



REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

TO: BRIERFIELD AND REEDLEY COMMITTEE

DATE: 7 FEBRUARY 2017

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications

REPORT TO BRIERFIELD AND REEDLEY COMMITTEE ON 7th FEBRUARY 2017

Application Ref: 16/0398/FUL

Proposal: Full: Erection of a two storey extension to front and rear, dormer to rear converting the hipped roof to gable of the gymnasium building (D2).

At: 30 COLNE ROAD BRIERFIELD NELSON BB9 5NS

On behalf of: Mr S Shabir

Date Registered: 01 June 2016

Expiry Date: 24 August 2016

Case Officer: Neil Watson

Site Description and Proposal

This application was deferred from the September meeting in order to seek an alternative design. The Planning Manager has met with the applicant and sent chasing emails asking for new proposals. No information has been forthcoming. The applicant therefore now needs to be decided based on the submitted original plans.

The site is a two storey gymnasium premises at the junction with Wesley Street and Colne Road in the centre of Brierfield. On the northern side is Brierfield Methodist Church which is a Listed Building and there are commercial premises next door. There are residential properties to the rear of the site.

The property is located in the town centre of Brierfield, opposite the Listed War Memorial and Town Hall and adjacent to the Brierfield Methodist Church which is a Listed Building. The monument, Church and Town Hall are regarded as being of importance in terms of their heritage significance.

The proposed development is to erect a pitched roofed two storey extension to the front which would project out by 3.6m and extend across the whole frontage of the property. A two storey extension to the rear would be positioned adjacent to the existing outrigger and project to the rear by 3.7m. A flat roofed dormer has been proposed above this proposed extension and the existing outrigger which would take almost all of the width of the property and extend back up to the ridge of the original roof.

The proposed extensions would create further space within the building for meeting rooms at ground floor level, a fitness studio at first floor level and changing rooms and multi sports area at second floor level

The materials proposed for the walls of the extensions are sandstone with slates for the roof. The windows frames would be in brown UPVC.

Relevant Planning History

13/11/0108P - Full: Erection of a two storey extension to the rear and dormer windows on North and West elevations of the main gymnasium building (D2) – Approved - 28/04/2011.

13/09/0039P - Erection of a two storey extension to the front of the gymnasium - Appeal Allowed (APP/E2340/A/09/2102301) - 7/07/2009.

Consultee Response

LCC Highways - From the information provided, and observations on site, the Highway Development Control Section does not support this application and objects for the following reasons.

Whilst the application site is located centrally in Brierfield and close to the public transport network, the increase in floor space and usage would likely encourage an increase in vehicles to the building. There is currently no off-road parking provision associated with the property that could alleviate some of this increase. Wesley Street, the neighbouring street, is narrow and vehicles parked here, particularly near the junction with Colne Road, could pose a highway safety issue to other highway users.

Currently the commercial waste bin is stored within the curtilage at the front of the property. The applicant has not indicated an alternative storage location. We have concerns that this could be stored on the adopted highway posing a highway safety issue to other highway users.

We have concerns that rainwater from the proposed front extension could be allowed to drain onto the adopted highway, particularly from the roof elevation adjacent to 28a Colne Road. Section 163 of the Highways Act 1980 states that rainwater from any roof shall drain wholly within the existing site and shall not be allowed to discharge onto the adjacent adopted public highway network.

Public Response

Eleven neighbours were notified by letter, no comments have been received.

Officer Comments

The key issues for consideration are compliance with policy, design, impact on amenity and highway safety.

Policy

Policy ENV1 of the Core Strategy part 1 (Protecting and Enhancing Our Natural and Historic Environments) states that the historic environment and heritage assets of the borough (including Listed Buildings, Conservation Areas, Scheduled Monuments, non-designated assets and archaeological remains), including and their settings, will be conserved and where appropriate should be enhanced.

Policy ENV2 of the Core Strategy part 1 (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.

