



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

TO: BRIERFIELD AND REEDLEY COMMITTEE

DATE: 8th October 2019

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO BRIERFIELD AND REEDLEY COMMITTEE ON 8TH OCTOBER 2019

Application Ref: 19/0594/FUL

Proposal: Full: Change of use from domestic garage (Use Class C3) to dog grooming parlour (Sui Generis) with associated external alterations.

At: 8 Clarkson Close, Reedley

On behalf of: Mikayla Punter

Date Registered: 22.08.2019

Expiry Date: 17.10.2019

Case Officer: Charlotte Pinch

Site Description and Proposal

This application is to be decided at committee as it has been called in by a councillor. The application site is a semi-detached two storey dwelling, sited within a new development of Clarkson Close, Reedley. The property is within the designated settlement boundary.

The proposal is for the conversion of the existing attached garage (currently sales office) (Use Class C3) into facilities to run a dog grooming business at the property (Sui Generis). Externally the existing glass frontage and two pedestrian access doors will be retained.

Relevant Planning History

13/08/0558P

Full: Major: Erect 49 houses, 6 apartments, 8 live/work units, G.P. surgery (267m²), childrens nursery (278m²), office space (588m²), retail space (145m²), football pitch, cricket pitch and club house (250m²) with associated landscaping and parking.

Approved with Conditions. 2008.

Consultee Response

LCC Highways

Having considered the information submitted, together with observations on site on 17 September 2019, the Highway Development Support Section raises an objection on highway safety grounds, and makes the following comments.

There are conditions attached to a previous application, Planning Permission ref 08/0558P, relating to off-road parking provision (Conditions 12 and 28). Condition 12 restricts the use of garages to the parking of motor vehicles and Condition 28 relates to the provision of parking within the curtilage. Both conditions were applied to ensure an adequate level of off-road parking was provided to avoid congestion on the surrounding roads.

There is not room within the development site's curtilage to provide two off-road parking spaces for the dwelling, together with parking for potential customers. This could lead to on-street parking and congestion, which the above conditions sought to prevent.

Public Response

Twelve letters of objections were received from neighbouring occupiers, their comments can be summarised as follows:

- Limited parking on plot and within the estate, this would result in on street parking problems.
- Traffic congestion issues, as a result of more vehicles using the access.
- Peaceful residential area with all properties for domestic use, a commercial use is not appropriate in this setting.
- Dog fouling, barking and comings and goings will be disruptive to residents.
- Could result in unsociable hours of use.
- Tight form of development, with little space between properties, therefore would result in significant impacts on a number of residents.
- Many empty town centre shops, which would be more appropriate for such a use.
- Could result in a reduction in houses values, of new built properties.
- Would contravene an existing planning condition placed on all properties within the estate, which precludes the garages from being used for anything but parking.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 (Presumption in Favour of Sustainable Development) takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

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 ENV4 (Promoting Sustainable Travel) Proposals for new development should have regard to the potential impacts they may cause to the highways network and comply with the relevant car parking standards.

Replacement Pendle Local Plan

Saved Policy 31 sets out the maximum parking standards for development.

The Design Principles Supplementary Planning Document (SPD) applies to extensions and developments, setting out the requirements for good design and protecting residential amenity.

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 127 (f) details that planning policies and decisions should ensure that developments should provide a high standard or amenity for existing and future users, where the quality of life or community cohesion and resilience should not be undermined.

Principle of Development

The proposed use is a dog grooming parlour, this is a sui generis use and does not fall within the main town centre uses specified in Annex 2 of the Framework, as such this is not a use that would be required to be accommodated within a town centre, unless demonstrated that no sequentially preferable sites are available.

The location is an accessible one in the settlement of Reedley, with public transport within acceptable walking distance. This is therefore a sustainable location for the proposed use.

Design

Externally, the proposed conversion would retain the existing glass panel and two pedestrian access doors on the front elevation, no extension of the garage is proposed.

The surrounding brickwork would match that of the existing house and therefore would be in keeping with the character of the property.

The design and materials of this development are acceptable in this location and as such comply with Policies ENV1, ENV2 and the Design Principles SPD.

Residential Amenity

The proposed development is for the use of the existing attached garage as a dog grooming parlour, which would introduce a commercial use into what is a purely residential street.

Details have been provided confirming that the opening hours of the business would be by appointment only between 8am and 6pm Monday to Friday, with allowance for some appointments on weekends. The business proposes one full time employee, therefore a maximum of two dogs will be seen per appointment. This will result in 6 to 8 dogs being seen per day, each being separately picked up and dropped off by their owners.

