



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

**TO: WEST CRAVEN COMMITTEE**

**DATE: 7 FEBRUARY 2017**

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications.

## REPORT TO WEST CRAVEN COMMITTEE ON 7 FEBRUARY 2017

**Application Ref:** 16/0799/FUL  
**Proposal:** Full: Erection of 4 bungalows and creation of new vehicular access from Green End Road.  
**At:** Land adjacent to Heather View, Green End Road, Earby.  
**On behalf of:** Mr M Firth  
**Date Registered:** 7 December 2016  
**Expiry Date:** 1 February 2017  
**Case Officer:** Lee Greenwood

### **Site Description and Proposal**

This application is brought to Committee following the receipt of public objections.

The proposed scheme seeks to erect 4 bungalows within the relatively large side garden of this semi-detached property. The current vehicular access is to be closed and a new entrance created within the plot to serve the intended development and the existing dwelling.

The site is within the settlement boundary and also within the Earby Conservation Area.

### **Relevant Planning History**

**13/14/0520P** – erection of two storey side extension - **Approved**

### **Consultee Response**

**LCC Highways;** no objection in principle but applicant should demonstrate – acceptable sight lines; level of parking of the existing dwelling; use of suitable materials for pedestrian footway. If these matters are not resolved, an objection would be raised.

**PBC Trees;** no comments received.

**PBC Environmental Health;** no objections.

**Yorkshire Water;** no comments received.

**Earby & Salterforth Drainage Board;** no comments received.

**Earby TC;** wish for new pavement to be built in stone and not cobbles, which look nice but cause issues for prams/wheelchairs.

## **Public Response**

**Nineteen neighbours notified, site notice also displayed;** seven responses/objections received, commenting on;

- Road too narrow to accommodate more traffic
- Drains not capable of dealing with further development
- Busy junction adjacent especially during term time
- On street and double parking already difficult
- Green End Road is used as a shortcut
- Disruption during development
- Eyesore, invasion of privacy and loss of light for existing residents
- Impact on house values
- Lack of visitor parking
- Removal of existing trees could result in damage to other properties from roots
- Road is busy and not quiet as stated in traffic report
- Road used by agri vehicles and parking limited when nearby judo club in use
- Lack of parking for existing property
- Would force pedestrians in to road if further cars are double parked here
- Poor visibility in and out of site will cause congestion
- Scale and bulk unacceptable on a site of this size
- Speed limit regularly exceeded
- Should be no vehicular access to/from Rushton Ave

## **Officer Comments**

### **Policy**

The following Local Plan policies are relevant to this application:

Policy ENV1 requires developments to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments (such as Conservation Areas).

Policy ENV2 seeks to encourage high standards of design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Policy ENV4 advises that development should have regard to the potential impacts they may cause to the highway network. Where these impacts are severe, permission should be refused.

Policy LIV1 sets out the housing requirements for 2011 to 2030 and how this will be delivered.

Policy LIV3 provided guidance on the housing needs in order to provide a range of residential accommodation.

Policy LIV5 requires all new housing to be designed and built in a sustainable way. New development should make the most efficient use of land and built at a density appropriate to their location taking account of townscape and landscape character. Provision for open space and/or green infrastructure should be made in all new housing developments.

Saved Policy 31 of the Replacement Pendle Local Plan details the current parking standards for new development.

National Planning Policy Framework;

In national terms the National Planning Policy Framework ("the Framework") provides guidance on housing requirements, design and sustainable development which is relevant to this proposal.

The Framework states that good design is a key aspect of sustainable development and is indivisible from good planning. Design is to contribute positively to making places better for people (para. 56). To accomplish this development is to establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live and responding to local character and history (para. 58). It is also proper to seek to promote or reinforce local distinctiveness (para. 60).

### **Principle of Housing**

Policy LIV1 of the Pendle Local Plan: Part 1 Core Strategy states that to encourage significant and early delivery of the housing requirement, proposals for new development will be supported where they accord with other policies of the Core Strategy and are on;

“non-allocated sites within a settlement boundary where there are sustainable and make a positive contribution to the five year supply of housing land”.

This site falls within this definition and would be as sustainable in terms of its location accounting for the proximity of local services and facilities in the nearby town.

The principle of housing is therefore acceptable and accords with policy LIV1.

### **Design & the Heritage Asset**

The proposal takes the form of a small cul-de-sac of 4 bungalows (in semi-detached groups) within what is currently the side garden of Heather View. The existing vehicular access to the northern end of the site would be closed and a new single access point created more centrally to serve the existing dwelling and the proposed development. Highway safety issues and parking will be discussed in more detail later in this report.

