

REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND
REGULATORY SERVICES MANAGER

TO: NELSON COMMITTEE

DATE: 04th November 2019

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications

REPORT TO NELSON COMMITTEE 4th NOVEMBER, 2019

Application Ref: 19/0601/FUL

Proposal: Full: Major: Erection of 20 dwellinghouses

At: Land to the North of 247 Barkerhouse Road, Nelson

On behalf of: Muir Housing Group and John Turner Construction

Date Registered: 15 August 2019

Expiry Date: 14 November 2019

Case Officer: Kathryn Hughes

This application was deferred from the last meeting to allow time to discuss issues arising and previous extant permission.

Site Description and Proposal

Planning permission is sought for erection of 20 two and three bedroomed dwellinghouses on land to the rear of Nelson Manor Care Home off Barkerhouse Road in Nelson. The site is located within the settlement boundary and has an extant planning permission for twenty houses granted in Outline in 2004 and Reserved Matters in 2008. A technical start was made on site in

The proposed vehicular access is off the access road to the Care Home and has already been created.

A Planning Statement, Design and Access Statement, Arboricultural Assessment, Geo-Environmental Site Assessment, Ecological Appraisal, Drainage Strategy and Transport Assessment have been submitted with the application.

Relevant Planning History

13/04/0740P – Outline permission for the erection of 20 dwellings – Approved December 2004.

13/07/0808P – Major (Reserved Matters) erect 20 houses – semi-detached and townhouses – Approved 5th February, 2008.

Consultee Response

LCC Highways – I have viewed the plans and highway related documents and visited the site on 5th September. I have the following comments to make:

Planning History

Outline consent for 20 new dwellings is given under application 04/0740 and reserved matters were approved under application reference 07/0808, later condition 7 (estate road phasing) was varied under application 09/0525.

The estate road has been built to adoptable standards (excepting the wearing course) as part of the existing consent and there is an intention for the roads to be formally adopted by Lancashire County Council under an agreement.

Since the approval there has been a consent for 200 house with access from an extension of Marsden Hall Road South. This application secures off-site highway works to mitigate safety concerns at the 4-arm mini-roundabout at Barkerhouse Road, Marsden Hall Road and Marsden Hall Road South.

There are no capacity issues on Barkerhouse Road as a result of this development or as a result of the cumulative impact of the committed development.

Site access

The existing site access junction with Barkerhouse Road currently serves the Nelson Manor Care Home car park and rear service area and provides a 5.5m wide carriageway which is surfaced to base course level. The visibility splays on Barkerhouse Road are wholly within the adopted highway and are in excess of X2.4m and Y43m which is necessary for the 30mph speed limit on Barkerhouse Road.

Upon visiting the site it is apparent that there is a shortfall in the off-street car parking provision at the Care Home for staff and visitors which results in over-spill parking onto the site access road and Barkerhouse Road itself.

The on-street car parking on Barkerhouse Lane causes the visibility splays to be obstructed and the implementation of parking restrictions to maximise the visibility splay for highway safety reasons should be pursued by the Highway Authority and funded by the developer through an appropriate agreement. The cost of these works will be approx. £2,000.

Estate road, internal layout and parking

The access road is constructed at a width of 5.5m. The footway is not yet constructed and the applicant states that it will be necessary to reduce the carriageway to 4.75m in order to provide a 2m footway, reducing to 1.5m to avoid the requirement for a retaining wall. This has been agreed with LCC in 2016 as part of the approved scheme.

A swept path analysis for a refuse vehicle is submitted for the estate road and turning head which is acceptable.

However an additional swept path analysis should be submitted for the existing service bay at the rear of the Care Home due to the reduction in carriageway width from 5.5 to 4.75m.

In addition to the off-street car parking provision, each dwelling should have a secure covered cycle store and electric vehicle charging point.

Recommend conditions relating to construction method statement, off site highway works, engineering, drainage, street lighting and constructional details of the internal estate road, construction to base course level, management and maintenance, porous driveways, cycle storage and electric vehicle charging points.

LLFA – No objection subject to appropriate conditions.

LCC Education – Contribution towards 1 secondary school place for £24,185.16.