Whilst it is acknowledged that the proposal is for a small scale operation, which will be largely constrained by the floor area of the garage, the use would generate comings and goings of such an intensity beyond that expected of a typical residential dwelling. Taking into account the compact nature of development on Clarkson Close and the close proximity of neighbouring properties, to all elevations of the dwelling, this would result in significant disturbance and inconvenience to neighbours.

Moreover, the nature of the business would result in 2 to 4 dogs on site at any one time, in addition to up to 2 to 3 customers. Some dogs may stay for extended periods, awaiting collection, which may result in them using the rear garden area for exercise. The noise and disturbance created by dogs and customers is likely to be significant, spread out over 10 hours per day.

The scale and nature of the use would result in activity at a level that would cause unacceptable harm to the residential amenity of occupants of neighbouring properties within Clarkson Close and it is not considered that these impacts can be suitably controlled through conditions.

Therefore, the proposed development would have a significant detrimental impact on the residential amenity and enjoyment of their own homes for existing and future neighbouring

occupiers. As a result, this would be contrary to Policy ENV2 and Paragraph 127 of the NPPF. This presents sufficient justification to refuse the application on these grounds.

Highways and Parking

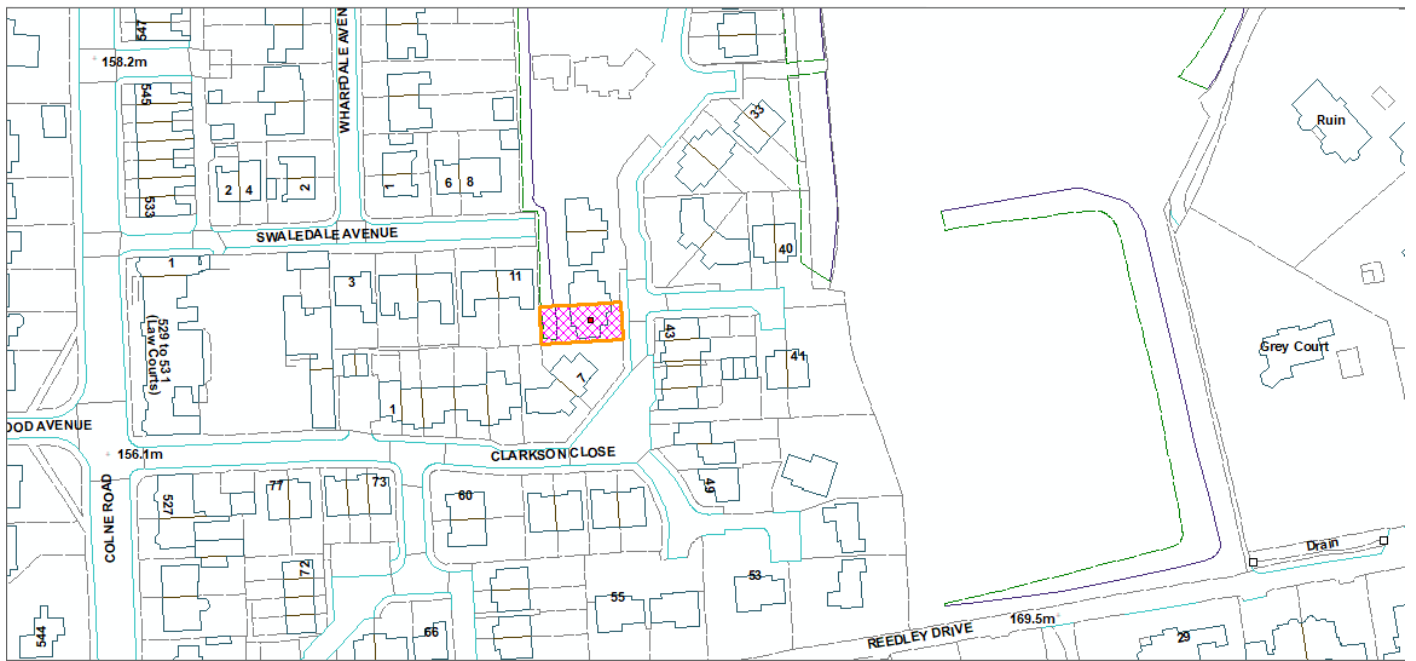
It is acknowledged that the existing attached garage has been used as a sales office for the wider development since completion and therefore has never been available for use as a garage. Nevertheless, a condition applied as part of the permission for the development required the garages to remain available for parking at all times. The garage and one parking space on the existing driveway would provide two on plot parking spaces for a three bedroom dwelling, which complies with the requirements of Saved Policy 31.

