

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

**TO:** BRIERFIELD AND REEDLEY COMMITTEE

**DATE:** 03rd September 2019

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning application.

## REPORT TO BRIERFIELD & REEDLEY COMMITTEE 3<sup>rd</sup> SEPTEMBER, 2019

**Application Ref:** 19/0520/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 (revised scheme).

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

**On behalf of:** Mrs S Malik

**Date Registered:** 08 July 2019

**Expiry Date:** 02 September 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 of the property.

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 4.5m 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with conservatory to rear, first floor balcony to rear, two dormers to front and off street car parking provision - Withdrawn.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.

19/0139/FUL – Full: Erection of a two storey detached dwelling with two storey rear projection, roof dormers to front and rear, raised patio to rear and off-street parking – Refused 11<sup>th</sup> June, 2019.

### **Consultee Response**

LCC Highways – The application is a resubmission of planning application 19/0139/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 – With reference to the above planning application, United Utilities wishes to draw attention to the following as a means to facilitate sustainable development within the region.

### **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.

Details of both our S106 sewer connections and S104 sewer adoptions processes (including application forms) can be found on our website <http://www.unitedutilities.com/builders-developers.aspx>

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**

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.

To discuss a potential water supply or any of the water comments detailed above, the applicant can contact the team at [DeveloperServicesWater@uuplc.co.uk](mailto:DeveloperServicesWater@uuplc.co.uk).

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

### **United Utilities' property, assets and infrastructure**

Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction.

For advice regarding protection of United Utilities' assets, the applicant should contact the teams as follows:

Water assets – [DeveloperServicesWater@uuplc.co.uk](mailto:DeveloperServicesWater@uuplc.co.uk)

Wastewater assets – [WastewaterDeveloperServices@uuplc.co.uk](mailto:WastewaterDeveloperServices@uuplc.co.uk)

**It is the applicant's responsibility to investigate the possibility of any United Utilities' assets potentially impacted by their proposals and to demonstrate the exact relationship between any United Utilities' assets and the proposed development.**

Due to the public sewer transfer in 2011, not all sewers are currently shown on the statutory sewer records and we do not always show private pipes on our plans. If a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further.

For any further information regarding Developer Services and Planning, please visit our website at <http://www.unitedutilities.com/builders-developers.aspx>

Brierfield Town Council

## **Public Response**

Nearest neighbours notified by letter. Three responses received raising the following concerns:

- 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 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;
- 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, and adequate screening and landscaping for privacy.

## **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 two storey rear extension reduced to 4.5m and the store to the side removed. This allows for more effective screening between the built form and the adjacent properties. The first floor bedroom window facing 21 Burton Gardens would now be obscurely glazed.

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 has been reduced and obscure glazing proposed to the 1<sup>st</sup> floor side bedroom window, however, a ground floor window in the rear elevation raises issues with overlooking and privacy for no. 19 Burton Gardens and this is addressed below. The increased height is addressed in the design section.

The raised patio on the rear elevation still remains and this 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. This needs to be reduced in size and an appropriate screening provided to prevent loss of privacy for adjacent properties.

The side/rear boundary of No. 21 is sited 2m from the side boundary of the proposed dwelling with no windows proposed in this elevation. The raised patio to the rear would be 2m 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. The first floor window is proposed to be obscurely glazed in order to reduce overlooking and loss of privacy for this property. An adequate boundary treatment would need to erection to this boundary in order to protect privacy. This can be controlled by an appropriate condition.

There would be 2.5m distance between the rear elevation of the projection and the side boundary of no. 19 with a proposed ground floor window at 2.5m above ground level and a raised patio 1.4m above ground level measuring 8.5m x 2.7m. The ground floor window needs to be removed from the rear elevation and the patio reduced in size and bounded by a 1.8m high screen. Additional

appropriate landscaping would be required in order to protect privacy. The plan needs to be amended to reflect this.

The orientation of the building and that of no. 19 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 adequate separation distances between the proposed dwellinghouse and adjacent properties subject to amended plans and appropriate conditions to ensure loss of privacy and overlooking is reduced to an acceptable level as well as an acceptable scheme for landscaping and screening to prevent an overbearing impact from the amount of built form and soften the scheme.

Taking all relevant factors into account the proposed dwellinghouse would not result in an adverse impact on the amenity of the adjacent residential properties subject to amended plans and appropriate conditions. The proposed development if amended would therefore 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 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 (to the rear) 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 has been reduced by 0.5m resulting in close proximity to the boundary of No.19 which 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 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 acceptable design in terms of its scale and massing and although limited there is potential for adequate landscaping which would reduce the impact on the amenity of the adjacent properties subject to reduction of the rear patio area and appropriate screening and conditions relating to obscure glazing and appropriate landscaping therefore subject to amended plans and appropriate conditions would 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. 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. Subject to amended plans reflecting the above and appropriate conditions listed below the scheme therefore accords with policies ENV2 and LIV5 of the Local Plan Part 1: Core Strategy and the Design Principles SPD.

## **RECOMMENDATION: Approve subject to amended plans**

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:

Location plan 1:1250 and Drawing B2 (as amended).

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

3. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A, D & E(a) of Part 1 and Class B of Part 2 of Schedule 2 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Part 1

A) no extensions shall be erected

D) no porches shall be erected

E(a)) no buildings, enclosures, swimming or other pools shall be erected or constructed within the curtilage of the building

Part 2

B) no means of access shall be constructed to the curtilage of the building(s)

**Reason:** To enable the Local Planning Authority to control any future development on the site in order to safeguard the character and amenity of the area and impacts on neighbouring properties.

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.

