



REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING
SERVICES MANAGER

TO: BRIERFIELD AND REEDLEY COMMITTEE

DATE: 7th August 2018

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications

REPORT TO BRIERFIELD AND REEDLEY COMMITTEE – 7th August 2018

Application Ref: 18/0380/FUL

Proposal: Full: Erection of a single, two-storey dwelling (Re-Submission)

At: 59 Pennine Way, Brierfield (land to rear of)

On Behalf of: Miss Isma Kausar

Date Registered: 05 June, 2018

Expiry Date: 31 July, 2018

Case Officer: Christian Barton

Referral to Committee: 3+ objections

Site Description and Proposal

The application seeks to erect a single, two-storey dwelling to the west of 59 Pennine Way, Brierfield.

The site is to be accessed off Parsonage Drive and currently houses derelict sheds and glasshouses along with a number of mature trees. It is surrounded by residential properties to three sides with an electricity substation immediately adjacent to the west.

The proposed development is for the erection of a two-storey dwelling with three bedrooms. It would have a footprint of 10m x 8m along with a front porch. It would have a ridge height of 7m with roof dormers on both the front and rear roofslopes.

It would have off-white rendered elevations with grey timber panelling proposed as part of the porch and dormers. It would also have a grey slate roof and dark grey fenestration.

Relevant Planning History

18/0028/FUL - Full: Erection of a single two storey dwelling – Application Withdrawn.

Consultee Response

LCC Highways - Having considered the information submitted, the Highway Development Support Section does not have any objections in principle regarding the proposed erection of a single, two-storey dwelling at the above location. We 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.

PBC Trees and Landscaping - The Ecological report is fine. Can we condition a landscaping plan, treatment of invasive species and installation of sparrow street/bat box?

United Utilities - A suitable drainage condition should be attached to any approval.

National Grid - No comments received.

Public Response

Comments have been received from neighbours objecting on the following grounds;

- Loss of open space/garden area
- Impacts on local flora and fauna
- Effects of increased traffic
- Loss of views
- Unsuitability of plot for new dwelling
- Effects of the development on UK protected species

Officer Comments

The main considerations for this application are the principle of the development, design and materials, impacts on residential amenity, highways and parking, ecological considerations and drainage.

The Pendle Borough Council Local Plan Part 1: Core Strategy (2011 – 2030) is the starting point for considering planning applications. Policies that conform to the National Planning Policy Framework and are up to date must be given full weight when planning applications are considered. Other relevant material considerations are then set against the Policies of the Local Plan and contribute to the decision making process.

1. National Planning Policy Framework (NPPF)

Paragraphs 73 and 74 of the NPPF specifies that Local Planning Authorities (LPAs) should identify a supply of deliverable housing sites to provide five years' worth of land for housing requirements. The NPPF states that that relevant policy that relates to housing land supplies should not be considered up-to-date if the LPA is not able to demonstrate a five-year supply of deliverable housing sites. The most recent Annual Monitoring Review (AMR) has demonstrated a five-year housing supply and as such the Policies from the Core Strategy apply.

Section 12 of the NPPF relates to the design of developments with emphasis placed on the linkages between good design and sustainable development. Paragraph 130 of the NPPF states that planning permissions should be refused where development exhibits a poor design and fails to take opportunities to improve the character and quality of an area and the way that area functions.

2. The relevant Pendle Borough Council Local Plan Part 1: Core Strategy (2011 – 2030) policies are:

- CS Policy ENV1 seeks to protect and enhance the natural and historic environment and sets out the requirements for development proposals.
- CS Policy ENV2 relates to the achievement of good design in new developments
- CS Policy LIV5 echoes these requirements but with specific relevance to housing
- CS Policy SDP1 sets out the presumption in favour of sustainable development which runs through the Core Strategy.

- CS Policy SDP2 relates to spatial development principles, the role of individual settlements and the selection of sites for new development.
- CS Policy SDP3 seeks to direct new housing to the most sustainable places. The largest percentage will be located in the M65 corridor, which includes Brierfield.
- CS Policy LIV1 supports new residential development which accords with other policies within the Core Strategy, particularly when located on non-allocated sites within a settlement boundary where they are sustainable.

Other policies and guidance's are also relevant:

- Saved Replacement Local Plan Policy 31 that sets out the parking standards for developments.
- The adopted Design Principles Supplementary Planning Document (SPD) applies to new build homes and sets out the aspects required for good design.

