

REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

TO: NELSON COMMITTEE

DATE: 1st October 2018

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO NELSON COMMITTEE ON 1ST OCTOBER 2018

Application Ref: 18/0403/FUL
Proposal: Full: Erection of four semi-detached dwellinghouses.
At: Site of 6 to 16 Beech Street, Nelson
On behalf of: Bradley Big Local Community Land Trust
Date Registered: 13.06.2018
Expiry Date: 05.10.2018
Case Officer: Charlotte Pinch

Site Description and Proposal

The application is brought to committee as it was called in by the committee chairman.

The application site is a vacant site, which was previously cleared of terraced housing as part of the Bradley Area Action Plan. The site is within the settlement boundary of Nelson and is adjacent to Throstle Nest Mill.

This application is for the erection of four semi-detached dwellings, all two storey in height and to comprise of three bedrooms. Each dwelling will have its own contained private garden and two off street parking spaces to the side of each dwelling.

The dwellings would be constructed of red cedar cladding and bradstone tooled stone on the front and rear elevations, with a small portion of off-white render on the side elevation. The roof would be constructed of slate roof tiles, with dark grey UPVC windows.

Relevant Planning History

None relevant.

Consultee Response

LCC Highways

Having considered the information submitted, together with observations during the site visit on 3 July 2018, the Highway Development Support Section does not have any objections in principle regarding the proposed erection of four semi-detached dwelling houses at the above location, subject to the following comments being noted, and conditions and notes being applied to any formal planning approval granted.

Based on the car parking recommendations in the 'Replacement Pendle Local Plan 2001-2016 Appendix 2: Car and Cycle Parking Standards' in our opinion the applicant has provided adequate off-road parking provision for this type and size of development.

The highway to the rear of the site of 6 to 16 Beech Street is still classified as an adopted highway. No development should commence until this has been stopped up under the appropriate legal

process (Section 247 of the Town & Country Planning Act) in consultation with both the local planning authority and highway authority.

The formation of the new vehicle crossing points, together with other associated highways works, would need to be carried out under a legal agreement (Section 278) with Lancashire County Council as the highway authority. The existing vehicle access points would also need to be physically and permanently closed and reinstated in accordance with Lancashire County Council's specification. Works should include, but not be exclusive to, the construction of the vehicle crossing points to an appropriate standard, re-location of highway gullies, tactile paved dropped pedestrian crossings, re-instatement of footway kerbing and surfacing, together with a street lighting assessment.

If planning approval is granted the developer is advised to contact Lancashire County Council as soon as possible to start the Section 278 process.

Given the site's location within a residential area, and close to Bradley Nursery School on Bradley Road East, the developer should provide a construction method statement. This should include timings of deliveries, which would need to be restricted to ensure there is no conflict with traffic, both vehicular and pedestrian, at peak times, that is, not before 9.00am or after 3.00pm.

The height of the boundary fence to the gable end of Plot 1 should be reduced to a height not greater than 1m for the first 3m from the rear of the footway into the plot. This is to improve visibility between vehicles leaving the driveway and other highway users on the surrounding highway network. Satisfactory amended details should be submitted prior to determination.

We have noted the provision of garden sheds in the rear gardens, which could be used as secure cycle storage, in line with parking standards.

United Utilities

No objection, subject to suitable foul and surface water drainage conditions.

A public sewer crosses this site and we may not permit building over it. We will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement. Therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary. To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage with our Developer Engineer at wastewaterdeveloperservices@uuplc.co.uk as a lengthy lead in period may be required if a sewer diversion proves to be acceptable.

Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

A water main crosses the site. As we need unrestricted access for operating and maintaining it, we will not permit development over or in close proximity to the main. We require an access strip as detailed in our 'Standard Conditions for Works Adjacent to Pipelines', a copy of which is enclosed.

It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development.

Cadent Gas Network

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Public Response

None received.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy ENV1 seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Policy LIV1 sets out the Council requirement to deliver new housing at a rate of 298 dwellings per annum.

Policy LIV5 states that layout and design should reflect the site surroundings, and provide a quality environment for its residents, whilst protecting the amenity of neighbouring properties. Provision for open space and/or green infrastructure should be made in all new housing developments.