Saved Replacement Pendle Local Plan Policy 31 'Parking' 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

Development Guidance SPD states that new dormers will not normally be acceptable unless they are appropriate to the age and style of the building and a feature of the surrounding architecture. It also notes that wide flat roofed dormers can detrimentally affect the character and appearance of an area by introducing a bulky shape which is at odds with an existing pitched roof, and can therefore disrupt the vertical emphasis of Victorian or Edwardian facades. The Design Principles SPD also states that the roof is an important element of a buildings design and unsympathetic extensions can have a negative impact.

Design

The property is a traditional stone built end terraced property located on a prominent corner location where Wesley Street meets Colne Road. The neighbouring properties within the terrace have distinctive eaves detailing and front yard areas with low stone walls.

The slope of the blue slate roof and stone chimneys are an essential part of the visual harmony of the terrace where most of the corner properties on terraces within the vicinity have hipped roofs. The materials proposed for the walls and roof of the extensions would match those used on the original dwelling and are therefore acceptable.

The proposed dormer window would almost extend across the full width of the property and disrupt the design and harmony to the front and rear of the property. The proposed dormer would extend the roof to the side and rear with a similar eaves and ridge line however replacing the existing hipped finish with a gable finish. The gable design would appear incongruous and detract from the uniformity of front elevations of the majority of neighbouring terraces. Furthermore, the gable together with the size of the proposed two storey front extension would un-balance the adjoining properties by reason of its outward size and design which would create a discordant and unduly assertive feature, poorly related and out of character with the existing property.

This would result in a development incongruous in appearance to the detriment of the visual amenities of the occupiers of the neighbouring properties and harmful to the character of the area in this busy and prominent location. The bulk, scale and large windows of the two storey extension to front and dormer to rear would be totally out of keeping within this row and would be seriously detrimental to the character and appearance of the street scene. The development would therefore, be contrary to the aims of ENV1 and ENV2 of the Core Strategy Local Plan Part1 and the Design Principles SPD.

The two storey extension to the rear in terms of its positioning and scale would be acceptable, however given the extent of the proposed flat roof dormer which would form the roof of this two storey extension, this is also unacceptable in design terms.

Amenity

The two storey extension to the rear would be positioned up to shared boundary with its neighbour at no. 28a Colne Road, this is a business property at ground level with a flat above. There is a 3m high masonry wall along this boundary which extends to the cills of the ground floor windows, due to the change in ground levels from the front of the properties to the rear. The extension would project 3.7m from the rear wall at a height of 8.7m to eaves. First floor windows on the flat are set off the boundary line by at least 1m. Due to the orientation of the extension, there would unlikely to be adverse overbearing or access to light. The use of the extension as fitness studio is unlikely to present any noise or disturbance issues on the neighbouring flat which would be significantly more than existing.

The projection of the two storey extension to the front would not create significant overshadowing on the neighbouring business premises at ground floor level given this property already has a front extension, furthermore given the pitched roofed design of the extension which would taper away from the neighbouring property it would not detrimentally impact in terms of overshadowing on the occupiers of the first floor flat.

The rear elevation presently has four windows that face west towards the terrace houses to the rear. The proposed two storey extension to rear and dormer windows would create an additional five windows. The development would be situated closer to the rear boundary, however no further than the existing outrigger. Therefore the extensions would not unduly appear overbearing on front gardens of houses on Wesley Street or adversely affect the privacy of residential properties, in that the windows in the extension would face towards the more public front garden areas.

The proposed dormer would not have any windows in its side elevation facing the church. The plans show the two storey extension to the front would have windows in the front and northern side elevation. Given the positioning of the windows there would be no significant harmful overlooking from the proposed extensions

There would remain adequate yard area at the rear to accommodate waste storage.

Other issues

Planning permission was granted on appeal for a two storey extension to the front of the building in 2009 and for a dormer in 2011. It should be noted that the approved two storey extension to the front was much smaller in size and scale and would have had less of an impact on the appearance of the building, the character of the area and street scene.

The dormer which was approved in 2011 was small in size and took only a small proportion of the hip of this property. However the proposed dormer is much larger in size and in total takes up more than half of the roof of the original dwelling whilst altering the original design of the property and adversely affecting its character.

Highways

The application site is located centrally in Brierfield and close to the public transport network. The proposal would increase the floor space of the property and usage is likely to increase. There is currently no off-road parking provision associated with the property. However, given its town centre location with public transport links and nearby public car parks which are highly accessible, any highways issues resulting from an increase in customers/users would be negligible.