UU – No objections subject to appropriate conditions.

Lancashire Fire & Rescue – Comments relating to access to comply with Building Regulations.

PBC Environmental Health – requests conditions on noise, hours limitation,

Nelson Town Council

Public Response

Site and press notices posted and nearest neighbours notified by letter. 10 responses have been received objecting to the proposals on the following grounds:

- Concerns over privacy;
- The majority of trees are protected under Tree Preservation Orders and wildlife is thriving in this area. The plans indicate destroying a massive amount of the growth along with several trees therefore destroying the local wildlife;
- I do not believe the plans accommodate enough parking spaces for the number of dwellings;
- The increased traffic on Barkerhouse Road would be a great problem with 180 newly approved houses the increase in traffic will be catastrophic;
- I do not believe that the dwellings are affordable housing and accessible to local first time buyers;
- Please do not ruin a perfectly beautiful area by cramming in more new houses;
- Overdevelopment;
- Plots 1, 2, 3, 15 & 20 overlook our land and garden as the land is substantially higher than our land and garden area. Plots 19 and 20 are too close to our boundary;
- Plots 10, 11 and 12 overlook our garden and rear of our house with loss of privacy;
- It is an offence to drive on the pavement. 1.5 parking spaces per dwelling is not enough and would lead to inconsiderate parking as on nearby developments;
- The access road is used as a car park;
- The dwellings will not sell, they are not affordable for first time buyers in this area;
- The road dimensions agreed on the planning consent were for a carriageway of 5.5m and pavement 2m wide. This access road allows for service vehicles to the Care Home to the service area accessed at the point where the road reaches the boundary with the application site. The narrowing of the road would create a bottleneck at the service area access making it difficult for larger vehicles to turn in and out and allowing residential traffic to pass bringing vehicles closer to pedestrians on the adjacent pavement which is proposed to be narrowed. The narrowed section is immediately after the curved entry into the new estate – the previous permission has a much straighter road into the site. Our client objects to the proposed narrowing, therefore, on the grounds of safety and operation restriction and recommend that officers request an amendment to these proposals; and
- The Highway Statement submitted makes no reference to the implications of and for existing traffic servicing the Care Home.

Officer Comments

1. Policy

The starting point for consideration of any planning application is the development plan. Policies which are up to date and which conform to the provisions of the National Planning Policy Framework (the Framework) must be given full weight in the decision making process. Other material considerations may then be set against the Local plan policies so far as they are relevant.

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Local Plan Part 1: Core Strategy

The following Local Plan policies are relevant to this application:

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

Policy SDP2 places Nelson as a M65 town that can accommodate

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

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

Policy ENV4 advises that development should have regard to the potential impacts they may cause to the highway network. Where these impacts are severe, permission should be refused.

Policy ENV5 seeks to minimise air, water, noise, odour and light pollution and to address the risks arising from contaminated land, unstable land and hazardous substances.

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

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

Policy LIV4 sets out the requirements for affordable housing in the Borough with developments in the M65 Corridor not required to provide any provision. As this proposal is for 100% affordables this is not relevant here in any event.

Saved Replacement Pendle Local Plan policy 4C/4D seeks to protect biodiversity and wildlife corridors.

National Planning Policy Framework

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

Of particular relevance to this proposal which seeks approval of access only, is paragraph 32. This states that planning decision should take account of whether safe and suitable access can be achieved for all people. Development should only be refused where residual cumulative impacts of the development are severe.

2. Principle of Housing

The site is located within the settlement boundary and already has an extant permission for 20 dwellinghouse which can still be implemented and therefore the principle of housing on this site has already been established.

3. Impact on Residential Amenity

The nearest residential properties are on located on/off Barkerhouse Road, Hazelwood Road and Rowland Avenue.

Rowland Avenue lies to the north of this site with properties some 14m and 15m away from the gables elevations of plots 14 and 13 which have not habitable windows in the ground floor and first floor gables reducing any undue impacts from overlooking.

Hazelwood Road lies to the east of the site with plots 8 to 13 along the boundary between 22m and 24m away which is acceptable in terms of privacy distances.

