

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

TO: NELSON COMMITTEE

DATE: 8th MAY 2019

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO NELSON COMMITTEE 8TH MAY 2019

Application Ref: 19/0175/HHO

Proposal: Full: Erection of a two-storey extension to the side and a part single-storey, part two-storey extensions to the rear.

At: 237 Barkerhouse Road, Nelson

On Behalf of: Mr Muzzafar Ali

Date Registered: 04 March, 2019

Expiry Date: 29 April, 2019

Case Officer: Christian Barton

This application has been called to Committee by the Chairman.

Site Description and Proposal

The application site is a semi-detached house located in the settlement boundary. There are similar houses to the south and west, bungalows to the north and care home gardens to the east. The house has artificial stone and pebbledash elevations, a concrete tiled roof, white uPVC windows and garden areas to the front and rear.

The proposed development is an extension to the rear and side forming a wrap round design. The side aspect would project 3.7m off the gable elevation at a depth of 9.4m. The rear aspect would have a depth of 2.8m and a total width of 6.8m. The two-storey aspect would have a maximum ridge height of 7.5m with a single-storey mono-pitched roof proposed to the rear 4m in height. The extension would have artificial stone and rendered elevations with concrete roof tiles.

Relevant Planning History

No relevant planning history.

Consultee Response

LCC Highways – The Highway Development Support Section does not object to this application in principle. However, we make the following comments, particularly regarding the provision of off-road parking.

The applicant is seeking to increase the number of bedrooms from three to five, which would require an associated maximum increase in off-road parking from two to three spaces. There is currently only one space within the curtilage provided by a single garage to the rear.

Two further off-road spaces are proposed at the front of the property, accessed directly from Barkerhouse Road. As one space would provide joint pedestrian and vehicular access this should be a minimum of 3.2m wide. The construction of the vehicular access may also require the re-location of a telecommunications cabinet, which would be at the applicant's expense.

An alternative may be to demolish the garage and provide a hardstanding to the rear for two vehicles, using the existing access from Marsden Crescent. As there are no parking restrictions immediately to the front of this property a third space could be provided on-road, as may be the

case now. During the site visit we noted vehicles parked on Barkerhouse Road outside neighbouring properties, suggesting there is some capacity for on-road parking.

We also noted that Marsden Crescent, along the gable end of the development site, provides the only vehicular and pedestrian access to a number of residential properties, and that the development site is close to a bus stop. Therefore we recommend that a condition is applied restricting the times of deliveries to ensure there is no conflict with traffic, both vehicular and pedestrian, at peak times.

The applicant should also put in place measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties.

(Update) With regard to the revised site/parking layout plan submitted for the above application (dated 5 April 2019), the Highways Development Support Section makes the further comments.

The proposed provision of off-road parking spaces to the rear of the property is acceptable, although the applicant should ensure that there is adequate manoeuvring area to allow vehicles to enter and leave Marsden Crescent in forward gear. As access to the off-road parking will be via an existing vehicular crossing the informative note recommended in our previous response can be omitted. Therefore we recommend that the following conditions are applied to any formal planning approval granted.

Conditions should be attached to any approval relating to restricting the times of materials deliveries, details of construction methods in relation to the highway network and a need to apply bound porous materials to the rear parking spaces.

Nelson Town Council

Public Response

The nearest neighbours have been notified by letter and comments have been received objecting on the following grounds;

- Upset during the construction phase;
- Impacts of additional living space;
- Losses of privacy.

Officer Comments

The main considerations for this application are the design, residential amenity and the road network.

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

- CS Policy ENV2 (Achieving Quality in Design) identifies the need to protect and enhance the 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 the siting and design of development should be in scale, context and harmony with the wider locality.

Other policies and guidance's are also relevant:

- The Design Principles Supplementary Planning Document (SPD) applies to domestic developments and sets out the aspects required for good design;

- Policy 31 (Parking) of the Saved Replacement Local Plan relates to parking standards for all new developments.

The principle policy relating to this development is 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. Saved Policy 31 is relevant given the proposed addition of bedrooms.

2. Design and Visual Amenity

The Design Principles SPD states that the style, design and scale of domestic extensions should respect the existing character of the location. The walling and roofing materials proposed would be in keeping with the property and wider location. No details of the windows to be installed have been submitted however this could be controlled with use of an appropriate condition.