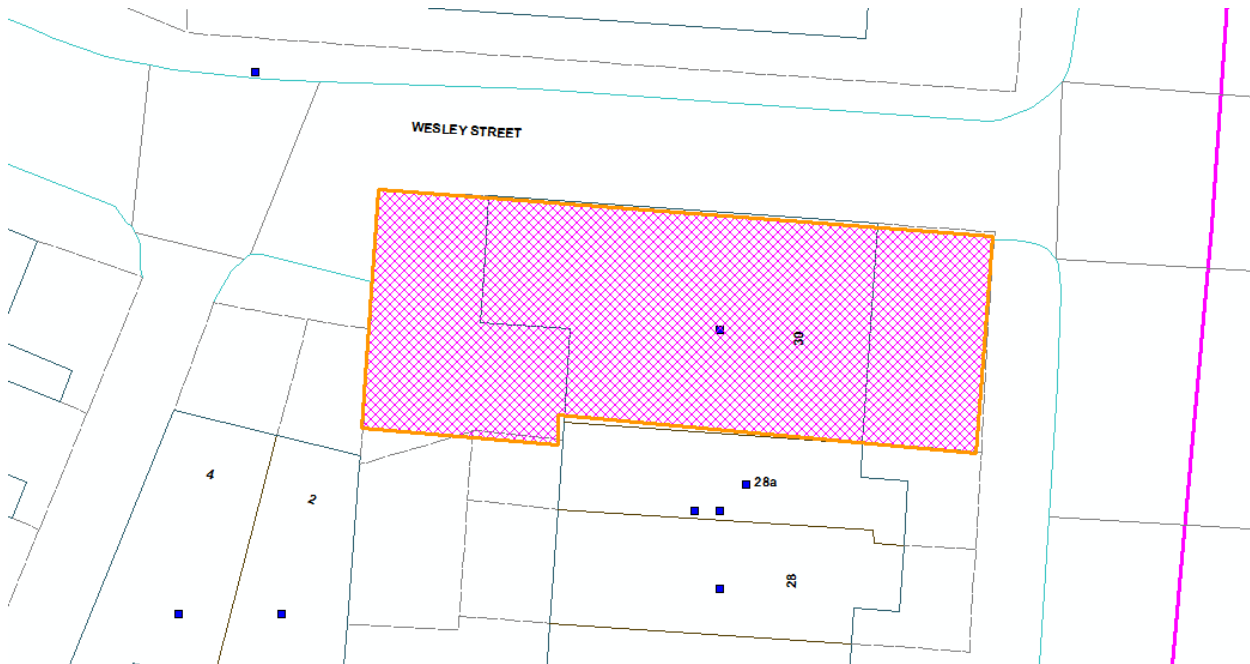
Summary

The proposed roof extension would include the remodelling of the roof from hip to gable and the erection of a two storey extension to the front elevation which would result in a disproportionate building that would create an unduly assertive feature, poorly related and out of character with the property. The incongruous appearance would be of detriment to the visual amenity of the area and the character of the area. The development would therefore, be contrary to the aims of ENV1 and ENV2 of the Local Plan: Core Strategy Part 1 and the guidance contained within the Councils Design principles SPD.

RECOMMENDATION: Refuse

For the following reason;

The proposed roof extension to the rear and two storey extension to the front would result in a disproportionate building that would create an unduly assertive feature, poorly related and out of character with the property. The incongruous appearance would be of detriment to the visual amenity of the area and the character of the area. The development would therefore, be contrary to the aims of Policy ENV1 and ENV2 of the Local Plan: Core Strategy Part 1 and the guidance contained within the Councils Design Principles SPD.



Application Ref: 16/0398/FUL

Proposal: Full: Erection of a two storey extension to front and rear, dormer to rear converting the hipped roof to gable of the gymnasium building (D2).

