

**REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND  
REGULATORY SERVICES MANAGER**

**TO: BRIERFIELD AND REEDLEY COMMITTEE**

**DATE: 07th May 2019**

**Report Author: Neil Watson  
Tel. No: 01282 661706  
E-mail: neil.watson@pendle.gov.uk**

## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications.

## REPORT TO BRIERFIELD AND REEDLEY COMMITTEE ON 7<sup>th</sup> MAY 2019

**Application Ref:** 18/0793/FUL  
**Proposal:** Full: Major: Erection of 17 No. dwelling houses and associated works.  
**At:** Land Behind 7-10 May Tree Close and Adjacent to Briercliffe Working Men's Club, May Tree Close Briercliffe  
**On behalf of:** Calico Homes  
**Date Registered:** 12 November 2018  
**Expiry Date:** 11 February 2019  
**Case Officer:** Kathryn Hughes

This application has been brought to Committee as it is a Major application.

### **Site Description and Proposal**

The site is located within the settlement boundary for Reedley. The site is wholly within the boundary for Pendle but abuts Burnley boundary to the north, east and west. There are recently completed residential properties on May Tree Close sited to the south and the western elevation of Briercliffe Working Men's Club runs along the eastern boundary of the site. To the west are open fields and part of Nelson Golf Course lies to the north.

Public footpath 79 runs past the site along the eastern boundary.

The proposed development is the erection of 17 two storey dwellinghouses consisting of three blocks of four houses and one block of five. The units would consist of 9 two bed units and 8 three bed units.

Proposed materials are Marshall Cromwell artificial stone in buff/grey and Marley Modern roof tiles in Anthracite. No details of windows, doors, canopies or rainwater goods have been provided.

The dwellinghouses would have a total of 25 car parking spaces in the form of driveways and parking areas.

An extent permission for 14 three bed dwellinghouses was approved in November, 2015 with a further variation of condition 21 approved in June, 2016.

A Design and Access Statement, Planning Statement, Contamination Report, Remediation and Enabling Works Strategy, Noise Impact Assessment, Habitat Survey and Tree Survey have been submitted with the application.

### **Relevant Planning History**

13/10/0639P - Outline: Erect 9 dwellings (access and layout only) with access of May Tree Close - Approved 15th April, 2011.

13/12/0539P - Major: Outline: Erection of twelve dwelling houses and six apartments (access and layout only) - Approved 6th February 2013.

13/15/0332P – Full: Major: Erection of 14 dwelling houses – Approved 9<sup>th</sup> November, 2015.

16/0318/VAR - Full: Major: Variation of Condition 21 (Access Road) of Planning Permission 13/15/0332P (Erection of 14 dwelling houses) – Approved 6<sup>th</sup> June, 2016.

### **Planning history for adjacent housing site off Gorple Street (May Tree Close)**

13/04/0151P: Major: Outline: Residential Development (10 houses 0.35ha) - Approved July 2004.

13/04/0898P: Major: Full: 10 dwellings - Refused January 2005.

13/05/0146P: Major: Full: 3 pairs of semi-detached houses and 2 storey block of 4 apartments - Approved June, 2005.

13/05/0505P: Major: Erect 12 dwellings - Withdrawn September 2005.

13/05/0727P - Major: Erection of ten dwellings (Resubmission) - Approved 8th December, 2005.

13/09/0455P - Erection of two apartments in one two storey building - Withdrawn 30th November, 2009.

13/11/0213P - Full:(Major) Erection of ten dwellings (Vary Condition 8 of Planning Permission 13/05/0727P concrete bollards instead of lockable fold-down bollards) - Approved 8th June, 2011

### **Consultee Response**

LCC Highways – No objection subject to conditions relating to construction method statement, engineering, street lighting and constructional standards for the internal estate road, internal roads and pedestrian link to case course level prior to occupation, management of road infrastructure, parking area in porous materials, cycle store and electric vehicle charging points.

LLFA – Further information required before substantive responses can be given due to insufficient information being provided,

UPDATE – No objection subject to conditions relating to final surface water drainage scheme and surface water construction phase plan,

UU – In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. We request that appropriate drainage conditions are attached to any subsequent approval.

United Utilities are not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and/or the Environment Agency (if the watercourse is classified as main river).

### **Management and Maintenance of Sustainable Drainage Systems**

Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact. We therefore recommend the Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development.

## Coal Authority – The Coal Authority Response: Material Consideration

The application site falls within the defined Development High Risk Area; therefore within the site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The Coal Authority's information suggests that coal is likely to be present at or close to the surface of the site which may have been subject to historic unrecorded mining activity.

The planning application is accompanied by a Phase I and Phase II Geoenvironmental Site Assessment report (May 2018, prepared by E3P). Based on a review of appropriate sources of coal mining and geological information, including the results of recent borehole investigations, Section 11 of the report concludes that the Rushy Park coal seam is present at shallow depth beneath the application site.

Site investigations have established that the seam is of a workable thickness and, whilst intact in the locations drilled, should the seam have been worked elsewhere there is insufficient rock cover present to prevent the collapse of mine workings from resulting in potential surface instability. Accordingly, the Phase I and II report goes on to recommend that additional boreholes are drilled to further investigate the risk posed by unrecorded shallow mine workings associated with the Rushy Park coal seam.

The Coal Authority welcomes the recommendation for the undertaking of these intrusive site investigations. They should be designed by a competent person to properly assess ground conditions and to establish the exact situation regarding coal mining legacy which could pose a risk to the proposed development. The applicant should ensure that the exact form of any intrusive site investigation is agreed with the Coal Authority's Permitting Team as part of their permit application.