Replacement Pendle Local Plan

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

National Planning Policy Framework 2018

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Bradley Area Action Plan DPD 2011

The Design Principles Supplementary Planning Document (SPD) sets out the aspects required for good design.

Principle of Development

The proposed residential development is located within the settlement boundary of Nelson, amongst existing residential and commercial developments.

The site is within the Bradley area of Nelson, an area recognised as in need of re-development. As part of the Bradley Area Action Plan the site was cleared of terraced housing, to become a 'new housing development' site.

In accordance with the BAAP this area requires new, good quality housing, which provides a variety of housing types. Dwellings should have three or more bedrooms and address the lack of off street parking and private gardens in the area.

As a result, this proposal provides four semi-detached dwellings, each of three bedrooms, with off street parking and gardens. These would be suitable family homes and therefore accord with the BAAP objectives.

Design

Paragraphs 124 through to 132 of the NPPF contains guidance on providing a wide variety of homes and requiring good design. Policies ENV2 of the Local Plan Part 1 reiterates these points and are relevant in the determination of this application.

The Design Principles SPD advises that materials such as stone and roof tiles should match that of surrounding properties. In addition, window styles should match those of neighbouring dwellings and any regular spacing between dwellings should be respected, with adequate garden area.

The majority of properties in the area are small terraced dwellings, which are tightly packed, with little amenity space. The proposed dwellings provide a welcome break to this, by ensuring each property has sufficient space about it, including a reasonable front and rear garden. The windows are of a simple design, of a grey colour to match the slate roof tiles in the area.

Furthermore, the BAAP Policy 6 highlights that new housing should where possible be constructed of stone and slate, to match the existing materials of the area. There should be clear movement between properties and not result in a vehicle dominated appearance. In addition, all dwellings should reflect adjacent buildings height and massing.

The proposed dwellings would be contrasted of predominantly bradstone tooled stone and slate roof tiles, which is sympathetic to character of the area. A small element of cladding and render is beneficial in creating a modern and contemporary feel about the properties. Each dwelling benefits from two tandem parking spaces, carefully located to the side of the dwellings, to ensure the frontages are not dominated with vehicles. Whilst slightly larger than the adjacent terraced properties, the proposed semi-detached dwellings would not appear bulky or out of keeping in the street scene.

As a result, the development would not result in an unacceptable impact on the character and visual amenity of the area in accordance with policies ENV2 and LIV5.

Residential Amenity

The proposed dwellings are a good scale for the plot, located centrally within the site and allow for good spacing to the sides of the properties. The semi-detached nature of the properties reflects the range of building forms in the area.

The proposed dwellings would be located 7 metres from the closest neighbouring building and 7 metres between the proposed dwellings. These are acceptable separation distances, taking into account the existing street patterns and existing interface distances or properties in the area, therefore not resulting in overbearing impacts.

In addition, only one side facing window is proposed at first floor level on each dwelling, these would be to serve a bathroom and therefore by be obscure glazed by condition. Front and rear facing windows are shown; however these would not look directly onto any existing properties, therefore not resulting in undue overlooking.

All the properties would be of a suitable height which is comparable to or lower than adjacent buildings, with a slight stagger in line with the change in ground levels. In addition, each property would benefit from sufficient private amenity space to the rear, with walls, fencing and some planting to provide additional privacy.

As a result, the proposed development is acceptable in terms of residential amenity in accordance with policies ENV2 and LIV5.

Highways and Parking

No objections are raised regarding the proposed development and should have a negligible impact on highway safety and capacity.

The proposed development would result in four three bedroom dwellings, therefore each dwelling would require two on plot parking spaces in accordance with Saved Policy 31.

The submitted plans show two tandem parking spaces to the side of each dwelling, therefore providing sufficient parking for the development.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate

otherwise. The proposed housing development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework. 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 must be begun not later than the expiration of three years beginning with the date of this permission.

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 2045 01 RevE

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

3. Prior to the commencement of development samples of all the external materials to be used in the construction of the roofs, walls, boundary/retaining 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. A scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the erection of the external walls of the 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 dwelling is occupied.