In relation to two-storey extensions to corner plot properties, Section 5.14 of the Design Principles SPD states that the established building lines of both street frontages must be respected. The width of such extensions should not be more than half the width of the original frontage. The presence of extensive boundary treatments can justify a relaxation of those guidelines however the front and side of the site is bound by low hedges and fencing.

The two-storey side extension would be built flush with the front of the house. However, the side projection would protrude beyond the established building line of Marsden Crescent by circa 2m. Moreover, the width of the side extension would be circa 0.5m greater than half the width of the original house. This aspect would result in a disproportionate addition to a modest semi-detached corner plot property.

When taken as a whole, the proposal would be unacceptable in terms of the design and impacts on visual amenity. It would be incongruous and overbearing in the street scene and would thus contravene Policy ENV2 and the guidance of the Design Principles SPD.

3. Residential Amenity

The proposal would have no overbearing effects on the immediate neighbours owing to ample separation. Concerns have been raised about losses of domestic privacy. Section 4.1.19 of the Design Principles SPD states that a minimum of 21m must be maintained between existing and proposed directly facing habitable room windows. The houses that surround have been built on land of similar levels to the site. Windows are proposed to four elevations. There are no houses found within 21m to the south and east. The windows proposed for those elevations would not affect domestic privacy.

Appropriate fencing could be erected/maintained on the north and west boundaries. This would prevent the immediate neighbours being overlooked by the proposed ground floor windows in those elevations. Obscure glazing could also be added to the first floor rear window. Subject to the above, the proposal would have no unacceptable effects on the residential amenity of the immediate neighbours. Concerns have been raised about the effects of increased occupancy. However, this is not a material planning consideration.

4. Highways

The submitted plan shows four parking spaces within the rear garden. These would be provided following demolition of the garage. The proposal complies with Saved Policy 31. LCC Highways have raised no objections and I concur with their findings. Concerns have been raised about construction activity. The impacts on the road network could be controlled through appropriate

conditions where relevant. The development raises no unacceptable concerns regarding the local road network.

5. Summary

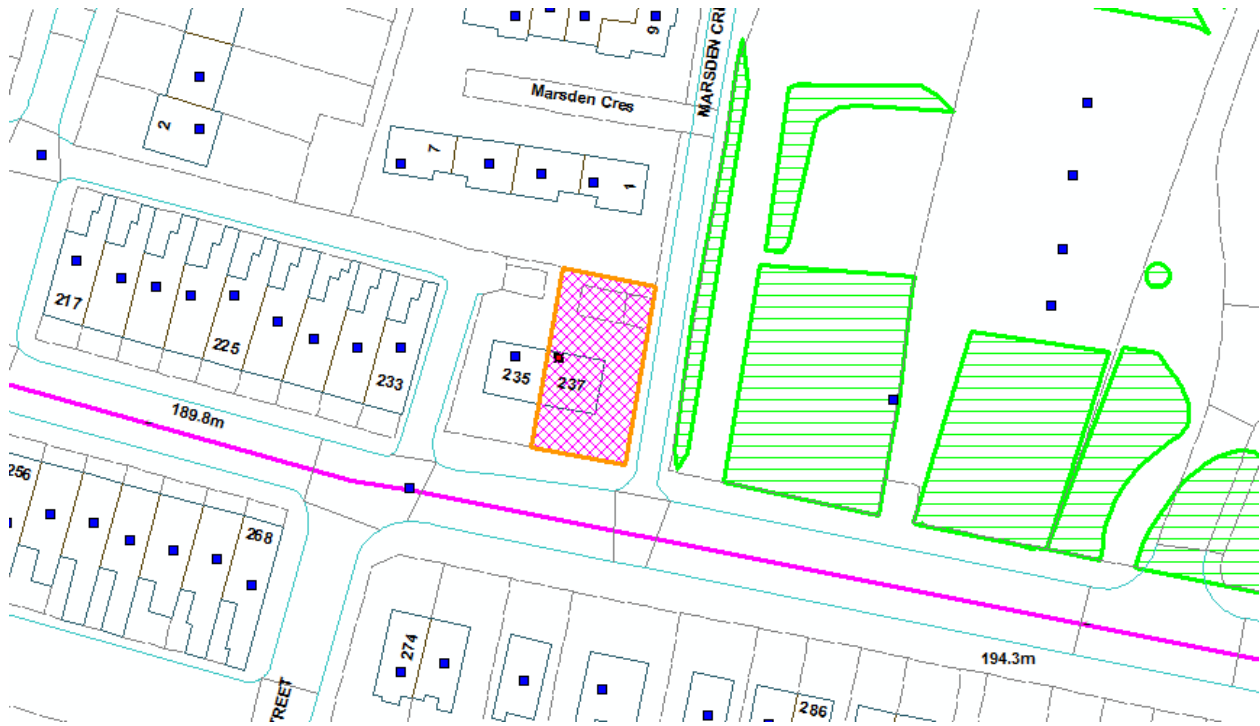
The proposal seeks to erect extensions to the side and rear. The development would have no detrimental effects on the residential amenity of the immediate neighbours, or the road network with use of appropriate conditions. The proposed two-storey side extension would project beyond the established building line of Marsden Crescent by circa 2m however. Its width would also be excessive in relation to the house.

