed development's compliance with policies ENV2 and the Design Principles SPD is addressed in the design and amenity sections.

#### **Amenity**

The properties on Pickard Close are detached dwellinghouses of various housetypes.

The rear extension would be 4m in length with the ground floor set in 0.47m from the side boundary with No. 3 Pickard Close which is sited to the north west. The first floor would be set in further at 2m from the side boundary with No. 3 which would reduce the impact of this proposed extension on the ground floor kitchen window located on the gable elevation.

It is recognised that the kitchen window in the gable already suffers from some loss of light from the position of the existing house and the Leylandii trees along the side boundary. Whilst this

proposal would lead to a more permanent development of solid construction the set back of the first floor 2.47m from the boundary and the reduced projection of 4m would not result in any greater impact than at present.

The decking would be sited to the south east side of the elevation and would have an undue impact on the adjacent property No. 7 Pickard Close.

The proposal therefore accords with policy ENV2 and the guidance set out in the Design Principles SPD.

### Design

The Design Principles SPD states that two storey rear extensions should be set in from the boundary and must not have an overbearing effect on neighbouring properties.

The proposed two storey element would be set off the boundary by 2m this would result in a separation distance of 4.8m gable to gable. This separation together with the projection of 4m and proposed overall height of 5.5m to eaves would not result in a unduly overbearing structure when viewed from the adjacent property although clearly it would be visible from the kitchen window and rear garden.

The proposed extension would not raise adverse issues in terms of amenity and therefore accords with policy ENV2 and the guidance set out in the Design Principles SPD.

An appropriate condition relating to matching materials can be attached to any grant of permission

### Highways

The proposed extension would result in an increase to the number of bedrooms at the property to four. The site currently has provision for off-street car parking and it is proposed to extend in order to accommodate another off-street parking space which is acceptable in terms of policy 31.

### Summary

The proposed extension therefore is appropriate in terms of design and would not adversely impact on the amenity of the neighbouring property due it is length and distance from the side boundary. Therefore the proposed extension accords with policy ENV2 and the guidance set out in the Design Principles SPD.

### **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 extension is acceptable in terms of design, materials siting and scale and would not adversely impact on amenity. 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:

1:1250 plan, 1:500 existing, 1:500 proposed & P.C/2.

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

3. The external facing and roofing materials shall match those of the existing building in terms of type, size, form, texture and colour and there shall be no variation without the prior consent of the Local Planning Authority.

**Reason:** In order to ensure that new material matches the existing.

4. The windows and doors shall be set back at least 75mm from the external walls.

**Reason:** In the interest of good design.



**Application Ref:** 13/15/0602P

**Ref:** 19194

**Proposal:** Full: Erection of two storey extension to rear with decking and extension to driveway to side (re-submission)

**At:** 5 PICKARD CLOSE BARNOLDSWICK BB18 6JB

**On behalf of:** Mr G Collins

## **LIST OF BACKGROUND PAPERS**

Planning Applications

**NW/HW**

**Date: 25th January 2016**