At: 30 COLNE ROAD BRIERFIELD NELSON BB9 5NS

On behalf of: Mr S Shabir

Application Ref: 16/0764/VAR
Proposal: Full: Major: Removal of Condition: Remove Condition 10 of Planning Permission 13/10/0294P.
At: Former Lob Lane Mill, Clitheroe Road, Brierfield
On behalf of: Pearl 2 Ltd
Date Registered: 11 November 2016
Expiry Date: 10 February 2017
Case Officer: Lee Greenwood

This application is brought before Committee as a proposal relating to a major development.

Site Description and Proposal

This application seeks to remove condition 10 of planning permission 13/10/0294P which granted consent for a residential development at the former Lob Lane Mill site in Brierfield.

Condition 10 states the following;

“The dwellings shall achieve at least level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it, certifying that Code level 3 has been achieved.

Reason: To meet the Government target for Sustainable Homes”

The proposed removal of this condition will be discussed in the Officer comments section below.

Relevant Planning History

13/10/0294P - Conversion of warehouse and engine house (including external alterations) to 12 houses (9 to have a B1 use at lower ground floor); demolition of weaving shed, boiler house, Clitheroe Road warehouse and chimney; erection of 31 houses and 12 apartments (55 residential units in total); access from Clitheroe Road; new and replacement boundary treatment and landscaping - **Approved**

Consultee Response

LLFA: no comments to make.

Environment Agency; no comments to make.

Canal and River Trust; no comments to make providing no changes to previously agreed drainage arrangements are proposed.

LCC Highways; no comments to make.

Brierfield TC; no comments received.

Public Response

Forty one neighbours notified, site and press notices also displayed; no comments received.

Officer Comments

It is sought to remove this condition following the Government's formal withdrawal of the Code for Sustainable homes through a Ministerial Statement and the Deregulation Act 2015.

On removal of the Code for Sustainable Homes (CSH), the Government advised that its continued application could be relevant in certain 'legacy cases' (including those which were legally contracted to apply the code or in which developers were not seeking to have a planning related condition removed). The developer here is seeking to remove the condition.

The condition was originally added via requirement through the Interim Housing Policy (IH1) to meet CSH. This Policy has also since been replaced following adoption of the Local Plan Part 1 - Core Strategy, which contains no reference to the Code following its withdrawal.

As the Code and any Council related Policy are now gone, developments are no longer to meet these standards. As such the on-going relevance of the condition here is negligible and its removal raises no adverse planning 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 removal of the condition here is justified accounting for the associated circumstances and change in Government policy. 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 permitted shall be begun before the expiration of three years from the date of the permission.

Reason: This condition is required to be imposed by virtue of Section 91(1) of the Town and Country Planning Act 1990.

2. Before development (other than demolition) commences a Construction Method Statement shall be submitted to the Local Planning Authority for approval in writing and shall thereafter be adhered to.

The Statement shall provide for:

1. the parking of vehicles for site operatives and visitors
2. loading and unloading of plant and materials
3. storage of plant and materials used in constructing the development
4. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing (if appropriate)
5. wheel-washing facilities

6. measures to control the emission of dust and dirt during construction
7. a scheme for re-cycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of amenity.

3. Prior to the commencement of development (other than demolition) details of appropriate mitigation measures to prevent pollution of the canal during and after construction of the proposed development shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

Reason: In order to avoid contamination of the waterway and ground water from wind blow, seepage or spillage at the site in accordance with policy 8 'Contamination and Pollution' of the adopted Replacement Pendle Local Plan.

4. No development (other than demolition) shall take place until a landscaping and boundary treatments scheme has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall indicate the size, species and spacing of planting, the areas to be grassed, and the treatment of hardsurfaced areas, and also details of the landscape management plan. The scheme shall include full details of the reuse in the scheme of salvaged materials on the site e.g. stone setts and flags, stone from the boundary walls and canal wall. Any such planting which within a period of 5 years of implementation of the landscaping dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of a similar size or species, unless the Local Planning Authority gives written consent to the variation. The approved scheme shall be fully implemented prior to the first occupation of any building(s). Native species should be used along the canal frontage to prevent establishment of exotic/ornamental plants.

Reason: In the interests of visual amenity and to ensure that the proposed development contributes to the preservation and enhancement of the local character and distinctiveness of the waterway corridor, and protects the structural integrity and ecological environment of the waterway in accordance with policy 16 'Landscaping in new Development' of the adopted Replacement Pendle Local Plan.