1 and 2 Springhill Cottages accessed off Barkerhouse Road sited to the east of the site adjacent to residential gardens these properties would not be unduly affect with the gable of plot 7 sited 1m from the boundary with no gable windows which would result in overlooking.

There are 8 apartments, The Limes and 2-6 The Limes sited off Barkerhouse Road at to the west of the site. With the access road running along this boundary there would be little impact with the gable of plot 20 a minimum of 1m from this boundary with no gable windows to result in overlooking.

Marsden Grange is sited to the west with properties at The Limes sited inbetween and would not be unduly affected due to this and the distances involved.

Nelson Manor Care Home is site to the south of the site adjacent to the existing access road and is not affected in terms of impact on amenity.

245 Barkerhouse Road is a detached bungalow located to the north of The Limes and lies to the west of the development site. This property has a gable elevation to the rear boundaries of Plots 14 and 15 which have rear elevations 11 and 12m from the side boundary of this property. However, this property is sited closed to the site boundary and has a clear glazed full length patio doors as well as small barred windows on this elevation. It is likely that this opening already has restricted light due to its proximity to the boundary and existing shrubs and foliage on this site and the application site. It is important to ensure that the proposed development does not impact on privacy or lead to any increase in loss of light than at present and therefore appropriate boundary treatments and/or landscaping need careful consideration to the rear of plots 14 and 15 to take into account levels and distances. This can be controlled by an appropriate condition.

This issue therefore can be satisfactorily addressed and the proposal should not result in any adverse impact on residential amenity.

4. Highway Safety

The main vehicular access will be via the access to the care home off Barkerhouse Road which is constructed to adoptable standards and provides a 5.5m wide access into the site.

The visibility splays of 2.4m x 43m are within the adopted highway. There is parking from the Care Home along the access road and it has been observed that the car park is at capacity with overspill onto Barkerhouse Road. It would be necessary, therefore to restrict parking on Barkerhouse Road to prevent obstruction of the visibility splays.

Whilst the access has been construct the footway has not and the applicant proposes reducing the carriageway to 4.75m and the footway to 2m to avoid the requirement for a retaining wall. A swept path analysis of the service area to the rear of the Care Home has not been submitted and the agent has been requested to provide this.

LCC have no objections to the proposed scheme subject to appropriate conditions.

On-site parking would be provided on site and this is in accordance with the requirements of policy 31 as well as providing access to electric vehicle charging points.

The development is therefore acceptable in terms of highway impacts.

5. Landscape Impact

The site is not within any designated landscape and there are no real public viewpoints into the site.

The vegetation to be cleared has a low ecological significance and the trees outside of the development area are low quality. However, as the site is likely to be used by nesting birds any clearance should take place outside March to September.

6. Ecology

An ecological assessment has been submitted as part of the application. No notable or protected species were recorded on the site.

The report concludes that ecology significance is low with no conclusive evidence of any specific protected species on the site or surrounding areas.

Bats in the area are unlikely to rely on the site for foraging and whilst they may occur in the area there is no provision for any bat roosts within the site.

Mitigation measures are proposed for nesting birds with no clearance of vegetation from March – September. The protection of the mature tree on the site and future landscaping will promote structural diversity and encourage wildlife on the site.

The development thereby accords with saved policies 4C and 4D.

7. Landscaping and Trees

All the trees and shrubs on the site are proposed to be removed except for the mature Beech tree which will be retained and protected. The proposed landscaping includes appropriate replacement trees.

Tree protection fencing shall be erected around the protected Beech Tree and this can be controlled by condition.

The proposed landscaping scheme which has appropriate replacement tree planting is acceptable in this location and can be controlled by condition including details of appropriate boundary treatments and therefore accord with policy.

8. Drainage and Flood Risk

A proposed drainage scheme has been submitted together with a drainage strategy which is acceptable and the Lead Local Flood Authority has no objection to the scheme subject to appropriate conditions to control the surface and foul water drainage for the site.

This is acceptable and satisfies the requirements of Policy ENV7.

9. Contamination

A full contamination condition was attached to the previous approval and the first part of that remediation strategy was completed, submitted and agreed. Therefore the next stage of this strategy is to remove the contaminants from the site and validate the import of topsoil which the development will require. Once complete the validation report will be submitted and approved prior to occupation of

the properties as required by both local and national policy and in accordance with the condition attached.