In accordance with Policy 31, a minimum of three on plot parking spaces would be required for this proposal. However, the proposed development would result in permanent loss of the garage for parking, therefore leaving just one driveway parking space and one new parking space to the front of the dwelling, which cannot be accessed independently of the driveway. This is insufficient provision for a three bedroom dwelling and dog grooming business. Moreover, given the compact nature of the development, on street parking would not be appropriate.

Therefore, this proposal does not provide sufficient on plot parking for the proposed development in accordance with Policy 31. Such a use within a compact residential area will result in traffic congestion and highway safety issues, contrary to Policy ENV4. This presents sufficient justification to refuse the application on these grounds.

RECOMMENDATION: Refuse

1. The proposed development would result in an increased demand for car parking which cannot be sufficiently provided on plot. This would result in on street parking and congestion in a residential area. As such the development would be detrimental to highway safety, contrary to Policy ENV4 of the Local Plan Part 1 and Saved Policy 31 of the Replacement Pendle Local Plan.
2. The scale and nature of the proposed commercial use would result in activity at a level that is not appropriate within this residential setting and would cause significant detrimental harm to the residential amenity of occupants at neighbouring properties. As such the development fails to comply with Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy and Paragraph 127 of the NPPF.



Application Ref: 19/0594/FUL

Proposal: Full: Change of use from domestic garage (Use Class C3) to dog grooming parlour (Sui Generis) with associated external alterations.

At: 8 Clarkson Close, Reedley

On behalf of: Mikayla Punter

REPORT TO BRIERFIELD AND REEDLEY COMMITTEE ON 8TH OCTOBER 2019

Application Ref: 19/0599/HHO
Proposal: Full: Erection of a single storey rear extension.
At: 66 Clarkson Close, Reedley.
On behalf of: Mr and Mrs Ahmed.
Date Registered: 07.08.2019
Expiry Date: 10.10.2019
Case Officer: Charlotte Pinch

Site Description and Proposal

This application is to be decided at committee as the applicant is an employee of Pendle Borough Council.

The site comprises of a three storey detached dwellinghouse, surrounded by residential properties of a similar scale and mass. The property is located within the designated settlement boundary and a band of protected trees to the rear of the property.

The proposed development is for the erection of a single storey rear extension, comprising of a sun lounge. The extension would be constructed of stone elevations, to match the existing dwellinghouse, and glass roof.

Relevant Planning History

13/10/0296P

Full: Major: Erection of twenty 2, 3 and 4 bed dwelling houses (6 detached, 6 semi-detached and 8 terraced) and associated access road.

Approved with Conditions. 2010.

Consultee Response

LCC Highways

No objection.

PBC Environment Officer

No objections to the development, subject to suitable conditions being adhered to which will ensure protection of the roots of the protected trees, both during and post construction.

Public Response

One letter of objection was received from a neighbouring occupier, although they detailed no specific objection to the erection of an extension, concerns were raised regarding the potential impacts on a protected tree to the rear of the property.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

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

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

Replacement Pendle Local Plan

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

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.

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

Visual Amenity

The single storey rear extension extends to the southern elevation of the dwelling, which abuts Reedley Drive. The rear of the dwelling is heavily screened by mature trees along the rear boundary. The extension would be wholly within the rear garden of the host dwelling and would be of single storey height, therefore significantly reducing its potential visibility from neighbouring properties.

The extension would be predominantly constructed of stone, to match the existing dwellinghouse, with a glass roof. It would have a dual pitched roof, with a maximum height of 3.5m.

The extension would form a modest addition to the existing dwellinghouse, which would not be prominent or disproportionate in relation to the property. As such, no objections are raised to the design and appearance of the proposal.

Residential Amenity

The Design Principles SPD states that a single storey rear extension located on, or immediately adjacent to, the party boundary with a neighbouring property will normally be acceptable if it does not project more than 4m from the rear elevation of the existing dwelling. However, extensions of a greater depth will normally only be permitted if it does not breach the 45 degree rule. Moreover, this dimension can be increased where the extension itself would stand away from the boundary with the adjoining property.

The proposed single storey rear extension would have a total depth of 4.6 metres, however it would be set in 2.8 metres from the western side boundary and 1.8 metres from the eastern side

boundary. This separation provides some allowance for an increase in dimensions, in accordance with the Design Principles SPD.

In addition, when the 45 degree loss of light test is applied from both No.65 and No.67 Clarkson Close, towards to the proposed extension, neither is breached.

Furthermore, the extension would be of single storey nature and retain reasonable separation distances with each side boundary. This proposal would not result in significant detrimental overlooking or overbearing impacts on neighbouring occupiers.

Therefore, the proposed extension would be acceptable in accordance with the Design Principles SPD and Policy ENV2.