The scheme would result in a disproportionate addition to a modest corner plot property that would be incongruous and overbearing in the street scene. The development is therefore unacceptable for the site and fails to accord with Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy (2011 – 2030) and guidance of the Design Principles Supplementary Planning Document.

RECOMMENDATION: Refuse

For the following reason:

1. The two-storey side extension by virtue of its massing and position would result in a disproportionate addition to a modest corner plot property that would be incongruous and overbearing in the street scene and detrimental to the visual amenity of the location. The proposal is therefore unacceptable for the site and fails to comply with Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy (2011-2030) and the guidance of the Design Principles Supplementary Planning Document.



Application Ref: 19/0175/HHO

Proposal: Full: Erection of a two-storey extension to the side and a part single-storey, part two-storey extensions to the rear.

At: 237 Barkerhouse Road, Nelson

On Behalf of: Mr Muzzafar Ali

REPORT TO NELSON COMMITTEE 8th MAY, 2019

Application Ref: 19/0254/OUT

Proposal: Outline: Erection of 2 detached dwellings (Access only) (Reg 4).

At: Land to the South West of 50 Wickworth Street, Nelson.

On behalf of: Pendle Borough Council

Date Registered: 2nd April 2019

Expiry Date: 28 May 2019

Case Officer: Kathryn Hughes

This application has been brought before Committee as it is a Council application.

Site Description and Proposal

The site is located within the settlement boundary of Nelson with of no special designation in the Local Plan. Public Footpath 73 and BOAT 75 are adjacent to the site.

Outline planning permission is sought (access only) for the erection of 2 dwellinghouses on land which off Wickworth Street in Nelson.

The site is accessed off Wickworth Street which at this point is a Byway Open to All Traffic (BOAT) to the north, two dwellinghouses to the east, allotments to the west and a public footpath to the southern boundary. The former Jimmy Nelson's Sports club is on the opposite side of the BOAT.

The proposal is to utilise an existing access track which runs adjacent to the Jimmy Nelson's site from Windsor Street. Details such as layout, appearance, landscaping and scale are reserved at this stage and will be subject to a future application should outline permission be granted.

Relevant Planning History

None.

Consultee Response

LCC Highways – comments expected prior to the meeting.

PBC Environment Officer

PBC Footpaths Officer

Nelson Town Council

Public Response

Nearest neighbours notified by letter. One response received to date raising issues set out below. Publicity expires on the 2nd May. Any further responses will be reported to the meeting.

One objection relating to:

- The access for plant and materials is likely to be via Messenger Street or Wenning Street. Messenger St is built on landfill and cannot cope with heavy goods vehicles. There is an advisory notice at the bottom on Messenger Street; and
- I feel the occupants of Messenger St and Wenning St should have been notified of the planning application so they can comment or object.

Policy

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 (the Framework) 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.

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.

Local Plan Part 1: Core Strategy

The following Local Plan policies are relevant to this application:

Policy ENV1 requires developments to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

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 ENV7 does not allow development where it would be at risk of flooding and appropriate flood alleviation measures will be provided and/or would increase the risk of flooding elsewhere.

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

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

The following saved Replacement Pendle Local Plan policies are also relevant here:

Policy 31 – Parking sets out the requirements for on-site parking for housing developments.

National Planning Policy Framework

In national terms the National Planning Policy Framework ("the Framework") provides guidance on housing requirements, design and sustainable development.

Of particular relevance to this proposal, relating to approval of access is paragraph 108. This states that planning decision should take account of whether safe and suitable access can be achieved for all people. Development should only be refused where residual cumulative impacts of the development are severe.

Officer Comments

The primary issues for consideration in this proposal are impact on amenity, highway safety, drainage and ecology. Matters of appearance, landscaping and scale are reserved at this stage.