Advisory Notes:

(i) Where land identified as having the potential to be contaminated is undergoing redevelopment, a copy of the leaflet entitled 'Information for Developers on the investigation and remediation of potentially contaminated sites' will be available to applicants/developers from the Council's Contaminated Land Officer. The leaflet will be sent to the developer by request.

(ii) Three copies of all contaminated land reports should be sent to the Local Planning Authority.

(iii) 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.

**5.** Prior to the re-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.

**6.** The first floor window in the side (south) elevation of the development hereby permitted shall at all times be fitted with obscure glazing to a least level 4 or above unless otherwise agreed in writing by the Local Planning Authority. Any replacement glazing shall be of an equal degree or above. The window shall be hung in such a way so as to prevent the effect of the obscure glazing being negated by way of opening.

**Reason:** To ensure an adequate level of privacy to adjacent residential properties.

**7.** Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order, 1995 (or any other order revoking or modifying that Order) the dwellinghouse extension hereby permitted shall not at any time have any additional windows, doors, dormers or other openings inserted in the south (side) or west (rear) elevations unless with the prior written consent of the Local Planning Authority as to the location, size, design and degree of obscurity of the glazing in the new opening and any window thereafter installed shall at all times comply with the details approved.

**Reason:** To safeguard residential amenity

**8.** Prior to the construction of the raised patio on the rear elevation a scheme for screening the patio to the south (side) and west (rear) boundaries shall have been submitted to and approved in writing by the Local Planning Authority. The screen shall be at least 1.8m high and shall be erected prior to the first use of the patio and remain in situ at all times.

**Reason:** To ensure an adequate level of privacy to adjacent residential properties.

**9.** The windows and doors shall be set back from the external wall face of the wall by at least 75mm in depth.

**Reason:** To ensure a satisfactory appearance to the development.

**10.** The development hereby permitted shall not be commenced until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:

- 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 approved form within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a

period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

**Reason:** To ensure that the development is adequately landscaped so as to integrate with its surroundings.

**11.** Before work commences on the site, facilities shall be provided and retained within the site, by which means the wheels of vehicles may be cleaned before leaving the land. All vehicles shall thereafter use the facilities.

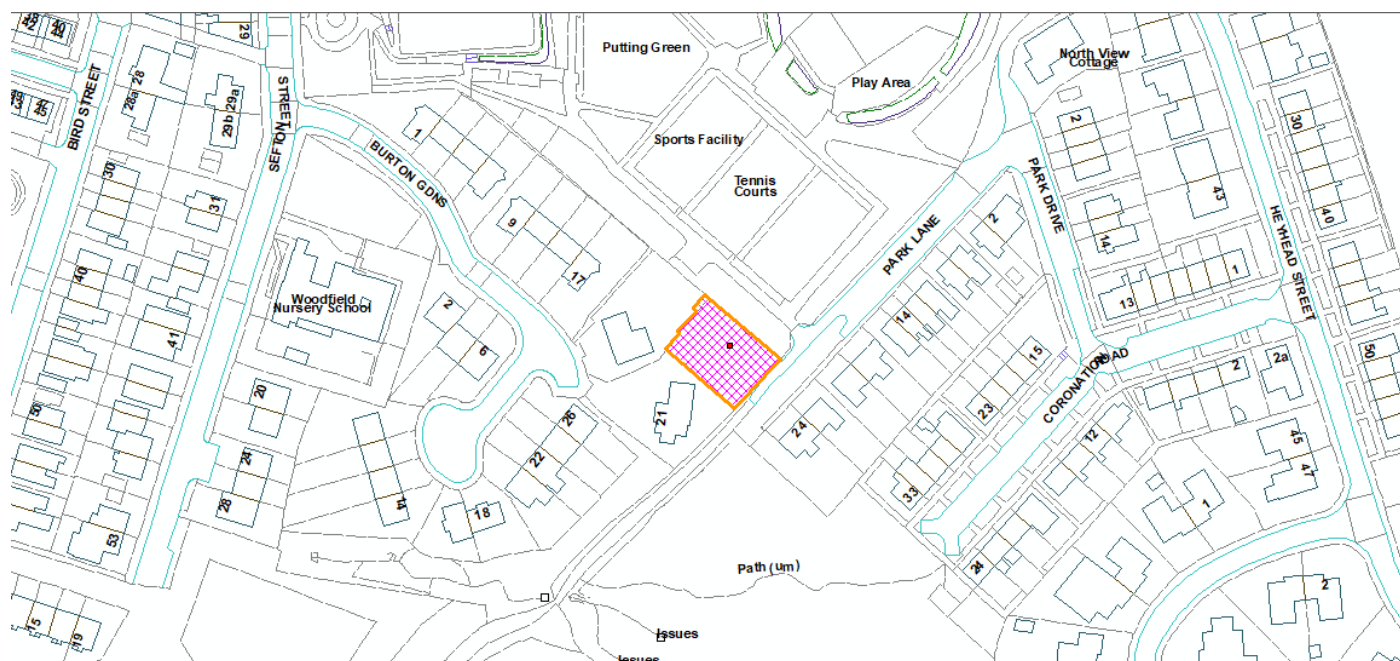
**Reason:** In the interest of highway safety.

**12.** The proposed development shall not be brought into use unless and until four car parking spaces each measuring a minimum of 2.4m x 5m have been constructed, surfaced, sealed, drained and marked out within the site in accordance with details to be first submitted to and agreed in writing by the Local Planning Authority. The parking spaces shall thereafter always remain unobstructed and available for parking purposes.

**Reason:** In the interest of amenity and to provide sufficient off-street parking on the site.

**13.** Before a dwelling unit is occupied waste containers and a vehicle charging point shall be provided in the curtilage of the plot.

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



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**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: 22nd August 2019**