3. Principle of Housing

The site is located within the settlement boundary of Brierfield. Taking its proximity in relation services and facilities, it cannot be considered an isolated site. It also lies within an existing residential area. As such there are no objections to the principle of development and the scheme complies with the aforementioned housing policies.

4. Design and Materials

Paragraphs 59 through to 79 of the NPPF contain guidance on providing a wide variety of homes and requiring good design. Policy ENV2 reiterates these points and is relevant in the determination of this application. The adopted Design Principles SPD advises that walling materials and roof tiles should complement those of surrounding properties. In addition, window styles should also complement those of neighbouring dwellings and any regular spacing between dwellings should be respected, with adequate garden areas.

Concerns have been received from neighbours in the way of loss of openness within the plot. The proposed layout affords the dwelling with ample garden space and 3 - 4m separation from the highway. The dwelling also has reasonable separation from the adjacent houses to prevent a sense of overdevelopment.

The existing street scene of Pennine Way and Parsonage Drive consists of a mix of both one and two storey properties constructed from pale coloured brickwork with some rendered houses also. Dark grey timber cladding is proposed for the porch and elevations of the roof dormers along with slate roofing tiles.

The frontages of the existing dwellings in the vicinity have been subject to range of alterations with use of different modern materials. The predominantly off-white rendered property would therefore be a suitable addition to the varied street scene of the area. Although modern in appearance, the glazed front porch would not seem out of context with the varied street scene of the locality.

As such the modern design proposed would blend well with the existing appearance of the area. The development would not result in an unacceptable impact on the character and/or visual amenity of the area and is acceptable in terms of design and materials.

5. Residential Amenity

Regarding residential amenity, the policy background of the scheme is principally contained with Policy ENV2 of the Pendle Local Plan requiring good design in relation to neighbours. The adopted Design Principles SPD provides further clarity on what is an acceptable design in relation to neighbouring properties.

The SPD advises that new build schemes must adequately protect neighbours enjoyment of their homes. They must not overshadow property to an unacceptable degree or have an overbearing effect on neighbouring properties. They must also maintain a minimum distance of 12m between existing primary openings and proposed, blank two-storey elevations. Minimum distances of 21m must be maintained between existing and proposed directly facing primary openings.

A reasonable separation distance of 21m+ is provided in relation to the adjacent properties to the north and west of the site, notably 22 and 27 Parsonage Drive. These distances are also maintained regarding 70 Reedley Road, the neighbouring house to the southwest. Existing dense boundary treatments would prevent outlook from the site to the neighbouring rear gardens of the houses to the west. The development would therefore have no effects on the living environments or domestic privacy of those neighbours.

The east elevation of the proposed house is a blank elevation. It is separated 12m from the neighbouring houses to the east, 59 and 61 Pennine Way. The shared boundaries of the site and rear gardens of numbers 59 and 61 are densely planted with shrubs and trees. These are all to be retained following development. The proposed house is separated by 4.2m from the south boundary. As such the scheme would have no adverse effects on the living environments of the occupants of numbers 59 and 61.

The boundary treatments to be retained provide screening and privacy at ground level. These prevent outlook into the rear gardens of numbers 59 and 61. Some form of boundary treatments on the south and east perimeters must be retained in perpetuity however as without such features there would be loss of privacy. A suitable condition is therefore to be attached to any approval to prevent removal of the boundary shrubs.

The rear elevation of the house contains two first floor openings. These are both high level windows. In order to further maintain privacy locally, a suitable condition is to be attached to any approval specifying obscure glazing as part of these openings.

The presence of the new dwelling here raises no adverse impacts with regard to the immediate neighbours. The proposed development is therefore acceptable in terms of residential amenity and ultimately complies with Policies LIV5 and ENV2 and the adopted Design Principles SPD.

6. Highways

Concerns have been raised from neighbours in the way of highway safety. The access for the house is set off the junction of Pennine Way and Parsonage Drive by 30m. Visibility splays also extend 20m+ in both directions preventing issue for motorist leaving the site.

In accordance with Policy 31, the three bedroom house is afforded two off-street parking spaces. LCC Highways have raised no objections to the scheme and I concur with their findings. It would not generate significant numbers of vehicular movements and it therefore raises no adverse highway safety concerns regarding the local highway network.