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

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

6. The access and estate road for each phase of development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any other development (in that phase) takes place within the site (other than demolition), details of which shall have previously been submitted to and approved in writing by the Local Planning Authority. The estate road (as it relates to that phase) shall have been completed in its entirety, including the wearing course, before the first occupation of any dwellings in that phase.

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

7. Within two weeks of the commencement of development (other than demolition) a scheme detailing measures to minimise the risk of crime and to meet the specific security needs of the application site and the development, shall have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full.

Reason: In order that the development incorporates safety strategies and designing out crime in line with Policy 13 of the Replacement Pendle Local Plan.

8. Plans and particulars showing a scheme of foul sewers and surface water drains, shall be submitted to, and approved in writing by the Local Planning Authority, and development (other than demolition) shall not be commenced before these details have been approved, unless otherwise agreed in writing. Such works shall be carried out concurrently with the rest of the development and in any event shall be finished before the building is occupied.

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

9. Prior to the commencement of development (other than demolition but not excluding any intrusive ground works) 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: To identify any contamination of the site from previous uses and to ensure remediation of any contamination to safeguard future users or occupants and the environment beyond the site.

10. The development hereby permitted shall be carried out in accordance with the following approved plans: 1624.E.01, 0912-C-55 B, 1624.E.02, 1624.E.03, 1624.E.04, 1624.E.05, 1624.E.06, 1624.E.07, 1624.P.19, 1624.P.20 B, 1624.P.01 B, 1624.P.02 D, 1624.P.27, 1624.P.17 A, 1624.P.16 A, 1624.P.13 A, 1624.P.14 A, 1624.P.04 A, 1624.P.03 A, 1624.P.05 B, 1624.P.06 B, 1624.P.07 A, 1624.P.08 B, 1624.P.09 A, 1624.P.10 A, 1624.P.28, 1624.P.11 A, 1624.P.22 A, 09212-C-57 A, 09212-C-58 A, 1624. P.18

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

11. Within two weeks of the commencement of development (other than demolition) full details of :-

- * reinstatement of facades where adjoining buildings are to be demolished; including treatment of the drive shaft bearings
- * window and door treatment to retained buildings
- * elevational treatment following removal of the barge canopy
- * bin storage facilities

shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved plans.

Reason: In the interests of amenity and the appearance of the development.

12. Before the first occupation of any dwelling in phase 1 of the approved development highway improvement works on Clitheroe Road comprising a junction table and a 2m wide footpath shall have been provided in full in accordance with details which shall have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

13. A landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for the proposed area of open space, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall thereafter be carried out as approved.

Reason: In the interests of amenity and the appearance of the development.

14. Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the second schedule of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A and B (and Class E for house types 1 and 2 only) and Class H for the converted mill buildings 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 the interests of residential and the appearance of the development.

15. The access shall be so constructed that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the adjoining edge of carriageway, to points 1.05 metres above ground level at the edge of the adjoining carriageway and .60 metres distant in each 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 the interests of highway safety.

16. Within two weeks of the commencement of development (other than demolition) a scheme for the provision and implementation, of a surface water regulation system shall have been approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.

Reason: To reduce the increased risk of flooding.

17. Within two weeks of the commencement of development (other than demolition) a scheme for the provision of affordable housing as part of the development shall have been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of PPS 3 or any future guidance that replaces it. The scheme shall include:

i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 5 housing units;

ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing];