The proposed dwellings are modest, single bed bungalows with a combination of private and communal amenity space provided. Policy LIV5 advises that residential development within the West Craven towns should help to rebalance the housing stock (i.e. limiting the provision of new terraced dwellings). The creation of bungalows here would add some variety to the housing stock at this end of the town and the proposal therefore broadly complies with the principle of LIV5.

In terms of scale and massing, the development would not represent a significant addition within the street scene, particularly if a high quality landscaping scheme is implemented. Plots 1 and 2 would be orientated with the gable elevation facing Green End Road, with Plots 3 and 4 set some 18m back in to the site from the carriageway edge. The properties would have a ridge height of 5.4m, meaning they would appear clearly subservient to those larger semi-detached and terraced properties adjacent.

Some alterations to the existing frontage are proposed in order to create the new access and associated visibility splays. This would also allow for the creation of public footways where none exist at present. A combination of a 600mm high wall, a 1.8m high fence and screen planting is proposed to the Green End Road frontage, which is acceptable in principle subject to final agreements on materials and finishes.

In a street scene which contains a variety of dwelling types, finish and density, the introduction of a scheme of this scale here would not be unacceptable in design terms. A combination of natural stone and render to the walls, with slate to the roof is proposed which is appropriate taking in to account materials found in the vicinity.

The site falls within the Earby Conservation Area. The supporting appraisal document describes this area as being part of the Victorian/Edwardian expansion of the town. It acknowledges that the character of the wider Conservation Area is varied, accounting for changes and progression within the town since its agricultural origins. Development around the application site is relatively tightly knit and whilst the large side garden of Heather View represents an exception to this, development of the site as proposed would not adversely impact on the special character or appearance of the heritage asset.

### **Amenity**

Whilst the relationship between the site and adjacent neighbours would undoubtedly change as a result of the development, the single storey nature of the dwellings and separation distances provided mean that it would not appear overbearing or lead to an unacceptable loss of privacy between new and existing windows.

### **Highways**

LCC Engineers have no objections to the scheme in principle but have requested further information, which has been relayed to the Agent. A response is awaited at the time of writing. If the matters below are not address, LCC would raise an objection to the development.

The proposed new access point requires sight lines of 2m by 17m and a plan showing that this is achievable over land within the applicant's control (and/or public highway) has been requested.

One space per new dwelling will be provided which meets the requirements of saved Policy 31. The scheme makes provision for a new single detached garage to serve the existing property, accessed via the new entrance. However the internal dimensions are below those required for the garage to count as a useable parking space. It is not clear from the plans provided what, if any additional parking is to be given over to Heather View.

Work is currently underway at the property following a grant of planning permission in 2014 for the erection of a two storey side extension (13/14/0520P), creating a 4 bedroom property. This would require 3 off-street spaces based on the current standards. Accounting for the characteristics of the surrounding area, under-provision here would lead to on-street parking, potentially impacting on traffic flows and visibility from the new access. Clarity on the extent of provision to be provided for Heather View has been requested and an update will be provided on receipt of further information.

The repositioning of the existing boundary wall to the highway frontage means that the development will result in the creation of a public footway at either side of the proposed vehicular access point. The plans show that this would be finished in cobbled setts, however LCC have advised that this would not be pedestrian friendly and the Agent has been asked to consider alternatives.

Subject to the receipt of amended plans addressing the matters above, the highway impacts of the development would be acceptable.

## **Drainage**

No comments have been received from statutory drainage bodies, however the site is not within a Flood Zone and a drainage scheme requiring separate surface and waste water systems can be controlled by condition.

## **Other Issues**

Neighbours have raised concerns about impacts on property values as a result of the development. Whilst these comments are noted they are not material factors in the determination of this application.

Concerns are also raised regarding disruption during construction. The provision of a construction method statement can be controlled by condition to minimise any possible impacts. Any damage caused during construction are civil matters and not for the planning system to adjudicate on.

## **Summary**

Subject to the receipt of additional plans relating to the aforementioned highway matters, the proposed development would be acceptable and compliant with the Local Plan Part 1 and the National Planning Policy Framework.

All highway related conditions will be added by way of an update, subject to acceptable plans having been provided.

## **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 development is compliant with the aims of the Local Plan Part 1 and saved Policies of the Replacement Pendle Local Plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

## **RECOMMENDATION: Approved**

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: \*to be added on receipt of amendments\*

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

3. Prior to the commencement of development samples of the external materials to be used (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 Part 1 of the second schedule of the Town and 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, E 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.