The findings of the intrusive site investigations should be interpreted by a competent person and should be used to inform any mitigation measures, such as grouting stabilisation works and foundation solutions, which may be required in order to remediate mining legacy affecting the site and to ensure the safety and stability of the proposed development.

The Phase I and II report indicates that gas monitoring was ongoing at the time of the production of the report. As such, the Coal Authority would recommend that the LPA seek further comments from the Council's Environmental Health / Public Protection Team regarding gas monitoring requirements and any resultant need for the incorporation of gas protection measures within the proposed development.

The Coal Authority concurs with the recommendations of the Phase I and Phase II Geoenvironmental Site Assessment report; that coal mining legacy potentially poses a risk to the proposed development and that further intrusive site investigation works should be undertaken in order to establish the exact situation regarding coal mining legacy issues on the site and to inform any remedial measures necessary to ensure the safety and stability of the proposed development.

Should planning permission be granted for the proposed development, a condition should therefore require the following prior to the commencement of development:

- \* The undertaking of a scheme of further intrusive site investigations which is adequate to properly assess the ground conditions and the potential risks posed to the development by past shallow coal mining activity;
- \* The submission of a report of findings arising from the additional intrusive site investigations and a scheme of proposed remedial works for approval; and
- \* The implementation of those remedial works.

The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition to secure the above

LCC Education – A contribution towards one secondary school place of £23,737.28 is requested.

Lancashire Fire and Rescue Service – information relating to Building Regulations requirements.

PBC Environmental Health – In relation to the noise assessment I am satisfied that the noise assessment ref 11-987-R2 has assessed the possible noise impacts for the above application. The main source of noise on the proposed development is from Briercliffe Working Men' Clubs, located directly adjacent to the site. The main area for noise impact has been assessed to be the North East of the site.

Levels in the rear garden at the north east of the site, when live music is on at the club has been assessed to be at worst case 66Laeq db. World Health Organisation Guidelines for Community Noise state that levels in outdoor areas over 55Laeq(dB) will cause serious annoyance.

I therefore have concerns regarding the measured levels at this location.

The report suggests that the only mitigation option for this is to revise the site layout, particularly in this area. The proposed fence will not mitigate noise in this area to acceptable levels.

To control noise impact internally, acoustic mitigation measures for ventilation and glazing must be implemented. A report detailing such measures should be forwarded to the LPA for approval. I would also recommend that the internal layout of properties in the North East of the site are addressed and revised so that if possible, habitable rooms on the first floor, such as bedrooms are not located on the façade nearest to the club.

Update: A revised noise assessment and layout plan has been submitted. I have reviewed the updated noise assessment and on three occasions noise levels in position A were measured to be between 45dB(A) and 66dB(A). The main source of noises was said to be Briercliffe Working Men's Club, in particular live music and singing.

The site layout has been changed to remove part of the side/rear garden in the worst affected area (plot 17) and instead proposes this as outdoor space for the development.

It has been proposed that acoustic mitigation measures will be incorporated within the proposed dwellings and that a mechanical services engineer be consulted to ensure that a suitable system is proposed. Detailed proposals should be forwarded to the LPA and agreed prior to construction. This must also include a ventilation system for the proposed properties in order that suitable ventilation can be achieved.

PBC Public Rights of Way

Burnley Borough Council – No objections.

Briercliffe Parish Council

## **Public Response**

Site and press notices posted and nearest neighbours notified by letter. One response received raising the following concerns:

- My observations are that cars already speed round the corner on May Tree close up to the top houses. The addition of a possible 34 cars is going to magnify this and it needs double yellow lines and speed calming measures, eg. Speed bumps.

## **Officer Comments**

### **1. Principle of the development**

The principle of housing on this site has already been established under the previous extant permission.

Planning permission was granted initially in outline in 2010 and again in 2012 with a full permission granted in 2015 for 14 units. Whilst this proposal is for 17 units the principal of housing on the site is well established. All of these units would be affordable and provided by an established social housing provider.

### **2. Policy**

LIV 1 sets out the position the Council is in in terms of housing supply and future needs. In order to ensure that there will be an adequate supply of land to meet our needs going forward Policy LIV 1 states:

To further encourage significant and early delivery of the housing requirement, proposals for new housing development will also be supported where they accord with other policies of the Core Strategy and are on:

Non-allocated sites within a Settlement Boundary where they are sustainable and make a positive contribution to the five year supply of housing land;

And until such time that the Council adopts the Pendle Local Plan Part 2: Site Allocations and Development Policies:

Sustainable sites outside but close to a Settlement Boundary, which make a positive contribution to the five year supply of housing land, including those identified in the Strategic Housing Land Availability Assessment (SHLAA).

This policy allows sites to come forward outside of settlements where they are sustainable.

SDP3 sets out the housing distribution for Pendle.

ENV1 states that the development should make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

ENV2 states all new development should viably seek to deliver the highest possible standards of design and meet future demands whilst enhancing and conserving our heritage assets.

ENV5 requires new development to ensure that the potential for noise, odour and light pollution is minimised and address the risks arising from contamination or unstable lane.

ENV7 states that the sequential and exceptions tests set out in the National Planning Practice Guidance will be applied to direct development to areas with the lowest probability of flooding. This policy seeks to direct development to appropriate places and to mitigate issues if sites are in vulnerable locations. Whilst the appeal site is not in a flood risk area there are issues relating to flooding and water management.

ENV7 requires all new developments to consider and address flood risk to the site and impacts developing the site may have downstream as well as the use of SuDS.

LIV3 states that in order to meet the housing needs of different groups in the community; the Council will encourage and support the provision of a range of residential accommodation. It gives “high” priority to the provision of “larger homes” and “medium” priority to the provision of “smaller homes of suitable tenures in accessible locations”.