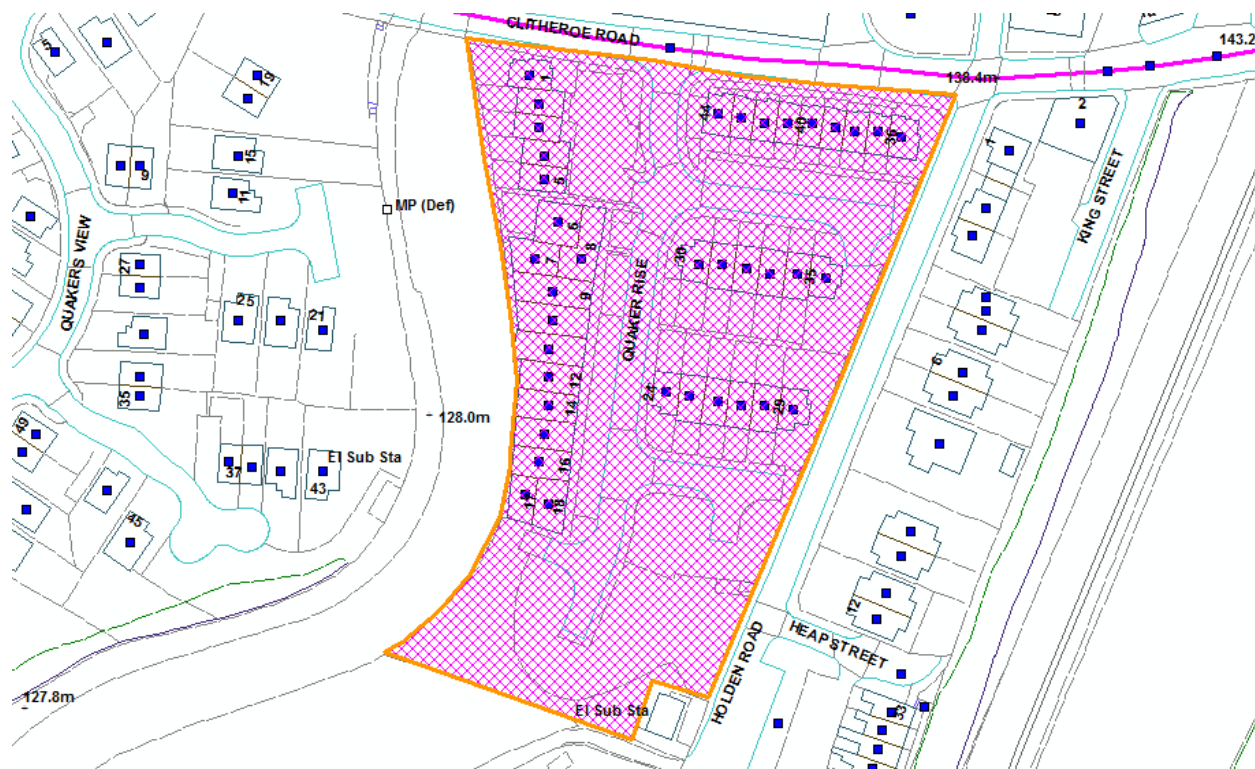
iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To ensure that adequate provision is made for affordable housing.

18. Before the subterranean Little Marsden Brewery vaults and tunnel are infilled a record of any features of historical or archaeological importance shall have been submitted to the Local Planning Authority. The inspection and record shall have been carried out in accordance with a methodology previously agreed in writing by the Local Planning Authority. The infilling shall be carried out in accordance with a method which has previously been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a public record is made of items of historical and archaeological interest.



Application Ref: 16/0764/VAR

Proposal: Full: Major: Removal of Condition: Remove Condition 10 of Planning Permission 13/10/0294P.

At: Former Lob Lane Mill, Clitheroe Road, Brierfield

On behalf of: Pearl 2 Ltd

Application Ref: 16/0784/FUL
Proposal: Full: Erection of 5 detached dwelling houses.
At: Land off Heather Close, Brierfield
On behalf of: AB Investments NW Ltd
Date Registered: 1 December 2016
Expiry Date: 26 January 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 5 dwellings on land off Heather Close, Brierfield. The description of development had originally stated that vehicular access was proposed from Higher Reedley Road, accounting for the position of the red edge as shown on the location plan provided. However the Agent has since confirmed that this strip of land will primarily be used as a pedestrian route, with the main access via Heather Close.

The site lies within a former quarry and is surrounded by dwellings on all sides. A scheme not dissimilar to that proposed here was approved in 2010 (ref – 13/10/0074P) but not subsequently implemented.

The site is within the settlement boundary, with part of it designated as woodland in the Open Space Audit. Some of the trees within this area are protected and will be discussed in more detail below.

Relevant Planning History

13/10/0074P – Erect 5 dwellings - Approved

Consultee Response

LCC Highways; comments awaited at time of writing.