This is acceptable and satisfies the requirements of Policy ENV5.

10. Layout, Design and Materials

In terms of design the proposed dwellings are two storey 2 and 3 bedroom units and are of a standard internal layout. They are set in pairs or blocks of 3 or 4 in a traditional layout with a mix of gabled and hipped roofs.

An existing topography and details of finished floor levels have been submitted and are acceptable with proposed eaves/ridgelines similar to the adjacent properties on Hazelwood Road.

Materials proposed are Grey Marley Modern concrete tiles, Village Harvest Blend buff brickwork with soldier course headers and sills and Grey/green window frames and door sets and black rainwater goods. This is not a usual material for the Borough but due to its location brickwork might be acceptable here subject to a sample being provided for consideration.

Between properties 1.5m high close boarded fences are and proposed with similar fences of 1.8m high proposed to the rear boundaries. In some locations existing fencing will be retained. This is acceptable.

Whilst the large protected Beech tree has been retained and provides a focal point two of the private rear gardens around this tree are quite shallow and are triangular in shape in order to provide access to the rear which reduces the amount of usable space for these properties. Whilst it is unusual it is not unacceptable here.

The palette of materials and designs of the housetypes are acceptable in this location and accords with policies ENV1 and ENV2 subject to samples of materials.

11. Contributions

A contribution towards 1 secondary education place of £24, 185.16 has been requested and agreed.

The agent has also confirmed that an off-site contribution towards improved open space similar that previously agreed is acceptable and will be subject to a s.106 Agreement.

12. Summary

The proposed scheme is for a residential scheme of 20 dwellinghouses which is acceptable in terms of impact on residential amenity, highway safety, landscape impact, ecology, landscaping, drainage and design and materials subject to appropriate conditions being attached and contributions towards education provision and open space.

RECOMMENDATION: Approval

Subject to the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: In order to comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (As Amended).

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

18-419-P01, 18-419-P02, 18-419-P03, 18-419-P04, 18-419-P05, 18-419-P06, 18-419-P07, 18-419-P08, 18-419-P09, 18-419-P10, 18-419-P11A, 3214 103 & 3214 201.

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

3. No development shall take place unless and until a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (or any subsequent provision equivalent to that Section) relating to the land has been made and lodged with the Local Planning Authority and the Local Planning Authority has notified the person(s) submitting the said planning obligation in writing that it is to the Local Planning Authority's approval. The said planning obligation will provide for education facilities and improvement of off-site open space.

Reason: To ensure that there are sufficient education places available in the area of these additional dwellinghouses and that open space in the vicinity is improved.

4. Prior to any above ground works commencing a plan and written-brief detailing the works and timescale in terms of the completion of roads , building operations, foul and surface water sewers and landscaping, and each phase shall be substantially completed prior to occupation of any dwellinghouse.

Reason: To secure the proper development of the site in an orderly manner.

5. 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 the contamination present on the site as set out in the recommendations of Desk Study and Phase II Site Appraisal Report by GRM Development Solutions dated May 2019. The method statement shall detail how:-

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 in order to prevent contamination of the controlled waters.

6. No development shall commence until final details of the design and implementation of an appropriate surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. Those details shall include:

a) A final surface water drainage layout plan; appropriately labelled to include all pipe/structure references, dimensions, design levels, finished floor levels and external ground levels (in AOD);

b) A full set of flow calculations for the surface water drainage network. The calculations must show the full network design criteria, pipeline schedules and simulation outputs for the 1 in 1 year, 1 in 30 year and 1 in 100 year return period, plus a 30% allowance for climate change and a 10% allowance for urban creep. The calculations must also demonstrate that the post development surface water run-off rate shall not exceed 25 l/s;

c) A final site plan showing all on-site surface water catchment areas i.e. areas that will contribute to the proposed water drainage network;

d) Confirmation of how surface water will be managed within the non-drained areas of the site i.e. gardens and public open space;

e) A final site plan showing all overland flow routes and flood water exceedance routes, both on and off site;

f) Details of any measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses; and

g) Details of an appropriate management and maintenance plan for the surface water drainage network over the lifetime of the development.