LIV4 sets the targets and thresholds required to contribute towards the provision of affordable housing. There is a nil requirement for this site.

LIV5 requires all new housing to be designed and built in a sustainable way in order to meet the needs of Pendle’s population, create sustainable communities, increase the energy efficiency of new dwellings, reduce CO2 emissions and help to adapt to climate change. 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 on site with linkages to the surrounding countryside.

The following saved policies from the Replacement Pendle Local Plan (2006) are also relevant:

Policy 4D (Natural Heritage - Wildlife Corridors, Species Protection and Biodiversity) require appropriate ecological surveys to be undertaken.

Policy 31 'Parking' requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP.

### **3. Design, Materials and Layout**

The layout consists of 17 units with 9 2-bed and 8 3 bed units accessed off a single estate road via May Tree Close. There are a total of 25 off-street parking spaces proposed for the site. 1 for each 2 bed and 2 for each 3 bed unit.

Each unit would have a kitchen/dining room, lounge, hall and WC at ground floor and two and three bedrooms and a bathroom at first floor.

Canopies are proposed over the front entrance doors and patio doors to the rear to allow access from the lounge into the rear garden.

The house are laid out in three blocks of four and 1 block of five dwellings with parking accommodated on the driveways to the front and in some cases after the turning heads.

An area of open space is provided within the site towards the south, which separates the existing and proposed housing, and to the east which separates the site from the footpath and adjacent Working Men’s Club. Appropriate planting needs to be provided to ensure an acceptable buffer on these sites for screening and amenity purposes.

Timber boarded fences between 1.5m high are proposed between the side boundaries and 1.8m high along the rear and edge of the site with 1.8m high timber gates between the properties and retaining walls to the northern and western perimeters of the site.

Waste containers are proposed to be stored in the rear garden areas with paths providing access where necessary.

A path is proposed to connect the site to the adjacent footpath but no improvements to the footpath itself are proposed as part of this scheme.

Proposed materials are Marshall Cromwell artificial stone in buff/grey and Marley Modern roof tiles in Anthracite. No details of windows, doors, canopies or rainwater goods have been provided and

therefore an appropriate condition would need to be attached to any grant of permission requiring details/samples of these.

#### **4. Impact on Residential Amenity**

The nearest residential properties are 7-10 May Tree Close sited to the south with separation distance of 21m and above being provided. The properties on May tree Close have existing single storey type conservatory extensions to the rear and the 21m separation distance includes these.

The Briercliffe Working Men's Club lies to the east of the site separated by the public footpath at 9m and 10.4m respectively from plot 17 and plot 1.

The impact on existing residential properties is acceptable. The impact of the Working Men's Club on the proposed housing is addressed in more detail in the Noise Assessment section below.

#### **5. Drainage**

A culverted watercourse runs along the eastern boundary of the site and a ditch runs west-east to join the culvert. There is a history of flooding in this area and therefore in order to facilitate drainage the scheme needs to provide for all surface water to be attenuated to greenfield run off rates and for the existing properties to be protected from any potential flooding issues. This can be controlled by an appropriate condition requiring details to be submitted and agreed prior to any development commencing on the site.

The field drain at the top of the site has already been diverted.

Subject to a detailed scheme being submitted this is acceptable and can be controlled by an appropriate condition.

#### **6. Contamination/Coal Mining and Noise Issues**

A previous permission was granted with a contamination condition attached. A report has been submitted and this was acceptable and therefore the first element of the condition has been complied with therefore an amended condition can be attached to any grant of permission.

In terms of coal mining further investigations are required and a condition requiring this should be attached to any grant of permission.

#### Noise Assessment

A noise assessment has been carried out which identifies potential noise issues in relation to the existing Working Men's Club and the proposed units along the eastern boundary of the site.

The nearest units potentially affected would be plots 1, 2, 16 and 17 this is mainly in terms of the outside levels in the garden areas. However, plot 17 is only 10m away gable to rear boundary with the Club which has regular bands/live music in the first floor function room which has opening windows along the western elevation.

In particular the noise levels for plots 1 and 17 would be above the recommended internal level with mitigation measures proposed which include improved glazing and ventilation systems. Subject to details of these required by an appropriate condition this would be acceptable.

The agent has amended the layout in order to alleviate concerns with the outside space allocated to plot 17 by removing some of the side/rear garden as private space and allocating it as open



space. This would allow control over this space and provide more substantial screening along this boundary and along the public footpath.

Environmental Health has considered these changes and subject to an appropriate mitigation condition for the mitigation measures suggested in the updated noises assessment this would be acceptable.

## **7. Highway Issues**

Vehicular access to the site is via the existing May Tree Close development to the south 25 parking spaces are proposed which is acceptable in this location.

Due to the levels on the site the access road will be 1:12 with a raised table at the entrance to the estate.

Subject to appropriate conditions this scheme is acceptable and raises no undue highway concerns.

## **8. Landscaping**

Although a landscaping scheme has been submitted this lacks the details that would need to be provided to ensure an appropriate scheme is agreed in the proposed open space areas and therefore an appropriate condition would need to be attached to any grant of permission.

## **9. Open Space, Contributions and Viability.**

The Open Space Audit 2208 identifies Reedley as having a deficiency in many different types of open space. Policy LIV5 requires the provision of open space and/or green infrastructure should be made on site with linkages to the surrounding countryside.

A section of the site to the south provides a buffer between the existing houses on May Tree Close and those proposed here. This strip measures approximately 40m x 3.2/5.8m wide. The land slopes from north to south with a difference in levels of over 1m.

No details of how this land is proposed to be used together with an appropriate landscaping scheme has been submitted. This would need to be controlled by an appropriate condition attached to any grant of permission.

