

REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND
REGULATORY SERVICES

TO: BRIERFIELD AND REEDLEY COMMITTEE

DATE: 04th June 2019

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO BRIERFIELD & REEDLEY COMMITTEE 4th June, 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

This application was deferred from the May meeting to allow for amended plans to be submitted. No amendments have been received to date. Any update will be reported to the meeting.

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with conservatory to rear, first floor balcony to rear, two dormers to front and off street car parking provision - Withdrawn.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 22nd 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 5th 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

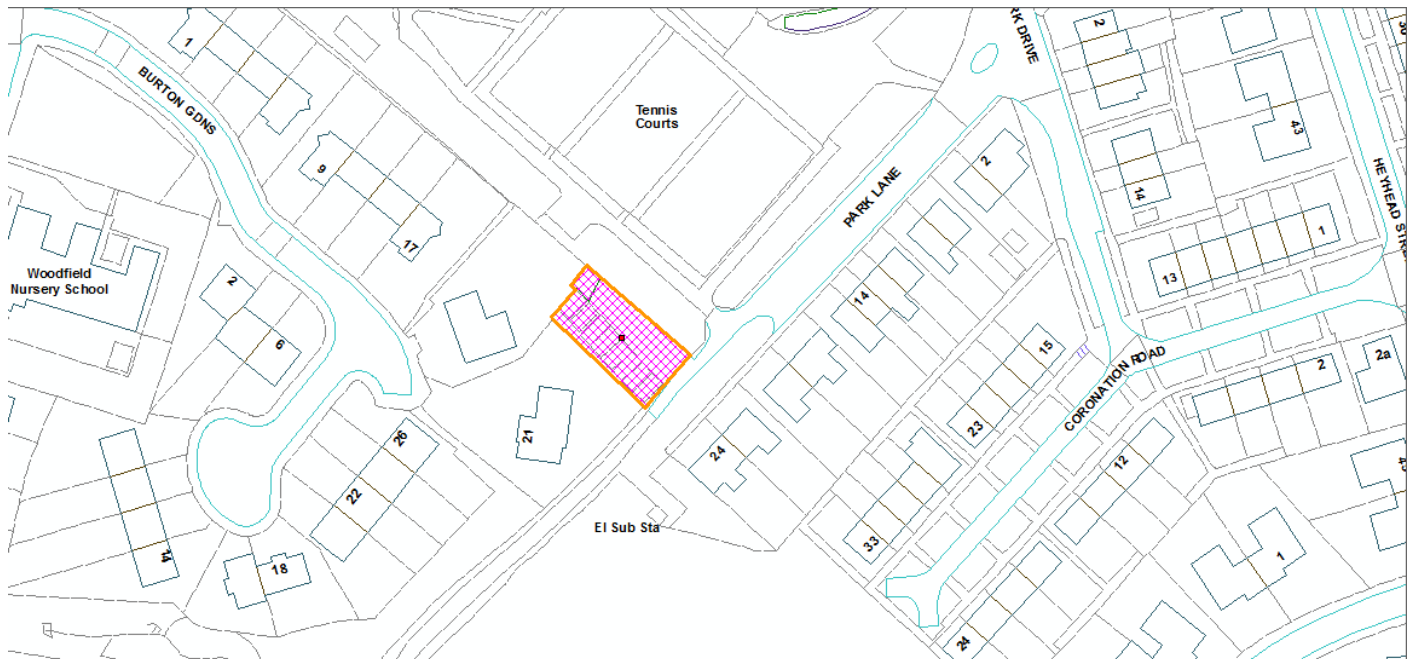
Summary

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. The poor design and layout would result in overlooking and loss of privacy for the residents of the existing properties and this would result in unacceptable harm to their privacy and residential amenity. As such the development would fail 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 fails to provide adequate outside amenity space for the proposed dwellinghouse with limited scope for planting and screening to an acceptable degree in particular along the southern and western boundaries and therefore fails to accord with Policies ENV2 and LIV5 of the Pendle



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

REPORT TO BRIERFIELD AND REEDLEY COMMITTEE ON 4TH JUNE 2019

Application Ref: 19/0253/OUT

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

At: Land to the South East of 71 Mansfield Crescent, Brierfield

On behalf of: Pendle Borough Council

Date Registered: 02.04.2019

Expiry Date: 10.06.2019

Case Officer: Charlotte Pinch

Site Description and Proposal

The application is brought to committee as it is a Council application.

Outline permission is sought (access only) for the erection of 2 no. dwellinghouses, on land off Mansfield Crescent, Brierfield.

The site is located within the settlement boundary of Brierfield and is also allocated open space for outdoor sports.

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 relevant.

Consultee Response

LCC Highways

Having considered the information submitted for the above application, together with site observations on 16 April 2019, the Highway Development Support Section does not raise any objections in principle, subject to the following comments being noted, further information being supplied satisfactorily, and conditions and note being applied to any formal planning approval granted.

The above planning application is concerned only with the principle of the development and access to the site. The internal layout is indicative and as such only provisional highway comments for this have been made.