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

Reason: To ensure that the proposed development can be adequately drained, that there is no flood risk on or off the site resulting from the proposed development, to ensure the water quality is not detrimentally impacted by the development proposal and to ensure that appropriate maintenance mechanisms are put in place for the lifetime of the development.

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

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

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

- a) A programme of works including phasing, hours of operation and measures for the control of traffic to and from the site, and within the site, during construction.
- b) The areas and methods of loading and unloading of plant and materials.
- c) The areas for the storage of plant and materials.
- e) Details of wheel-washing facilities including location
- g) Measures related to construction waste management
- i) Soil resource management including stock-pile management
- k) Measures to ensure that vehicle access of adjoining access points are not impeded.
- n) Location and details of site compounds
- o) Hoarding details during construction
- p) An overall Construction Monitoring programme, to include reporting mechanisms and appropriate redress if targets/standards breached
- u) Parking area(s) for construction traffic and personnel
- v) Routeing of construction vehicles

The Construction Code-of-Practice should be compiled in a coherent and integrated document and should be accessible to the site manager(s), all contractors and sub-contractors working on site. As a single point of reference for site environment management, the CCP should incorporate all agreed method statements, such as the Site Waste Management Plan 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 phases.

9. No part of the development shall be commenced until all the highway works to facilitate construction traffic access have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority.

The scheme shall include (among other things) details of routes to be used by construction traffic and periods during the day when trips to and from the site may be undertaken.

Reason: To enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

10. Within 3 months of commencement a scheme for the off-site highway works shall be submitted for approval and implemented before first occupation of any dwelling hereby approved.

The works shall include:-

- Pursue the implementation of double yellow lines at the site access junction of Barkerhouse Road to maximise the visibility splays.

Reason: In the interests of highway safety.

11. The internal estate roads shall be constructed in accordance with the approved engineering details and to at least base course level prior to first occupation of any dwelling, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to ensure that the estate roads are construction to an acceptable level.

12. Within 3 months of commencement details of the proposed arrangements for future management and maintenance of the estate road within the development shall be submitted to and approved by the LPA. The streets shall thereafter be maintained in accordance with the approved management and maintenance details.

Reason: In order to ensure the effective future maintenance and management of the estate roads.

13. 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.

All works involving excavation of soil, including foundations and the laying of services, within the recommended distance calculated under the BS 5837 (2012) of the trees to be retained on the site, shall be dug by hand and in accordance with a scheme of works which has been submitted to and approved by the Local Planning Authority, prior to the commencement of works.

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

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

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 and retains existing trees and hedgerows where possible.

15. Notwithstanding the submitted plans details of the proposed land levels, finished floor levels, proposed rear boundary treatments and landscaping to the rear gardens of plots 14 and 15 shall be submitted to and approved in writing by the Local Planning Authority prior to any above ground works commencing on site for these two plots.

Reason: In order to protect the amenity of the adjacent property No. 245 Barkerhouse road in terms of privacy and outlook.

16. Prior to any above ground works samples of all materials to be used on the external elevations including window, doors, surfacing and rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved materials.

Reason: In the interest of the visual amenity of the area.

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

Reason: To ensure the continuation of a satisfactory appearance to the development.

18. Prior to first occupation the driveways and communal parking areas shall be constructed in a bound porous material and made available for use and maintained for that purpose for the as long as the development is occupied.

Reason: To ensure satisfactory off street parking arrangements do not lead to an increase in flooding.

19. Prior to the commencement of development details of any proposed earthworks and retaining wall to be erected shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the volume of material to be imported to/exported from the site, the proposed grading and mounding of land areas including the existing and proposed levels and contours to be formed, the exact position of retaining wall, heights and materials, the relationship of proposed mounding and retaining walls to existing vegetation and surrounding landform together with a management plan of the earthworks and the timing of the works and construction. The development shall be carried out in accordance with the approved details.

Reason: In the interest of maintaining the amenity value of the area

20. Prior to first occupation a scheme for electric charging points within the development shall be submitted and agreed by the Local Planning Authority.