A request for contributions towards 1 secondary school place has been submitted. The amount requested is £23,737.28.

The agent has declined this request stating viability issues which would result in the site unable to come forward for development. This is acceptable in terms of para 57 of the National Planning Policy Framework and policy SDP6 of the Core Strategy.

## **10. Summary**

The scheme is acceptable in terms of the principle of housing, design, materials, layout, impact on amenity, drainage, contamination, coal mining, noise, highways, landscaping, open space and contributions subject to appropriate conditions.

## **Reason for Decision**

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

otherwise. The proposed development is acceptable and accords with the Local Plan Part 1: Core Strategy and National Planning Policy Framework subject to appropriate conditions. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

**RECOMMENDATION: Approve.**

Subject to the following conditions:

1. The proposed development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

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

3027 100, 3027 102, 3027 105J, 3027 108C, 3027 117, SHT 120, SHT 118, SHT 121, SHT110C, 3027 SO 106, FD03, FD04, FD13, MTC-AJP-XX-00-DR-C-1010 P1, MTC-AJP-XX-00-DR-C-1000 P5, MTC-AJP-XX-00-DR-C-1001 P2, MTC-AJP-XX-00-DR-C-1040 P3, MTC-AJP-XX-00-DR-C-1045 P2, MTC-AJP-XX-00-DR-C-1400 P4, MTC-AJP-XX-00-DR-C-1410 P2, MTC-AJP-XX-00-DR-C-1415 P3, MTC-AJP-XX-00-DR-C-1500 P3 & MTC-AJP-ZZ-00-DR-S-2000 P3.

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

3. Prior to any above ground works being carried out on the development, samples of the material and finishes to be used in the construction of the external walls and roofs including canopy shall have been submitted to the Local Planning Authority for written approval. 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 visual amenity of the area.

4. The window openings shall be set back from the external face of the wall. The depth of reveal shall be at least 70mm.

**Reason:** To ensure a satisfactory appearance to the development in the interest of visual amenity.

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

- a) A programme of works including phasing, hours of operation and measures for the control of traffic to and from the site, and within the site, during construction.
- b) The areas and methods of loading and unloading of plant and materials.
- c) The areas for the storage of plant and materials.
- e) Details of wheel-washing facilities including location
- g) Measures related to construction waste management
- k) Measures to ensure that vehicle access of adjoining access points are not impeded.

- n) Location and details of site compounds
- o) Hoarding details during construction
- u) Parking area(s) for construction traffic and personnel
- v) Routeing of construction vehicles

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

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

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

This condition is required to be fully complied with before development is commenced. Failure to comply with the condition prior to commencement of work may result in legal action being taken.

**Reason:** In order to protect the health of the occupants of the new development and/or in order to prevent contamination of the controlled waters.

7. Prior to the commencement of development a method statement which sets out in the detail the method, standards and timing for the coal mining investigation and subsequent remediation of an coal mining works which may be present on site shall have been submitted to and agreed in writing by the Local Planning Authority.

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

**Reason:** In order to ensure the safety and stability of the proposed development.

8. No development shall commence until final details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. Those details shall include, as a minimum:

a) Information about the lifetime of the development, design storm period and intensity (1 in 30 and 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in AOD;

b) The drainage strategy should demonstrate that post development surface water run-off from the application site will not exceed 5 litres per second. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed;

c) A site plan showing any surface water catchment areas within the site (i.e. areas that will contribute to the proposed surface water drainage network).

d) A timetable for implementation, including phasing as applicable.

e) Details of water quality controls, where applicable.

f) Final details of how the surface water drainage system will be managed and maintenance over the lifetime of the development.

The scheme shall be implemented in accordance with the approved details prior to first occupation of the approved development or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

**Reason:** To ensure that the proposed development can be adequately drained, to ensure there is no flood risk on or off the site resulting from the proposed development, to ensure that water quality is not detrimentally impacted by the development proposal and to reduce the flood risk to the development as a result of inadequate maintenance.

9. No development shall commence until details of how surface water and pollution prevention shall be managed during each construction phase have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that the construction phase(s) of development does not pose an undue flood risk on site or elsewhere and to ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies.

10. Foul water shall be drained on a separate system. No building shall be occupied until the approved foul drainage scheme has been completed to serve that building, in accordance with the approved details.

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

11. Prior to any of the above ground works being carried out a report which fully details the acoustic mitigation measures set out in the Noise Impact Assessment ref. 11-987-R3 dated March, 2019 shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented in strict accordance with the approved details prior to occupation of each dwellinghouse and shall remain as such in perpetuity.  
**Reason:** To ensure that the development has adequate mitigation against potential noise nuisance from the adjacent Working Men's Club.

12. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & 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, B & C of Part 1 of Schedule 2 of that Order shall be carried out on plots 1 and 17 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

**Reason:** To enable the Local Planning Authority to control any future development in order to ensure that acoustic mitigation to control noise levels on the site are at acceptable levels.

13. Prior to the commencement of the development a detailed landscaping scheme shall have been submitted to the Local Planning Authority for written approval. The scheme shall include the following:

- a. the exact location and species of all existing trees and other planting to be retained;
- b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
- c. an outline specification for ground preparation;
- d. all proposed boundary treatments with supporting elevations and construction details;
- e. all proposed hard landscape elements and pavings, including layout, materials and colours;
- f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its entirety 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.

14. No dwelling hereby approved shall be occupied unless and until a scheme for the provision, management and maintenance of the open space within the site, including a timescale for its implementation, has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be fully implemented in accordance with the agreed timescale and adhered to at all times thereafter.