1. Principle of Housing

The site is located within the settlement boundary and therefore the principle of housing on this site is acceptable.

2. Impact on Amenity

The indicative layout shows adequate provision for two detached dwelling with separate accesses and adequate parking facilities.

Privacy distances between existing and proposed dwellings can be achieved on the site.

The Boat (Byway Open to All Traffic) runs along Wickworth Street to the north and connects with BOAT 77 on Marsden Hall Road South. Public Footpath 73 runs to the south of the site. Neither of these would be adversely affected by this proposal.

Appropriate landscaping and screening can be achieved as part of the Reserved Matters application.

3. Highway Safety

Two access points are proposed from Wickworth Street which is a Byway Open to All Traffic (BOAT) at this point. This is acceptable for these two dwellings. All the access roads to leading to the BOAT from the western side are unclassified in terms of road status but are adopted.

LCC Highway comments are awaited and whilst this is expected to be acceptable in principle it is likely that this would be subject to appropriate conditions being attached.

The proposal shows a separate access for each dwellinghouse and although a joint access might be preferable this would be acceptable subject to agreement from LCC Highways. The proposed development would lead to a limited amount of additional vehicle movements using the BOAT. This proposal would not have any material impact upon this albeit there would be additional wear and tear on this element of the BOAT. Comments from the Footpath Officer are expected to raise no adverse comments.

Overall the development would have a limited impact on the highway network.

On-site parking should be provided in line with the requirements of policy 31 and secured bicycle storage provided as well as electric vehicle charging points. This can be achieved by appropriate conditions.

4. Drainage

No details have been submitted although the foul and surface water are proposed to be disposed of via the main sewer. This is not acceptable for surface water unless all other options have been discounted and agreement sought from United Utilities.

This has been raised with the agent and updated details are expected. In any event this can be controlled by an appropriate condition requiring further details to be submitted in line with National Planning Practice Guidance on this.

This would satisfy the requirements of Policy ENV7.

5. Ecology

An initial ecological assessment has been submitted as part of the application.

The assessment advises that a further survey for badger setts would be required prior to any development commences as there is evidence of a sett within the area. There are no sett's on the site itself and no evidence of foraging on this site so this would be a precaution in case the sett moves closer and could then be potentially affected by noise from site activity and trenches being left exposed other than this the ecology significance is low.

The development thereby accords with Policy ENV1 and LIV5.

6. Summary

The proposed outline scheme for 2 dwellinghouses is acceptable in terms of housing requirements, highway safety, drainage, and ecology 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 housing development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework, subject to compliance with planning 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. An application for approval of the reserved matters (namely the appearance, landscaping and scale of the site) shall be submitted in writing to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Details of the layout, appearance, landscaping and scale (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: In order to comply with the requirements of Section 92 of the Town & Country Planning Act 1990.

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

A1904-LIB-XX-XX-XXAL-90-002 & A1904-LIB-XX-XX-XXAL-90-001.

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

4. 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 investigation and subsequent remediation of any contamination which may be present on site. The method statement shall detail how:-

a) an investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority; and

b) A comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority.

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

In addition, prior to commencing construction of any building, the developer shall first submit to and obtain written approval from the Local Planning Authority a report to confirm that all the agreed remediation measures have been carried out fully in accordance with the agreed details, providing results of the verification programme of post-remediation sampling and monitoring and including future monitoring proposals for the site.

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.

5. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

6. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The development shall be completed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

7. Prior to the commencement of development all the mitigation measures proposed in the Data and Recommendations dated March 2019 by Appletons in relation to persecuted species shall be implemented in strict accordance with chapter 6 of the report.

Reason: To ensure that the any potential habitats are identified and if necessary protective measures are implemented.

8. No part of the development shall be commenced unless and until a Construction Code-of-Practice method statement 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 hours of operation and measures for the control of traffic to and from the site including routing of any HGV's, 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.
- h) Location and details of site compounds
- k) Parking area(s) for construction traffic and personnel

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 and Demolition Method Statement. 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 phase(s).

9. Prior to first occupation each dwelling shall have an electric vehicle charging point.

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

10. Before a dwelling unit is occupied waste containers shall be provided on each plot.

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



Application Ref: 19/0254/OUT

Proposal: Outline: Erection of 2 detached dwellings (Access only) (Reg 4).

At: Land to the South West of 50 Wickworth Street, Nelson.

On behalf of: Pendle Borough Council

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 23rd April 2019