**Reason:** In order to enable the Local Planning Authority to control any future development on the site, in order to safeguard the character and visual amenity of the area.

5. 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:** In order to control foul and surface water disposal and to prevent pollution and flooding.

6. 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:** In the interests of visual amenity and to ensure that the site is suitably landscaped.

7. Before any dwelling hereby approved is occupied, waste containers shall be provided within the site.

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

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

- i) the parking and access 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) Wheel-washing facilities
- v) Measures to control the emission of dust and dirt during construction.

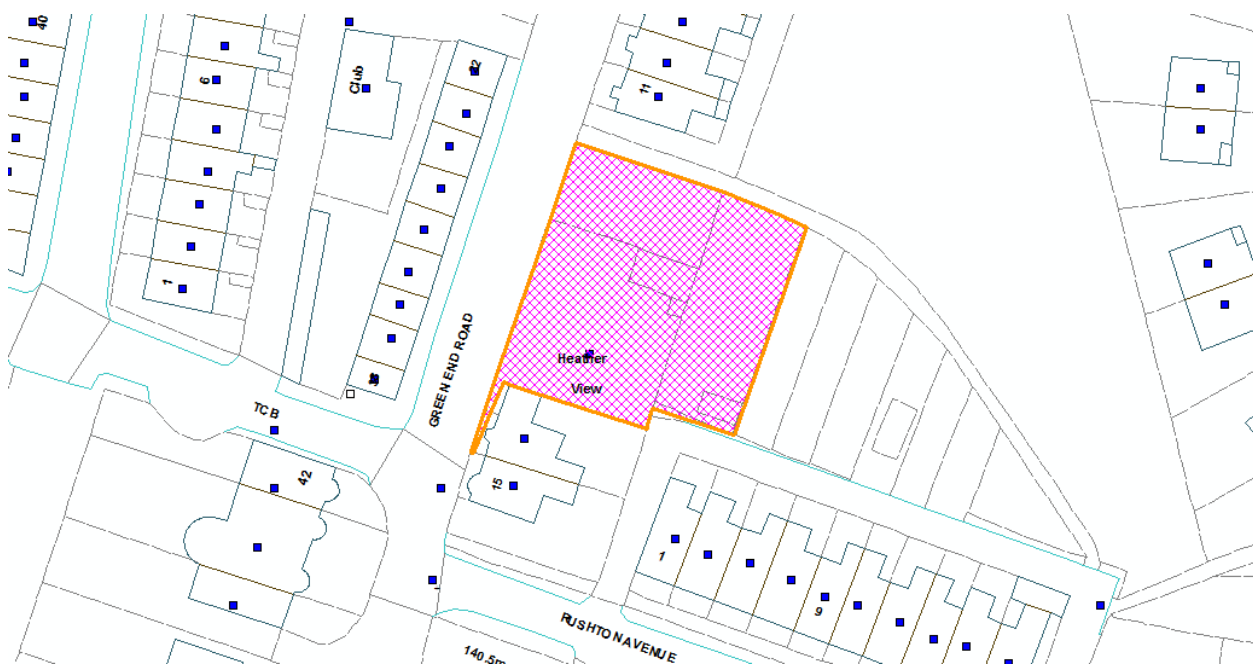
**Reason:** In the interests of amenity and highway safety.

**Application Ref:** 16/0799/FUL

**Proposal:** Full: Erection of 4 bungalows and creation of new vehicular access from Green End Road.

**At:** Land adjacent to Heather View, Green End Road, Earby.

**On behalf of:** Mr M Firth





**Application Ref:** 17/0012/HHO  
**Proposal:** Full: Erection of a canopy to the rear (Retrospective).  
**At:** 3 Banks Bridge Close, Barnoldswick  
**On behalf of:** Mr Edick Petrossian  
**Date Registered:** 05/01/2017  
**Expiry Date:** 02/03/2017  
**Case Officer:** Alex Cameron

This application has been brought before Committee at the request of a Councillor.

### **Site Description and Proposal**

The application site is a detached house located within the settlement of Barnoldswick surrounded by similar properties. The existing house is constructed from artificial stone with a concrete tile roof and upvc fenestration.

This is a retrospective application for the retention of an additional area of canopy roof to the rear of a rear extension and canopy roof which was granted permission in 2015. The approved extension projects 4m from the rear wall of the house with a canopy to the side projecting 6m from the rear wall. The unauthorised section of the canopy projects a further 1m to the rear of the approved canopy and 3m to the rear of the extension.

The canopy roof has an eaves height of 2.1m and a ridge height of 2.4m and it is glazed with a dark grey powder coated metal framework.