**Reason:** To ensure that the proposed development makes provision for on-site public open space.

15. No ground clearance, ground works or removal of shrubs, trees or hedges shall be undertaken on the site during the months of March to August unless a bird nesting survey has

been first undertaken by an appropriate qualified person that indicates that there are no breeding birds on the site.

**Reason:** To ensure the protection of breeding birds.

16. The access and estate road for the 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 takes place within the site, details of which shall have previously been submitted to and approved in writing by the Local Planning Authority. The estate road shall have been completed in its entirety from the adopted section upto and including the entire access road to the dwellings, including the wearing course, prior to the occupation of any of the dwelling units.

**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 and to ensure the estate road is completed prior to occupation.

17. The estate road shall be laid out, surfaced, sealed and completed in its entirety prior to occupation of the first unit.

**Reason:** To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

18. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and the vehicular turning space shall be laid out and be available for use before the development is brought into use and maintained thereafter.

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

19. Prior to the first occupation of each dwelling its driveway shall be laid-out, surfaced and available for parking vehicles. The driveways shall thereafter at all times remain unobstructed and available for parking vehicles.

**Reason:** To ensure adequate parking provision is made and retained.

20. Prior to the first occupation a scheme for electric vehicle charging points or an appropriate alternative to be submitted and agreed in writing with the Local Planning Authority.

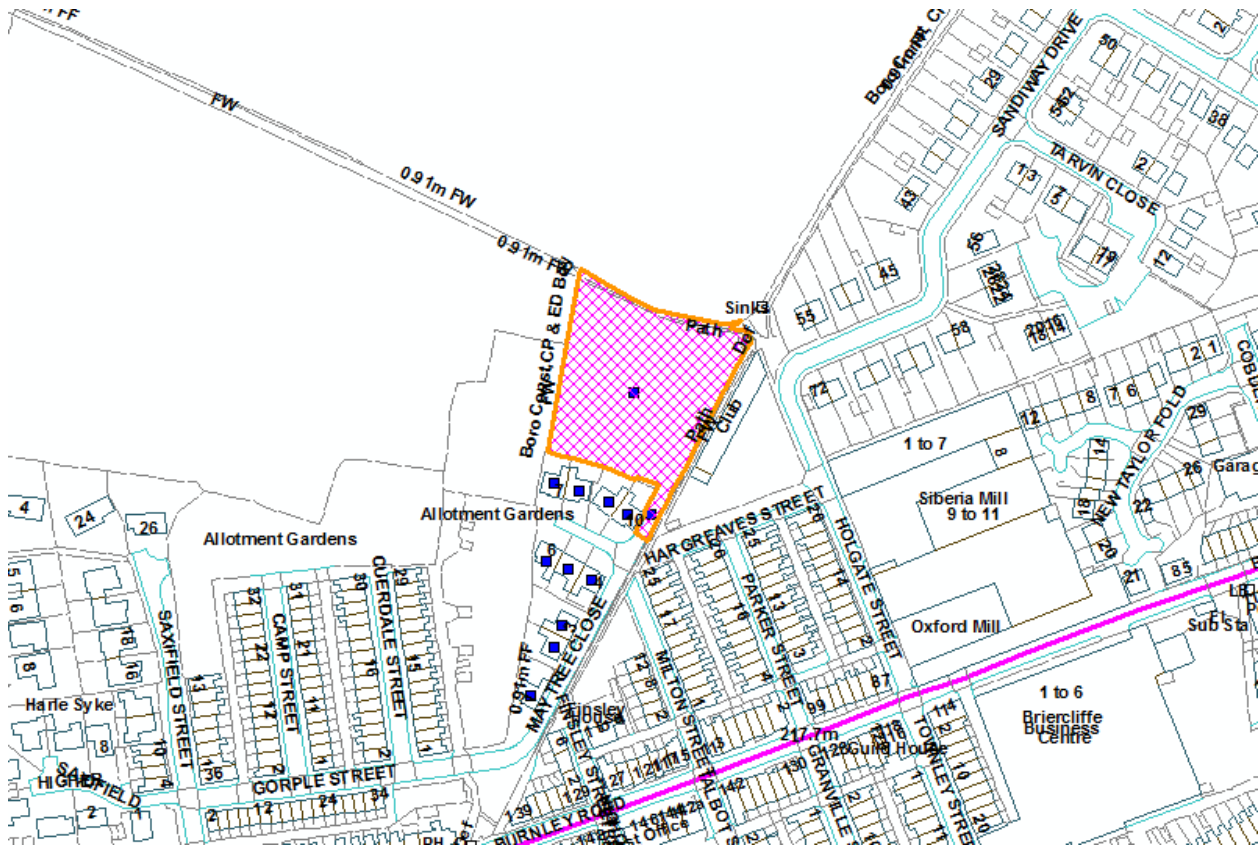
**Reason:** To ensure that the development provides for sustainable modes of travel.

21. Prior to the first occupation each dwelling shall have waste containers provided within each plot.

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

**Note:**

Public Rights of Way must not be obstructed during the proposed development. It is the responsibility of the landowner to ensure that the necessary procedures are followed for the legal diversion of the Public Right of Way if this should be necessary. The granting of planning permission does not constitute the diversion of a Definitive Right of Way. If it is necessary for Public Rights of Way to be temporarily diverted or temporarily closed, this is the responsibility of the landowner to ensure that this is done following the appropriate legal procedures. A temporary closure will only be granted where it is the intention to re-open the right of way upon expiration of the closure on the route recorded on the Definitive Map of Public Rights of Way.