7. Ecological Considerations

Policy ENV1 underpins development that could potentially negatively impact upon the biodiversity of Pendle. Concerns have been raised from neighbours in the way tree loss of and the resultive

implications for local wildlife. Comments have also been made making specific reference to the possible presence of UK protected species, notably badgers and bats.

The Applicant has submitted an Ecological Appraisal. This was conducted on 5th July 2018 by a Chartered Ecologist. The Appraisal found that 'badgers are not using the site for foraging or commuting' and it 'provides low quality sett building habitat'. The Appraisal also highlighted 'low bat commuting and foraging habitat' and 'negligible roosting habitat in trees and buildings'. As such the development would have negligible implications for the above protected species.

The Applicant has also submitted a comprehensive Arboricultural Constraints Report. A number of mature trees are to be removed from the site in order to allow for the development. The trees to be removed are largely non-natives. They are not protected under any local or national designations and as such the development would have a negligible effect on the ecological value of the site complying with Policy ENV1.

8. Drainage

A main sewer spans the site extending from the rear elevation of number 59 to the north-west corner. The Applicant has forwarded information from a United Utilities Network Engineer confirming a build over agreement of the sewer in principle.

Any drainage infrastructure issues are resolved post application at the Building Regulations stage when Part H4 of the Regulations has been satisfied. A suitable condition is also to be attached to any approval specifying the submission of a full drainage scheme for the new dwelling.

9. Summary

The proposal seeks to erect a two-storey dwelling in the rear garden of 59 Pennine Way, Brierfield. It would have no effects on the living environments or domestic privacy of the immediate neighbours. It is also acceptable in relation to the principle of the development, design and materials, effects on the local highway network, ecology, trees and drainage.

The development is therefore acceptable for the site and complies with Policies ENV1, ENV2, LIV1, LIV5, SDP1, SDP2 and SDP3 of the Pendle Borough Council Local Plan Part 1: Core Strategy (2011 – 2030), Policy 31 of the Saved Replacement Local Plan and the adopted Design Principles Supplementary Planning Document.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposal is acceptable in terms of design and materials and would not unduly 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: Proposed Site Plan (Drawing Number – 8030 – 05C), Proposed Floor Plans (Drawing Number – 8030 – 06B – Amendment), Proposed Elevations (Drawing Number – 8030 – 07B) and Proposed Elevations 2 (Drawing Number – 8030 – 08B).

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

3. Prior to the commencement of any development on site, samples of all the external materials to be used in the construction of the roofs, walls and paving together with samples of the colour and finish of windows and doors of the development hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter, at all times be carried out in strict accordance with the approved materials and 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) (England) 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 and Class A of Part 2 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
- (E) No outbuildings/sheds shall be erected.

Part 2

- (A) No gates or fences 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 part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority.

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

6. Before the access is used for vehicular purposes, the part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately surfaced in a bound porous material.

Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.

7. The dwelling hereby approved shall not be used unless and until the proposed parking spaces within the curtilage of the dwelling, including the proposed driveway to the side, has been constructed, surfaced and laid out in accordance with a scheme to be approved in writing by the Local Planning Authority. These spaces shall at all times remain unobstructed and available for parking thereafter.

Reason: In the interests of highway safety and to provide suitable off-street parking provision.

8. Prior to the commencement of any development on site, a scheme for the disposal of foul and surface waters shall be submitted to and approved in writing by the Local Planning Authority. 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 dwelling is occupied.

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

9. The first floor windows in the south side (rear) elevation of the dwelling hereby approved, serving the Water Closet and Bedroom 3, shall at all times be glazed only with obscure glass. Any replacement glazing shall be of an equal degree of obscurity. The window shall also be hung in such a way so as to prevent the effect of obscure glazing being negated by way of opening.

Reason: In order to protect and preserve privacy and amenity of the occupiers of the adjoining dwellings.

10. All existing boundary trees and shrubs shall be retained, unless shown on the approved drawings as being removed. All boundary trees and shrubs on, and immediately adjoining the site shall be protected from damage for the duration of works on the site, by the erection of protective fencing in accordance with BS 5837 : 2012. Any of the boundary trees and shrubs removed without the Local Planning Authority's consent or which die or become seriously diseased or otherwise damaged within five years following completion of the approved development, shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such a size and species and in such positions to be agreed in writing by the Local Planning Authority.

Reason: In order to protect the trees and shrubs on the boundary of the site that provides privacy.