The development site is located on Mansfield Crescent, which is subject to a one way system, and accessed from Mansfield Grove. It is also immediately adjacent to Marsden Heights Community College, which has a pedestrian access parallel to the southern boundary of Plot 2 from Mansfield Crescent.

Site accesses

The location of the site access for Plot 2 has been amended and is now acceptable.

Whilst there is an existing vehicular access point to Plot 1, a properly constructed access would need to be provided.

The formation of the new vehicle accesses from Mansfield Crescent to the development site would need to be carried out under a legal agreement (Section 278) with Lancashire County Council as the highway authority. Works should include, but not be exclusive to, the construction of the accesses to an appropriate standard, including a minimum width of 3.2m, extension of the adopted footway outside Plot 1, re-location of a highway gully, and re-location of street lighting column 10.

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

Parking provision

No detailed layout of the proposed properties has been provided at this stage, although the application form indicates that two x two bedroom properties would be constructed. Details would need to be confirmed as part of any reserved matters application submitted.

General

Due to the development site's location within a residential area, adjacent to Marsden Heights Community College and with the one way system on Mansfield Crescent, the developer should submit a construction method statement. This should include the timing of deliveries, which should not be before 9.30am or after 2.30pm, to ensure there is no conflict with traffic, both vehicular and pedestrian, at peak times.

No details of boundary treatments along the frontage of the site with Mansfield Crescent have been submitted. However these should be no higher than 1m above the carriageway level of Mansfield Crescent to ensure that there is adequate visibility for drivers of vehicles entering and leaving the site, and other highway users.

Sport England

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 97) and against its own Playing Fields Policy, which states:

'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

Sport England's Playing Fields Policy and Guidance document can be viewed via the below link:
www.sportengland.org/playingfieldspolicy

Having assessed the application, Sport England is satisfied that the proposed development meets Exception 3 of our Playing Fields Policy, in that:

'The proposed development affects only land incapable of forming part of a playing pitch and does not:

- reduce the size of any playing pitch
- result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);
- reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;
- result in the loss of other sporting provision or ancillary facilities on the site; or
- prejudice the use of any remaining areas of playing field on the site.'

This being the case, Sport England does not wish to raise an objection to this application.

United Utilities

Drainage

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.

The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

We recommend the applicant implements the scheme in accordance with the surface water drainage hierarchy outlined above.

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, the proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer as we need to be sure that the proposal meets the requirements of Sewers for adoption and United Utilities' Asset Standards. The proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets. Therefore, should this application be approved and the applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.

Please note we are not responsible for advising on rates of discharge to the local watercourse system. This is a matter for you to discuss with the Lead Local Flood Authority and / or the Environment Agency if the watercourse is classified as main river.

Water supply

Our records show that there is a/are private water main(s) within the site.

The applicant has not stated whether provision of a new water supply is required. Use of the existing metered supply may be considered if it meets United Utilities standards. If not, a separate metered supply will be required at the applicant's expense.

If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the water network is required to meet the demand, this could be a significant project which should be accounted for in the project timeline for design and construction.

Please note, all internal pipework must comply with current Water Supply (water fittings) Regulations 1999.

United Utilities' property, assets and infrastructure

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'.

Public Response

One letter of objection was received from a neighbouring occupier, their comments can be summarised as follows:

- Infringe on privacy of neighbours.
- Will encourage further similar piecemeal developments.
- Create danger for children accessing the school.
- No elevation plans for consideration.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) 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 (Achieving Quality in Design and Conservation) 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 (Housing Provision and Delivery) 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 (Designing Better Places to Live) advises that development which primarily takes place within the M65 corridor should seek to avoid the provision of new terraced housing and have a

suitable density appropriate to its location. The provision of detached and semi-detached dwellings will make up the majority of the housing types sought.

Replacement Pendle Local Plan

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.

Policy 33 'Existing Open Space' advises that the loss of open space will only be permitted where it involves poor quality space in areas where there is surplus provision in the particular ward area.

National Planning Policy Framework

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.

Paragraph 108 states that a 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.

Paragraph 97 states that open space should not be built on unless an assessment has been undertaken that clearly shows the open space is surplus to requirement or the loss would be replaced by equivalent or better provision or, the development is for alternative sports or recreation provision.

Principle of Development

The site is located within the settlement boundary of Brierfield, therefore residential development on this site is acceptable.

However, the site is also allocated open space within the Local Plan, for outdoor sports. Paragraph 97 of the NPPF states that one of three exceptions must be met, in order to allow designated open space to be developed.

"Existing open space, sports and recreation buildings and land, including playing fields, should not be built on unless;

- an assessment has been undertaken which has clearly shown the open space, building or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use."

The application site is part of a larger plot of land, which is for recreational use by Marsden Heights Community College. However, the development site is fenced off from this land and has never been used for recreational purposes. As a result, it is clear that for a number of years this plot has been surplus to requirements and has not been needed for outdoor sports by the school.

Moreover, Sport England have confirmed no objections to the re-development of this site, as it is considered to be land which is incapable of forming part of a playing pitch and does not reduce the

sporting capacity of the neighbouring field or reduce the size of any existing playing pitch. Therefore, this proposal for residential development would be acceptable in principle.