**Application Ref:** 18/0793/FUL

**Proposal:** Full: Major: Erection of 17 No. dwelling houses and associated works.

**At:** Land Behind 7-10 May Tree Close and Adjacent to Briercliffe Working Men's Club, May Tree Close Briercliffe

**On behalf of:** Calico Homes

## REPORT TO BRIERFIELD & REEDLEY COMMITTEE 7<sup>th</sup> MAY, 2019

**Application Ref:** 19/0139/FUL

**Proposal:** Full: Erection of a two storey detached dwellinghouse with two storey rear projection; roof dormers to front and rear; raised patio to rear and off-street parking.

**At:** Garage Site North West of 24 Park Lane Brierfield

**On behalf of:** Mrs S Malik

**Date Registered:** 18 February 2019

**Expiry Date:** 15 April 2019

**Case Officer:** Kathryn Hughes

### **Site Description and Proposal**

The application site is a former garage site located adjacent to Heyhead Park in a residential area within the settlement boundary. Vehicular access into the site is from Park Lane.

The proposal is to erect a detached six bedroomed dwellinghouse on the site with vehicular access from Park Lane and four parking spaces to the front.

The proposed house would measure 12.5m x 10.7m x 10m to ridge (6m to eaves) plus a front porch 2.5m x 1.5m x 2.8m and two storey extension 5.6m x 4.65m x 9m (7m to eaves) constructed in artificial stone with stone cills to windows, charcoal grey roof tiles and oak upvc windows and doors.

Four off street parking spaces are proposed off Park Lane. A 2m high boundary fence is also proposed between the application site and 21 Burton Gardens which is within the applicant's ownership.

Planning permission for a four bedroomed detached house with access off Park Lane was approved in January, 2016 and has been commenced on site.

### **Relevant Planning History**

13/13/0065P - Full: Erection of a 2m high wall around garage site - Invalid application - 23rd April, 2013.

13/13/0395P - Full: Erection of a 2m high wall around garage site - Approved 4th September, 2013.

13/14/0583P - Full: Erection of two storey detached dwellinghouse with conservatory to rear, first floor balcony to rear, two dormers to front and off street car parking provision - Withdrawn.

13/15/0099P - Full: Erection of two storey detached dwellinghouse with conservatory to rear, first floor balcony to rear and off street car parking provision - Approved 13th May, 2015.

13/15/0567P – Full: Erection of two storey detached dwellinghouse with a conservatory and first floor balcony to rear, patio to front and off street parking provision – Approved 22<sup>nd</sup> January, 2016.



18/0716/FUL – Full: Erection of a three storey detached dwelling with a single storey rear projection with balcony above, two dormers to the front elevation to serve rooms in the roofspace and off-street parking provision – Refused 5<sup>th</sup> December, 2018.

## **Consultee Response**

LCC Highways – The application is a resubmission of planning application 18/0716/FUL. There is no difference in the number of bedrooms and off-road parking spaces. Do not raise any objections in principle to the proposed development at the above location, subject to the following comments being noted, and conditions and note being applied to any formal planning approval granted.

Park Lane is a privately maintained road, single vehicle width in places, leading from Heyhead Street and serving a number of residential properties. The proposed development will have direct access along Public Footpath 10 (Brierfield). The developer should ensure that no works associated with the development obstructs this Public Right of Way.

The development site has previously approved planning permission (13/15/0567) for construction of a two storey, four bed detached dwelling with off-road parking for three vehicles. Construction works have already started on site. Four off-road parking spaces are now proposed within the curtilage.

Given the restricted carriageway width of Park Lane outside the development site we recommend that the proposed hardstanding is extended to provide more manoeuvrability for vehicles entering and leaving the site. This should be extended further into the site (to be at least 5.5m long from the Park Lane carriageway boundary) and extended fully across the site from bay 1 to 4 (a minimum of 12.2m). This will also provide joint vehicular and pedestrian access to the property. A revised parking layout plan should be provided.

To improve sightlines for all highway users on Park Lane we also recommend that the remaining boundary wall fronting the site is reduced to a maximum height of 1m above the level of carriageway on Park Lane.

Subject to the receipt of a satisfactorily amended parking layout we recommend that conditions relating to wheel washing, access, car parking spaces and visibility.

United Utilities

Brierfield Town Council

## **Public Response**

Nearest neighbours notified by letter. Two responses received to date raising the following objections:

- The proposal represents over development of the site especially when the proposed building site coverage is compared with that of the adjoining property on Burton Gardens;
- The proposal for a six bedroom, five shower room/toilets dwelling raises the question whether it's a family home or multiple occupancy?
- The foundation has been prematurely installed and is already above the ground floor windows on Burton Garden;

- It is pertinent that the established character of the built environment, chiefly semi-detached two storey properties fronting Park Lane is different to Burton Gardens. This proposal is not in keeping with this established character;
- The gradient and levels of the site would result in a building that is too prominent and intrusive in height, bulk and roofline and would block residents outlook;
- The proposal is in effect a three storey dwelling;
- The vehicle access is inadequate with limited manoeuvrability and sight lines
- Concerned over extra traffic and parking as the road narrows and residents park on the highway. Plus in summer people using the park amenities also park up making it difficult to find a space;
- The orientation of the building is wrong and not in keeping with the area and invade the privacy of neighbouring properties;
- I would lose the quiet and private enjoyment of the garden and the spacing needs to be increased with only 1m between the wall and the development – this large plot should have a proportionate amount of outdoor space and landscaping;
- The scale and design are out of keeping and the land is higher than mine and the wall is not an effective form of screening;
- The proposal needs to address issues with overlooking and overshadowing; and
- I would ask the application is refused or the rear dormers removed, a retaining wall built, suitable screening and landscaping for privacy, remove the patio and frosted windows overlooking adjoining properties.

## **Officer Comments**

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

### **1. Policy**

The relevant policies for this proposal are:

Policy ENV2 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.