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

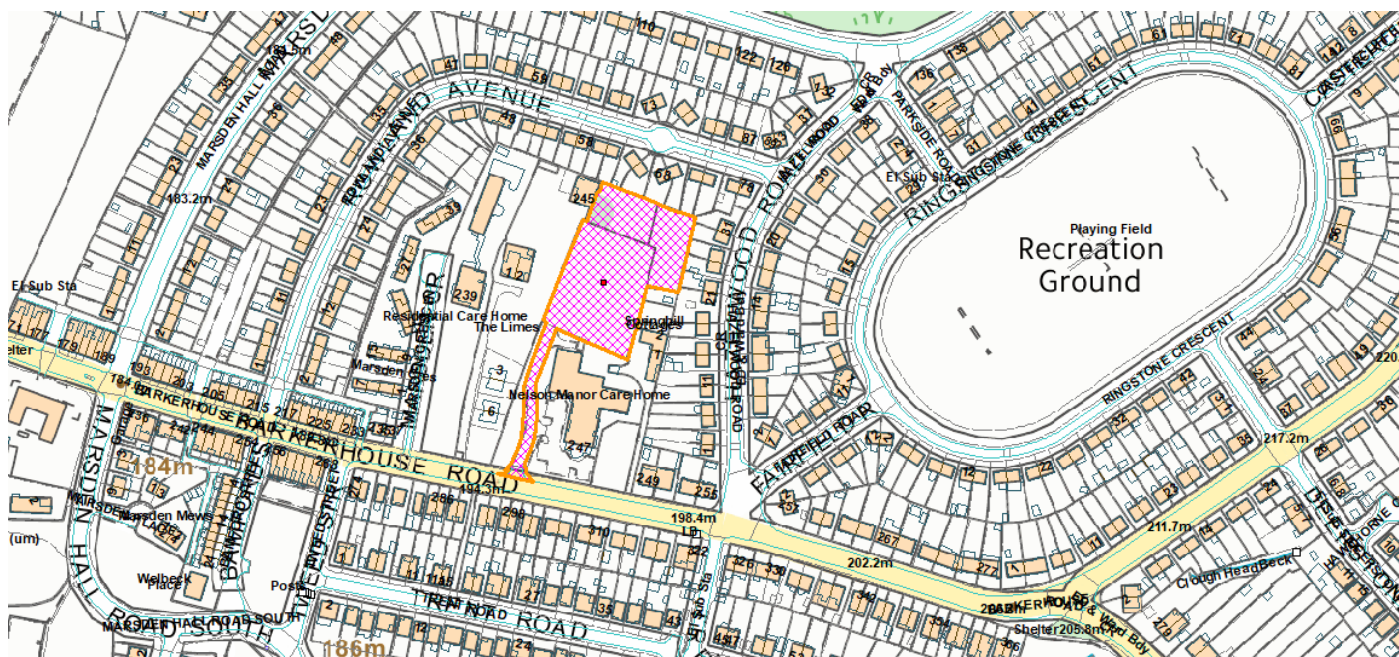
21. Before a dwelling unit is occupied waste containers shall be provided on each plot.

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

Informative notes

The grant of planning permission will require the applicant to enter into a Section 38/278 Agreement, with the County Council as Highway Authority. The applicant should contact Lancashire County

Council, Highway Development Control email – developeras@lancashire.gov.uk in the first instance to ascertain the details of such an agreement and the information to be provided.



Application Ref: 19/0601/FUL

Proposal: Full: Major: Erection of 20 dwellinghouses

At: Land to the North of 247 Barkerhouse Road, Nelson

On behalf of: Muir Housing Group and John Turner Construction

REPORT TO NELSON COMMITTEE 4TH NOVEMBER 2019

Application Ref: 19/0656/HHO

Proposal: Full: Erection of front and rear dormers and single-storey rear extension.

At: 51 Clover Hill Road, Nelson

On Behalf of: Mr Pavai Klys

Date Registered: 18 September, 2019

Expiry Date: 13 November, 2019

Case Officer: Christian Barton

This application has been called into Committee by a Councillor.