Protected Trees

The application site is bounded by a number of protected trees along the rear boundary, TPO/NO8/2002 and TPO/NO3/1976/REEDLEY. A plan has been submitted showing the root protection zones of the two closest protected trees, neither of which intersect with the footprint of the proposed extension.

However, due consideration must be given to the impact on these trees both during and post construction phase, including excavations and storage of materials. Suitable conditions will be applied to ensure that hand digging methods are used, protective fencing and storage of materials on the site is strictly controlled, in order to protect the existing trees.

Highways

No objection.

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 extension is acceptable in terms of policy, design, amenity and highway safety. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Existing Site Plan, Proposed Site Plan and Location Plan April 2019 and Existing and Proposed Elevations and Layout April 2019.

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

3. All the external materials to be used in the development hereby permitted shall match those of the existing building in colour, form and texture and there shall be no variation without the prior consent of the Local Planning Authority.

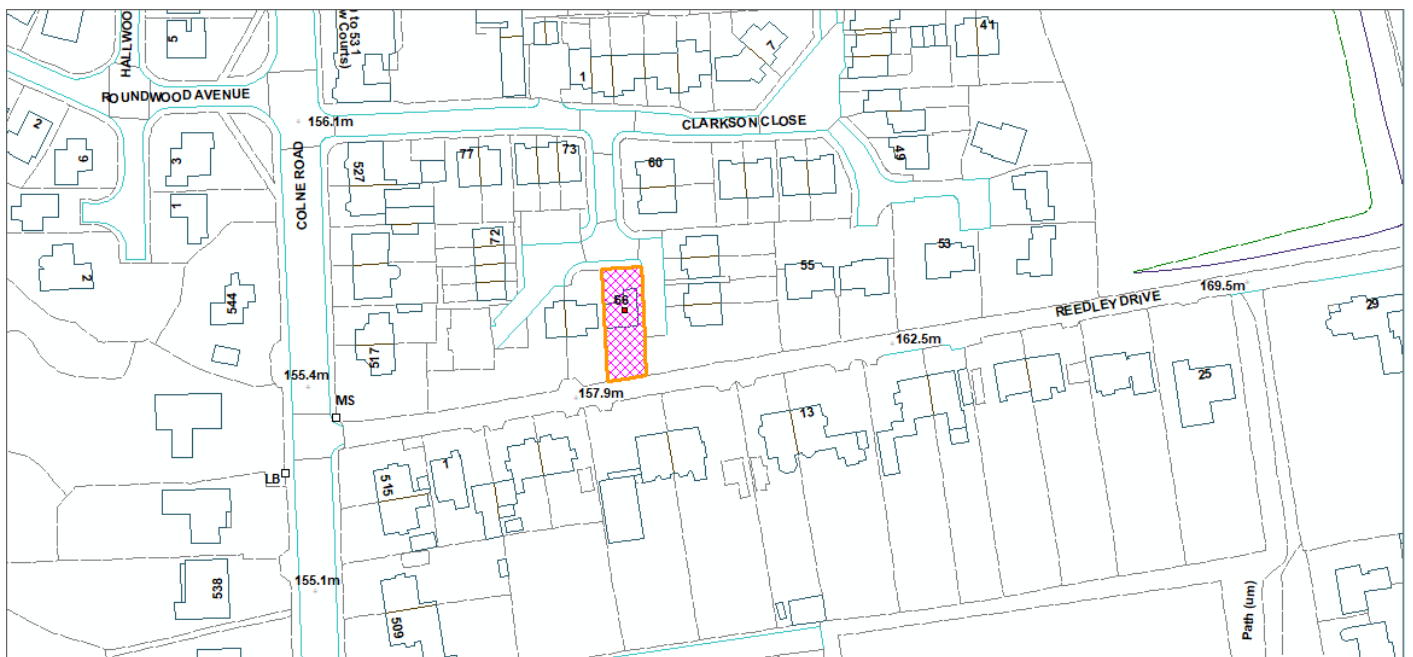
Reason: These materials are appropriate to the locality and in order to allow the Local Planning Authority to control the external appearance of the development.

4. Unless approved in writing by the Local Planning Authority no ground clearance, demolition, changes of level or development or development-related work shall commence until protective fencing, in full accordance with BS 5837 : 2012 has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land, and no work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction.

Reason: To prevent trees or hedgerows on site from being damaged during building works.

5. If within a period of 5 years from the date of works commencing on site any tree shown to be retained on the approved plans, is removed, uprooted or destroyed or dies, another tree of the same size and species shall be planted in the same place, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the retention of existing trees.



Application Ref: 19/0599/HHO

Proposal: Full: Erection of a single storey rear extension.

At: 66 Clarkson Close, Reedley.

On behalf of: Mr and Mrs Ahmed.

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 26th September 2019