11. Prior to the commencement of any development on site, a detailed Landscaping Scheme shall have 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 along with supplementary hedges to screen garden areas instead of fences;
- e. all proposed hard landscape elements and pavings, including layout, materials and colours with all existing stone setts/flags being retained;

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 entire 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.

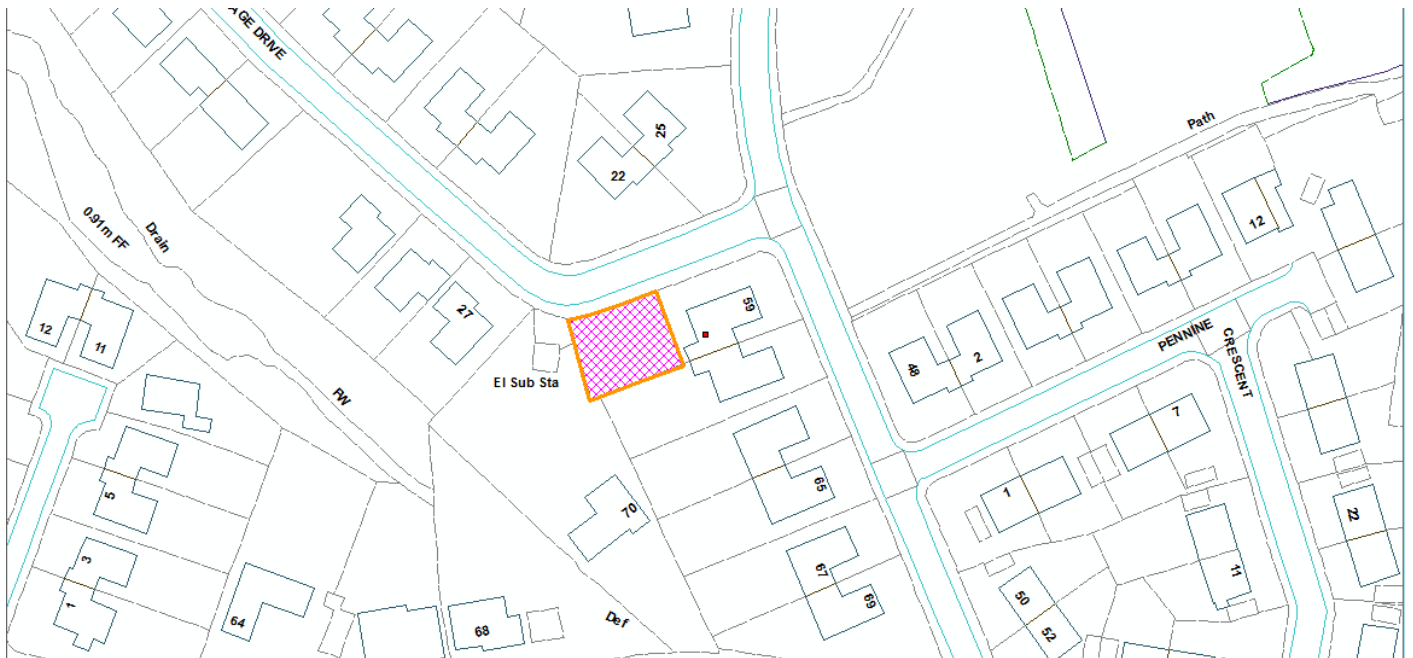
Reason: To ensure that the development is adequately landscaped so as to integrate with its surroundings and that appropriate replacement trees are provided on the site to compensate for those removed.

12. Before the house hereby approved is inhabited, full details of nesting/roosting provisions to be made for sparrows and bats, including the timing of the works, 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 details.

Reason: In order to replace lost nesting/roosting sites and safeguard the local ecology of the area.

INFORMATIVE

1. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement (Section 278), with Lancashire County Council as Highway Authority prior to the start of any development. For the avoidance of doubt the works shall include, but not be exclusive to, the construction of the access to an appropriate standard, any alterations to the existing footways on Barkerfield Close and the re-location of any highway gullies affected. 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 should be advised to contact the county council for further information by telephoning the Development Support Section (Area East) on 0300 123 6780 or email highways@lancashire.gov.uk, quoting the relevant planning application reference number.



Application Ref: 18/0380/FUL

Proposal: Full: Erection of a single, two-storey dwelling (Re-Submission)

At: 59 Pennine Way, Brierfield (land to rear of)

On Behalf of: Miss Isma Kausar

REPORT TO BRIERFIELD AND REEDLEY COMMITTEE – 7th August 2018

Application Ref: 18/0418/HHO

Proposal: Full: Erection of two-storey extension to side (east).