### **Relevant Planning History**

13/92/0511P – Erect 8 dwellings. Approved, 08/02/1993.

13/15/0505P - Full: Erection of orangery and canopy to rear. Approved, 15/12/2015.

### **Consultee Response**

Barnoldswick Town Council

### **Public Response**

Nearest neighbours notified - No response.

### **Officer Comments**

#### **Policy**

Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy states that all new development will be required to meet high standards of design, this is expanded upon in relation to domestic extensions by the Design Principles SPD.

## **Design**

The canopy is acceptable in terms of design and materials and does not adversely impact upon the visual amenity of the area in accordance with policy ENV2 and the guidance of the Design Principles SPD.

## **Amenity**

The development results in the canopy projecting 7m adjacent to the rear boundaries of the gardens of 5 and 7 Whitworth Way, which sit on lower land. However, the eaves of the canopy are just 2.1m high, the ridge 2.4m and it sits approximately 1m from the boundary. Taking into account this height and that a boundary fence of up to 2m in height on the boundary or outbuildings of up to 2.5m in height adjacent to the boundary could be erected under permitted development rights, the canopy does not result in an overbearing impact upon or unacceptable loss of light to these or any other adjacent properties. The extension to the approved canopy also does not result in an unacceptable privacy impact upon any adjacent dwellings.

The canopy is therefore acceptable in terms of residential amenity in accordance with Policy ENV2.

## **Highways**

The canopy does not impact upon the provision of or requirement for off-street parking.

## **Reason for Decision**

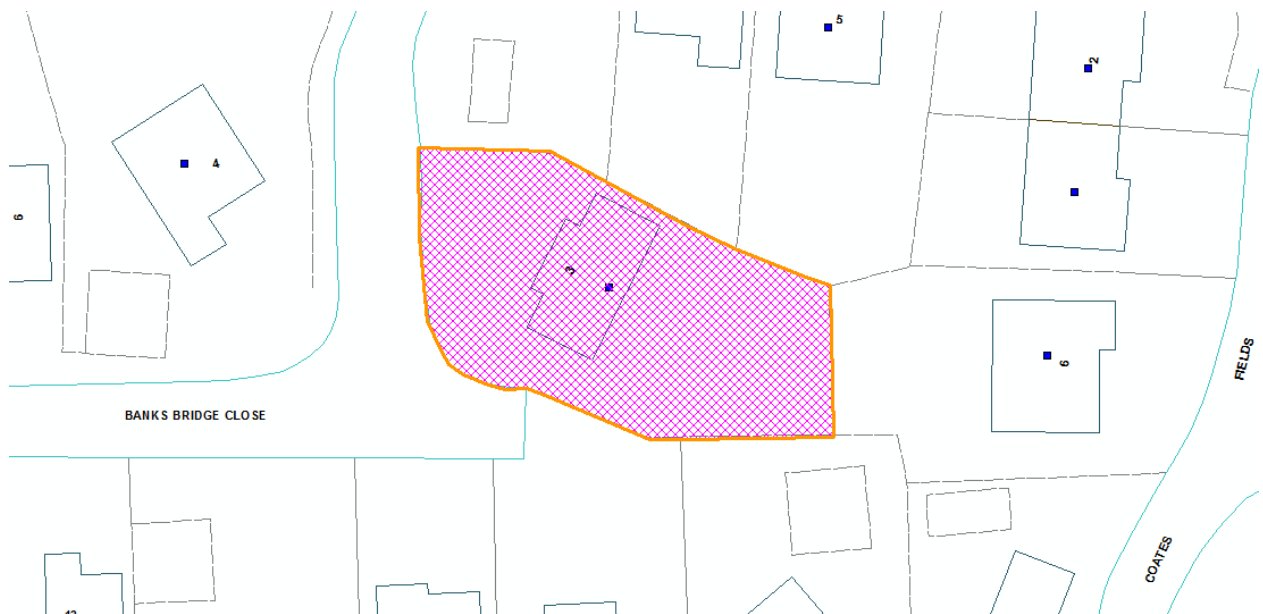
Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The canopy is acceptable in terms of policy, design, and amenity. The development therefore complies with the 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 development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Proposed Canopy Extension.

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



**Application Ref:** 17/0012/HHO

**Proposal:** Full: Erection of a canopy to the rear (Retrospective).

**At:** 3 Banks Bridge Close, Barnoldswick

**On behalf of:** Mr Edick Petrossian

## LIST OF BACKGROUND PAPERS

Planning Applications

**NW/SM**

**Date: 30 January 2017**