Policy LIV1 sets out the requirement for housing to be delivered over the plan period. This policy allows for non-allocated sites within the Settlement Boundary as well as sustainable sites outside but close to a Settlement Boundary.

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 also be provided within the site.

The Design Principles Supplementary Planning Document is also relevant to this proposal.

The following Replacement Pendle Local Plan policies are also relevant:

Policy 31 'Parking' supports car parking in new developments in line with the Maximum Car and Cycle Parking Standards. All new parking provisions should be in line with these standards unless this would compromise highway safety.

In national terms the National Planning Policy Framework (NPPF) provides guidance on housing requirements, design and sustainable development and landscape protection. Whilst Section 12 of the National Planning Policy Framework seeks to achieve well designed places and in particular para 130 states that permission should be refused for development of poor design.

## 2. Principle of Housing

The National Planning Policy Framework requires housing applications to be considered in the context of presumption in favour of sustainable development and deliver a wide range of high quality homes and create sustainable, inclusive and mixed communities.

The site is within the settlement boundary and has an extant permission for a smaller single dwelling. The principle of one house on this site has already been established.

## 3. Impact on Amenity

The scheme has been amended since the last application was refused and the overall height reduced and the balcony removed, however, the siting of the house is now closer to the side boundary with No. 19 with a two storey extension and 1.4m high raised patio.

The nearest residential properties are No.'s 19 and 21 Burton Gardens and 20 - 24 Park Lane.

No. 19 Burton Gardens lies to the north west of the site. No. 21 Burton Gardens is the applicant's property and lies to the south west. No 20 - 24 Park Lane lies to the south east of the site at a distance of 21m front to front elevation.

The main issue is the increased overall height of the proposed dwellinghouse and the two storey projection to the rear. The two storey rear projection raises issues with overlooking and privacy and these are addressed below. The increased height is addressed in the design section.

The raised patio on the rear elevation would be 1.6m from the side garden boundary with no. 19 and less than 0.5m from the rear boundary with no. 21. As the application site is at a higher land level and the existing boundary wall is approximately 1m high at this side this would not be acceptable on privacy grounds and would result in substantial overlooking of the neighbouring gardens and elevations to the detriment of their residential amenity.

The side/rear boundary of No. 21 is sited only 1.6m from the side boundary of the proposed dwelling with no windows proposed in this elevation. The raised patio to the rear would be only 0.5m from the rear boundary with No. 21 which is currently occupied by the applicant. However, this could change in the future.

The proposed two storey rear extension would be less than 17m from the side/rear boundary of no. 21 at a much higher level and would result in overlooking and loss of privacy for this property with ground and first floor windows in the side elevation this would result in overlooking and loss of privacy for this property.

There would be only 1.4m distance between the rear elevation of the projection and the side boundary of no. 19 which is not acceptable with proposed ground and first floor windows and a raised patio 1.4m above ground level measuring 8.5m x 2.7m.

The orientation of the building and that of no. 19 it would result in approximately 12m between the two rear elevations at an oblique angle which given the higher level of the land on which the proposed house sits would result in a large, prominent building close to the boundary.

This results in separation distances between the proposed dwellinghouse and adjacent properties which are not acceptable and would result in loss of privacy and overlooking as well as an overbearing, incongruous building with limited potential for landscaping and screening.

Taking all relevant factors into account the proposed dwellinghouse would result in an adverse impact on the amenity of the adjacent residential properties. The proposed development therefore fails to accord with policy ENV2 and the Design SPD.

#### 4. Design and materials

The proposed dwellinghouse would be a large detached property, with rooms in the roofspace served by two dormers to the front roofslope and two to the rear, a two storey projection to the rear with raised patio area, a single storey store to the side and porch to the front elevation.

The detached dwellinghouse would comprise of a lounge, sitting room, hallway, dining room, kitchen and study at ground floor, four bedrooms and bathrooms at first floor, two bedrooms and a bathroom in the roofspace.

The main issue is the two storey rear projection and raised patio area of the proposed dwellinghouse and the overall footprint on the plot with limited potential for planting.

In terms of scale and massing the height of the proposed dwellinghouse would be maximum 7.4m (to eaves at the rear) with three levels of accommodation including bedrooms in the roofspace which would be served by two dormer windows to the front roofslope and two to the rear.

The site is at a higher level than the adjacent properties at Burton Gardens and the three storey aspect of the dwellinghouse causes concerns in terms of scale and massing and would result in a large dominant structure in close proximity to no. 19 and 21 Burton Gardens. As stated previously no. 21 is currently owned by the applicant but this could change in the future and therefore any potential impact needs to be assessed. The bulk and massing from the overall height of 11m to pitch would result in an overbearing impact on these two adjacent properties which are set at a much lower level and are two storey properties.

The two storey extension to the rear exacerbates this together with the close proximity to the boundary of No.19 increases the dominant impact on amenity space of no. 19.

Due to the position of the proposed dwelling and its proximity to the existing boundaries of adjacent properties and increased parking spaces within the curtilage there would be little or no scope for effective landscaping to provide screening and soften the development. This would result in a harsh, built form which would conflict with the spacious adjacent dwellings and the green open space of the adjacent park to the north-east.

Materials proposed are coursed artificial stone and render. The pitched roof would have concrete tiles whilst the windows and doors would be upvc which is acceptable in this location.

A 2m high boundary wall is proposed with 1m fencing to the front elevation and block paving for the parking areas which is acceptable.

The proposed development would introduce an inappropriate design in terms of its scale and massing and limited potential for adequate landscaping would result in a detrimental impact on the amenity of the area due to its dominant impact within close proximity of the boundary and limited potential for landscaping and therefore would fail to accord with policy ENV2 and the Design SPD.