At: 35 Clegg Street, Brierfield

On Behalf of: Mr Adeel Khalid

Date Registered: 18 June, 2018

Expiry Date: 13 August, 2018

Case Officer: Christian Barton

Referral to Committee: 3+ objections

Site Description and Proposal

The application seeks to erect a two-storey extension to the side of 35 Clegg Street, Brierfield.

The dwelling is a semi-detached property of traditional design. It is brick built with pebble dashed panels under a slate roof. It has a white uPVC fenestration. It is surrounded by residential neighbours to all sides and has garden areas to the front and rear. The scheme is to provide extended living areas with an additional bedroom above.

The site is within the settlement boundary of Brierfield and has no special designations as part of the Pendle Local Plan.

Relevant Planning History

No relevant planning history.

Consultee Response

LCC Highways - The Highway Development Support Section does not have an objection in principle regarding the proposed erection of a two-storey side extension at the above location.

We recommend that the applicant provides a Construction Method Statement outlining measures to address these concerns, and that the following condition is applied to any formal planning approval granted.

Brierfield Town Council – No comments received.

Public Response

Comments have been received from neighbours objecting to the scheme on the following grounds;

- Increased parking requirements
- Highway safety and existing localised congestion
- Disruption and noise during the construction phase

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 (NPPF) 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.

Officer Comments

The main considerations for this application are any potential impacts on residential amenity, the design and highway safety.

1. The relevant Pendle Borough Council Local Plan Part 1: Core Strategy (2011 – 2030) policies are:

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

Other policies and guidance's are also relevant:

- The Design Principles Supplementary Planning Document (SPD) applies to extension and sets out the aspects required for good design.
- Saved Replacement Local Plan Policy 31 that sets out the parking standards for developments.

The policy background of the scheme is principally contained with Policy ENV2 of the Pendle Local Plan requiring good design. The adopted Design Principles SPD provides further clarity on what is an acceptable design in relation to neighbouring properties and the street scene.

2. Design and Amenity

The SPD states that two-storey side extensions should be designed to avoid having an overbearing effect or causing loss of light or privacy for neighbours. When applied to semi-detached properties, they should respect the balance and symmetry of such properties and have a pitched roof.

In relation to corner plots, such extensions should ensure sufficient distances are retained to side boundaries in order to preserve the street scene. Regard must be paid to existing building lines and the width of the extension must not exceed half of that of the original house.

The proposed extension would measure 4m in width and 8.3m in depth with a pitched roof totalling 6.3m in height. The extension would be to the side of the property and would be visible from a number of public vantage points. It is set off the side boundary by 3.5m with tall hedging currently in situ on the north and east boundaries screening the development. It is of an appropriate scale in relation to the size of the dwellinghouse and set down 0.2m from the main ridge height.

The width of the extension is less than half of the width of the house. It would have brick elevations that are rendered at first floor level, concrete roofing tiles and a white uPVC fenestration to complement the existing dwellinghouse. The scheme is therefore suitable in relation to its design along with the effects on visual amenity.

Owing to its position, as part of a corner plot, the extension would not be inimical to the living environments of the immediate neighbours. The side elevation of the extension is to have a single

first floor bathroom window. View from the proposed patio doors to the front and rear would be confined to the existing boundary hedges. The scheme would add two primary openings serving bedrooms at first floor level viewing north and south.

The neighbour to the south, 51 Walter Street is a single storey property. View from the window serving Bedroom 3 would be confined to the roof pitch of number 51. As such the scheme would have no effects on the privacy of those neighbours. The neighbours to the north, 36 and 38 Clegg Street are terraced properties with primary openings viewing towards the site. These are separated by 10m.

The existing house has windows within the 21m separation distance advised in the SPD. The new extension would add windows in but the relationship would be no different to the existing situation. In this situation it would be unreasonable to refuse an application based on an impact that mirrors the current situation.

The proposed development is acceptable in terms of residential amenity and ultimately complies with Policy ENV2 and the adopted Design Principles SPD.

3. Highways

Concerns have been raised about a lack of on-street parking locally and associated implications. The house is a traditionally built property and does not have any off-street parking. The scheme would alter the parking requirements of the site by adding in one additional bedroom. This will lead to a small amount of additional on street parking.