Residential Amenity

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

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

No access points to and from the school will be detrimentally affected and suitable landscaping can be achieved as part of a Reserved Matters application.

Highway Safety

Two access points are proposed from Mansfield Crescent, this is acceptable for these two dwellings. Sufficient separation distance has been shown from the pedestrian access to the school and the driveway for Plot 2.

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.

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.

United Utilities have not raised any objections at this stage, subject to further information being provided in accordance with the National Planning Practice Guidance, which can be secured by an appropriate condition.

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 accords with the Local Plan and National Planning Policy 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. An application for approval of the reserved matters (namely the layout, 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 the approval of the last reserved matters.

Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) (England) Order 2015 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 appearance, layout, access, scale and landscaping (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-XX-AL 90-002 RevB and A19-04-LIB-XX-XX-XX-AL 90-003.

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. 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 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.

6. Prior to the commencement of development samples of the materials to be used in the construction of the development hereby permitted (notwithstanding any details shown on

previously submitted plan(s) and specification) shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

7. 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.
- d) Location and details of site compounds
- e) Parking area(s) for construction traffic and personnel
- f) Erection and maintenance of security hoarding
- g) Wheel washing facilities
- h) Measures to control emission of dust and dirt during construction.

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).

8. No part of the development hereby approved shall commence unless and until a scheme for the construction of the site accesses have been submitted to, and approved in writing by the Local Planning Authority.

Reason: To ensure that the final details of the highway scheme are acceptable before work commences on site.

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.

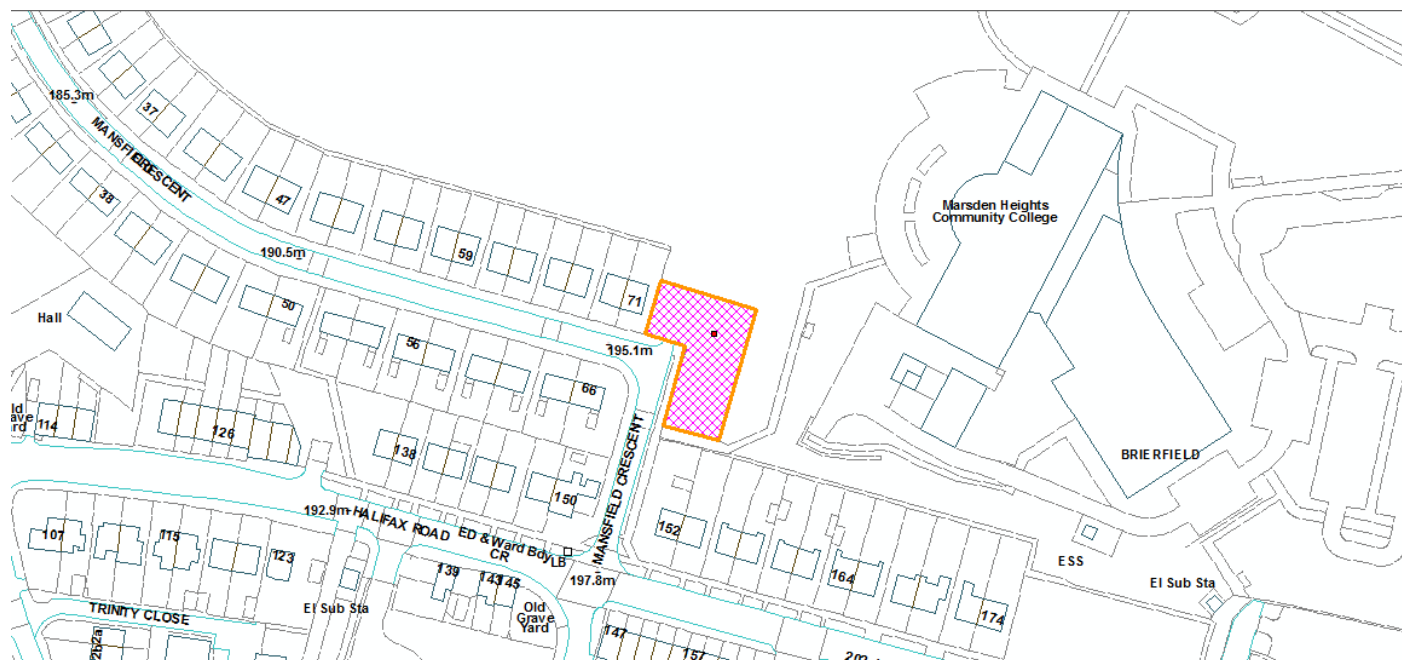
10. Before a dwelling unit is occupied waste containers shall be provided on each plot.

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

INFORMATIVE

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 accesses to an appropriate standard, including a minimum width of 3.2m, extension of the adopted footway outside Plot 1, and re-location of a highway gully. 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 by email on 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: 19/0253/OUT

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

At: Land to the South East of 71 Mansfield Crescent, Brierfield

On behalf of: Pendle Borough Council

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 22nd May 2019