## 5. Highways Issues

LCC Highways raises no concerns over the proposed dwellinghouse and access via the unadopted highway is acceptable for one dwellinghouse.

Details of off-street parking spaces have been submitted and indicate four on-site spaces which meets the car parking standards.

Due to the restricted width of Park Lane the proposed hardstanding should be extended to provide more manoeuvrability for vehicles entering and leaving the site. This should be extended further into the site (to be at least 5.5m long from the Park Lane carriageway boundary) and extended fully across the site from bay 1 to 4 (a minimum of 12.2m). This can be controlled by condition on any grant of approval.

This is acceptable and accords with policy 31 of the Replacement Pendle Local Plan

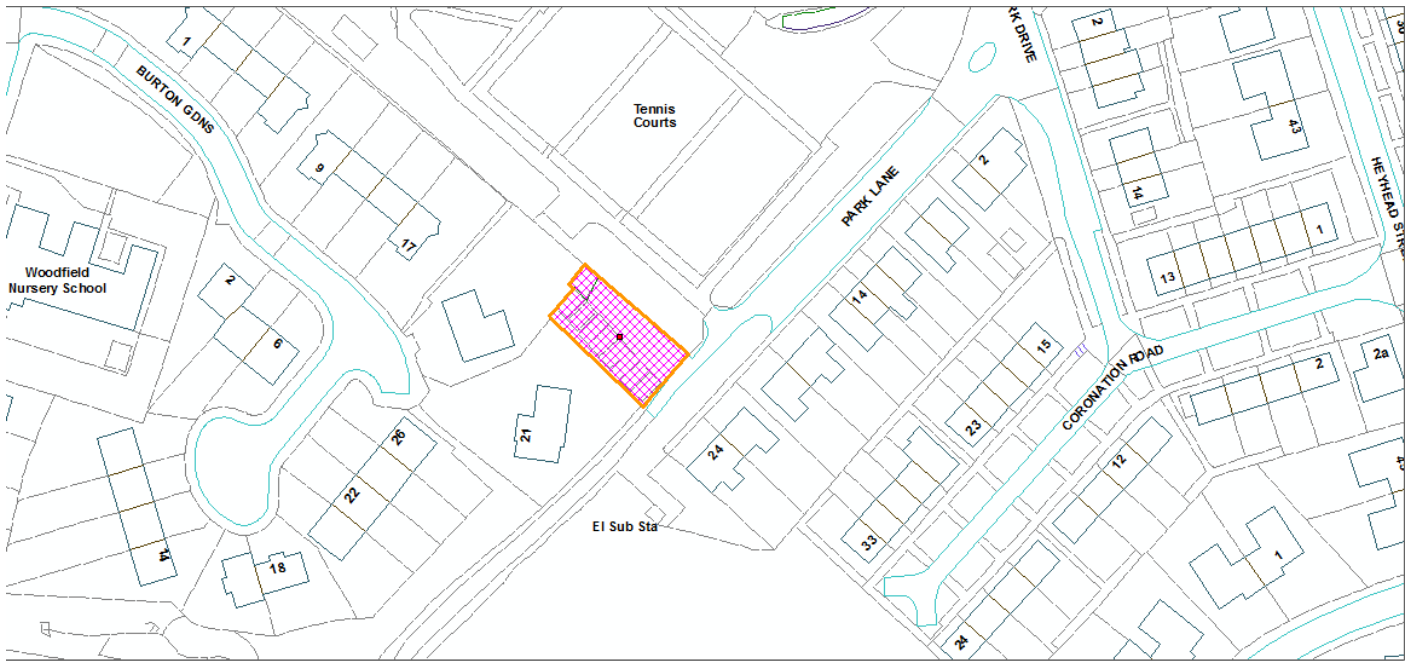
## Summary

The proposal would provide for a residential unit in this sustainable location. However, the scheme as submitted fails to take into consideration its siting, design and massing and would appear incongruous and out of character in the streetscene with the large rear projection and raised patio resulting in overlooking and loss of privacy for adjacent properties with limited scope for screening and landscaping due to its position close to existing boundaries and increased on-site parking. This scheme therefore fails to accord with policies ENV2 and LIV5 of the Local Plan Part 1: Core Strategy and the Design Principles SPD.

## **RECOMMENDATION: Refuse**

For the following reasons:

1. The proposed development would result in inappropriately positioned residential unit in close proximity to the existing dwellinghouses in particular No.'s 19 and 21 Burton Gardens which would result in overlooking and loss of privacy for these residents. Therefore the submitted scheme fails to accord with Policies ENV2 of the Pendle Local Plan Part 1: Core Strategy (2011-2030) and the Design Principles Supplementary Planning Document.
2. The proposed dwellinghouse would represent poor design in terms of its siting, scale and massing. The proximity of the building, hard surfaced patio and parking areas would provide insufficient outside amenity space for the occupier of the proposed dwellinghouse and little scope for effective planting to screen the proposal to an acceptable degree in particular along the southern and western boundaries to No.'s 19 and 21 Burton Gardens which would result in overlooking and loss of privacy for these residents and fails to accord with Policies ENV2 and LIV5 of the Pendle Local Plan Part 1: Core Strategy (2011-2030), the Design Principles Supplementary Planning Document and Section 12 of the National Planning Policy Framework.



**Application Ref:** 19/0139/FUL

**Proposal:** Full: Erection of a two storey detached dwellinghouse with two storey rear projection; roof dormers to front and rear; raised patio to rear and off-street parking.

**At:** Garage Site North West of 24 Park Lane Brierfield

**On behalf of:** Mrs S Malik

## LIST OF BACKGROUND PAPERS

Planning Applications

**NW/MP**

**Date: 12th April 2019**