However the situation in the area is not critical in terms of on-street parking and hence highway safety and refusing the application on highway safety grounds would be unreasonable. The scheme therefore complies with Policy 31. LCC Highways have raised no objections and I concur with their findings.

4. Summary

The proposal seeks to erect a two-storey extension to the side of house. It would have no detrimental effects on the privacy or living environments of the immediate neighbours. The scheme is also suitable in relation to its design and effects on the local highway network.

The proposal is therefore acceptable for the site and complies with Policy ENV2 of the Pendle Borough Council Local Plan Part 1: Core Strategy (2011 – 2030), Policy 31 of the Saved Replacement Local Plan and the Design Principles Supplementary Planning Document.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposal is acceptable in terms of design and materials and would not unduly 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.

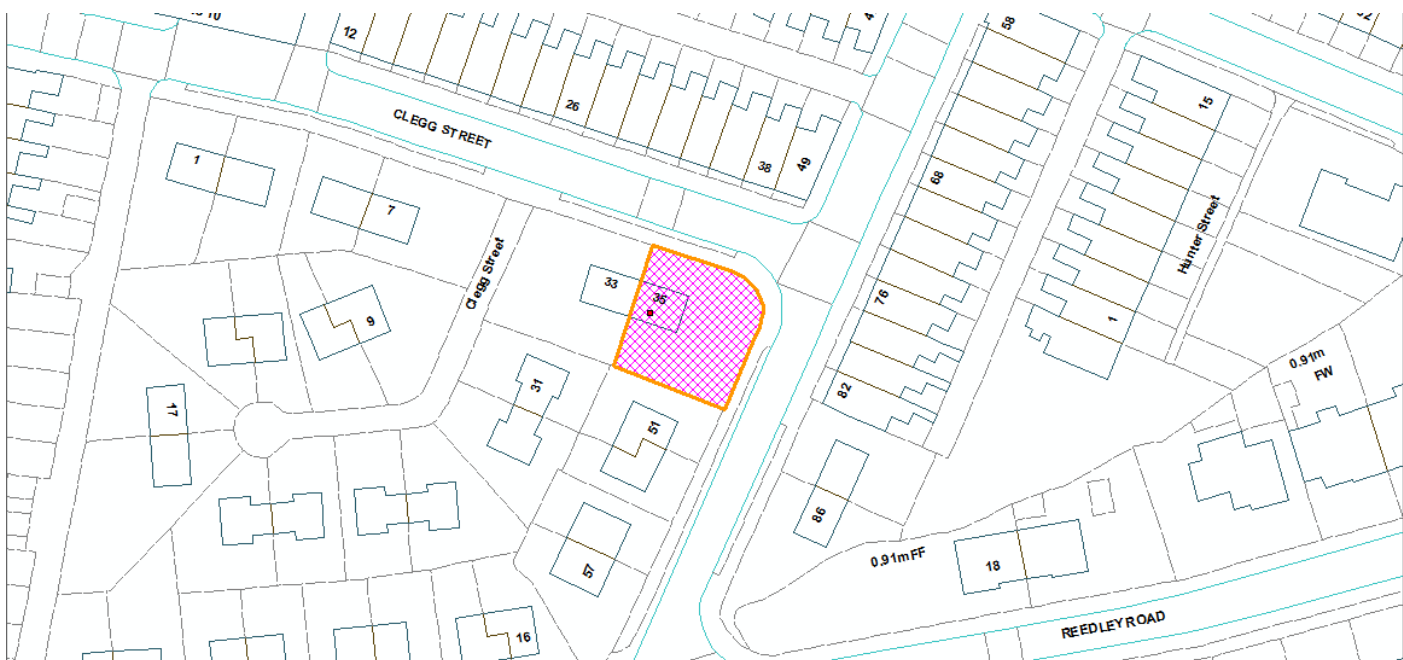
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Roof Plan (Drawing Number 1 – Revised 6th July 2018), Proposed Floor Plans (Drawing Number 2 – Revised 6th July 2018) and Proposed Elevations Plan (Drawing Number 3 – Revised 6th July 2018).

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

3. Prior to the commencement of any development on site, samples of the external facing and roofing materials of the development 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 details.

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



Application Ref: 18/0418/HHO

Proposal: Full: Erection of two-storey extension to side (east).

At: 35 Clegg Street, Brierfield

On Behalf of: Mr Adeel Khalid

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 26th July 2018