PBC Trees/Environment; arboricultural report makes no reference to the TPO's on site. It states that trees will be unaffected by the development but then goes on to state that some will be removed, including a group which are protected. As such the proposal cannot be supported in its current form.

An ecology report has been provided which finds low bat roost potential. The recommendation/enhancement measures should be conditioned if permission is granted.

PBC Env Health; no objection subject to contaminated land condition.

United Utilities; no objection subject to surface and waste water drainage conditions. A public sewer crosses the site and will require easements or a diversion if feasible. Developer should contact UU to discuss this matter further.

Public Response

Thirty one neighbours notified, site notice also displayed; seven responses/objections received, commenting on;

- Overlooking from windows of Plot 5
- Value of property would be reduced
- Drives/garages may not be accessible if vehicles parked opposite
- Loss of view of adjacent trees
- Use of Higher Reedley Road would create a rat run and a danger to children playing within the cul-de-sac
- Note presence of Japanese Knotweed on site
- Increase in traffic along the close, particularly in poor weather would create additional congestion
- Impact on wildlife/habitats
- Three storey houses not in keeping with area and would dominate those existing
- Development congested and cramped with 5 dwellings
- Construction vehicles may damage tarmac which has been paid for by residents and also impact on drains/footpaths
- Fumes and dust from construction phase

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 (such as trees) and historic environments.

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 and Amenity

The proposal takes the form of a small cul-de-sac, accessed through a relatively modern housing estate. It would be seen as a continuation of the existing estate and in this regard would not be an incongruous addition in this residential area.

Three of the dwellings (plots 2, 4 and 5) are to be two and a half storeys in height (containing 6 bedrooms), with living accommodation provided within the roofspace, facilitated by dormer windows to the rear roof slope. Plots 1 and 3 (containing 4 bedrooms) would be two storeys but have the same overall ridge height as the aforementioned plots.

The layout of the site is fundamentally as previously approved in the 2010 scheme and is acceptable accounting for the surrounding area and site constraints owing to its history as a quarry.

The design of the dwellings has changed, however the overall approach and appearance is acceptable and raises no significant or adverse issues within the street scene. Materials proposed are to be of a similar style to those properties adjacent, with facing brick to the walls, grey concrete tiles to the roof and white upvc door and window fittings.

Existing neighbours have expressed concerns that Plot 5 would result in overlooking of properties adjacent. Whilst these comments are noted, separation distances of 21m and upwards are achieved between front elevations, which would be acceptable. Elsewhere, the layout achieves the necessary separation internally and with existing dwellings to avoid any undue or significant issues.

Each dwelling would be afforded a proportionate curtilage area to provide outdoor amenity space (including bin storage).

In light of these factors, the layout and design of the proposed development is compliant with the Local Plan Part 1 and the Framework.

Highways

As referred to above, the development was originally described as having vehicular access via Higher Reedley Road. The Agent has confirmed that the strip of land which runs at the rear of the site to the road is to be used primarily as a pedestrian route. It has been requested that the plans are revised to show the end of the carriageway within the site for clarity.

Vehicular traffic would therefore use the existing estate road, which is acceptable to serve the additional 5 dwellings. Each plot would have dedicated on-site parking either by way of driveway or garage.

Comments from LCC Highways are awaited at the time of writing, however there are no provisional concerns with regard to highway safety at this stage.

Drainage

United Utilities have raised no objections, subject to the imposition of standard drainage conditions, which can be added should consent be granted.

They have also advised that a sewer runs through the site which they would not allow to be built over. The developer may need to seek a diversion with the agreement of UU if any of the proposal impinges on the required easement areas.

Trees and Ecology

The application is supported by an arboricultural appraisal which has been assessed by the Council's Environment Officer. Neither this document or the Design and Access Statement make reference to the presence of TPO No.2 2001 which is extant on the site.

The report provides contradictory information regarding tree retention and removal. It advises that trees are to be unaffected by the development but then also states that several mature pines would be removed. However these are protected and the report itself finds them to be in good condition.

This matter has been raised with the Agent and a response awaited at the time of writing. As submitted however, the development would fail to accord with Policy ENV1 of the Local Plan Part 1.