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

5. No development shall take place, including any works of clearance, until a construction code-of-practice 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. It shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Wheel washing facilities
- vi) Measures to control the emission of dust and dirt during construction
- vii) Details of working hours

The construction code-of-practice should be complied in a coherent and integrated document and must be accessible to the site manager(s), all contractors and sub-contractors working on site. As a single point of reference for site environment management, the CCP should incorporate all agreed method statement. All works agreed as part of the plan shall be implemented during an agreed timescale.

Reason: To protect existing road users.

6. Before the accesses are used for vehicular purposes, that part of the accesses extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately surfaced in 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 car parking spaces shall be laid out in accordance with the approved plan, before first occupation of any dwelling hereby permitted. Thereafter, they shall be permanently retained for parking of vehicles associated with the development.

Reason: To allow for the effective use of the car parking areas.

8. 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. all proposed boundary treatments with supporting elevations and construction details;
- d. all proposed hard landscape elements and pavings, including layout, materials and colours.

The approved scheme shall be implemented in its entirety approved form within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

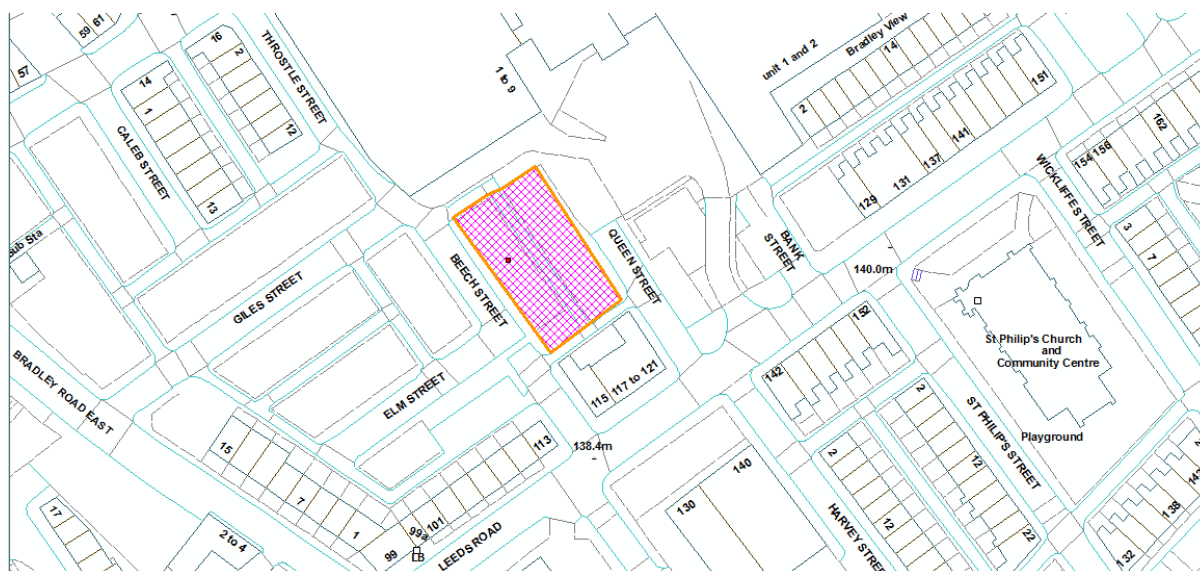
Reason: To ensure the appropriate landscape design and in the interests of the visual amenities of the area.

9. 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 and G of Part 1 and Classes A, B & C 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.

Reason: To enable the Local Planning Authority to control any future development on the site in order to safeguard the character of the area.

INFORMATIVE

1. No development of the approved scheme as submitted shall commence until such time as the existing highway has been stopped up under the appropriate legal process (Section 247 of the Town & Country Planning Act) in consultation with the local planning authority and highway authority.
2. 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 works shall include, but not be exclusive to, the construction of the vehicle crossing points to an appropriate standard, re-location of highway gullies, tactile paved dropped pedestrian crossings, re-instatement of footway kerbing and surfacing, together with a street lighting assessment. 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 developeras@lancashire.gov.uk , in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.



Application Ref: 18/0403/FUL
Proposal: Full: Erection of four semi-detached dwellinghouses.
At: Site of 6 to 16 Beech Street, Nelson
On behalf of: Bradley Big Local Community Land Trust

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 18th September 2018