The Ecological Appraisal provided finds low potential roosting opportunities for bats and advises that site clearance works should be undertaken outside of the nesting bird breeding season.

As referred to by neighbours, the report also identifies the presence of Japanese knotweed on site and provides management guidance. The recommendations in this report can be conditioned should permission be granted.

Other Issues

Neighbours have raised concerns about impacts on property values and loss of views 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. Liability for damage and compensation during construction are civil matters and not for the planning system to adjudicate on.

Summary

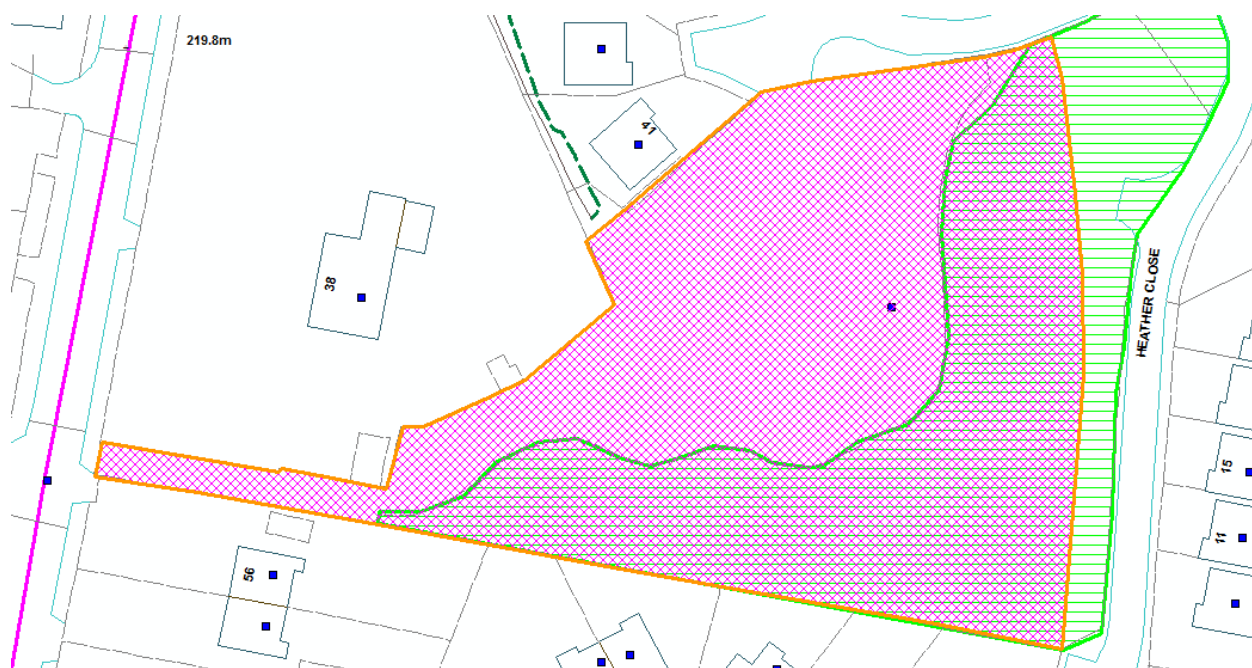
Whilst the development is acceptable in principle, the applicant has failed to consider or demonstrate that the proposal would not have an adverse impact on protected trees within the site.

In the absence of this information, the application fails to accord with Policy ENV1 of the Local Plan Part 1. Should further information be provided for consideration, this recommendation may change.

RECOMMENDATION: Refuse

For the following reason;

1. The applicant has failed to consider or adequately assess the impacts of the proposed development on the adjacent trees, formally protected by TPO No.2 2001. In the absence of a suitable assessment for the Council to consider, the proposed development fails to comply with the requirements of Policy ENV1 of the Local Plan Part 1.



Application Ref: 16/0784/FUL

Proposal: Full: Erection of 5 detached dwelling houses.

At: Land off Heather Close, Brierfield

On behalf of: AB Investments NW Ltd

LIST OF BACKGROUND PAPERS

Planning Applications

NW/SM

Date: 30 January 2017