Site Description and Proposal

The site is a mid-terrace house located in the settlement boundary. It is surrounded by similar housing to all sides. The house has natural stone elevations, a slate roof, white uPVC windows and a walled yard to the rear.

The proposed development is a single-storey rear extension and roof dormers to the front and rear. The proposed extension would have a depth of 4m, a width of 4.2m and a dual-pitched roof 3.3m in height. It would have natural stone elevations and a slate roof. The front dormer would have a depth of 3.4m, a width of 3.5m and a height of 1.6m. The rear dormer would have a depth of 4.1m, a width of 3.9m and a height of 2m. Both dormers would have flat roofs with slate proposed to the front and sides. White uPVC windows are proposed throughout.

Relevant Planning History

No relevant planning history.

Consultee Response

LCC Highways – The Highway Development Support Section would raise no objection to the proposal on highway safety grounds.

Nelson Town Council

Public Response

The nearest neighbours have been notified by letter and comments have been received querying how the rear extension would be built.

Officer Comments

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

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

- CS Policy ENV2 (Achieving Quality in Design) identifies the need to protect and enhance the character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that the siting and design of development should be in scale, context and harmony with the wider locality.

Other policies and guidance's are also relevant:

- The Design Principles Supplementary Planning Document (SPD) applies to domestic developments and sets out the aspects required for good design;
- Saved Replacement Local Plan Policy 31 (Parking) sets out appropriate parking standards for developments.

National Planning Policy Framework

Paragraph 130 states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.'

The principle policy relating to this proposal is Policy ENV2 of the Pendle Local Plan requiring good design. The adopted Design Principles SPD provides further clarity on what is an acceptable design in relation to neighbouring properties and the street scene. Saved Policy 31 is also relevant given the proposed addition of bedrooms.

2. Design and Visual Amenity

The Design Principles SPD states that the style, design and scale of domestic developments should respect the existing character of the location. The proposed extension would be a proportionate addition to the house in terms of massing a roof height. The materials proposed would match the house and slate is proposed for the face and cheeks of the roof dormers which is acceptable. The extension and rear dormer would not occupy prominent positions in the street and they would have no detrimental impacts on the visual amenity of the location.

In relation to front dormers however the Design Principles SPD states that such developments will not be acceptable unless they are an existing feature of other similar houses in the locality. In general, at least 25% of the properties on a terraced row must have front dormers in order for them to be classed as an existing feature, as outlined in Paragraph 5.17 of the Design Principles SPD. Currently there is a single front dormer on the row which was erected in the 1990s without planning permission and on that basis they are not a regular feature of the terraced houses in the locality.

The proposal to introduce a modern flat roofed dormer on this property would be at odds with the simple Victorian front façade. Those impacts would be exasperated by the depth of the dormer. Its front elevation would be set back only 0.5m from the eaves line with a minimum set back of 1m advised in the Design Principles SPD. The erection of a front dormer here of the proposed dimensions would be of detriment to the visual amenity of the location and would fail to improve the character and quality of the area. Therefore, the proposal does not comply with Policy ENV2, the guidance of the Design Principles SPD and Paragraph 130 of the NPPF.

3. Residential Amenity

The Design Principles SPD states that development proposals must adequately protect neighbours enjoying their homes. The massing of the rear extension would have no overbearing impacts on the adjoining neighbours given its modest depth. Outlook from the proposed kitchen window would be screened by tall yard walls on the southeast boundary.

Second floor bedroom windows are proposed to the front and rear within 21m of adjacent houses. However, the house has existing upper floor main habitable room windows in those elevations. The proposal would therefore have no unacceptable impacts on domestic privacy and would be acceptable in relation to the residential amenity of the immediate neighbours.

4. Highways

Saved Policy 31 requires development proposals to be served with adequate parking. The site has no parking and no land to provide parking. However, domestic parking for the terraced houses in the area is almost exclusively provided by on-street provisions, as is often the case for such locations. LCC Highways have raised no objections and I concur with their findings. The proposal would have no unacceptable impacts on highway safety.

5. Wider Considerations

Comments have been made citing concerns about how the rear extension would be built however such matters are covered at the Building Regulations stage and they are not material to the assessment of this application.

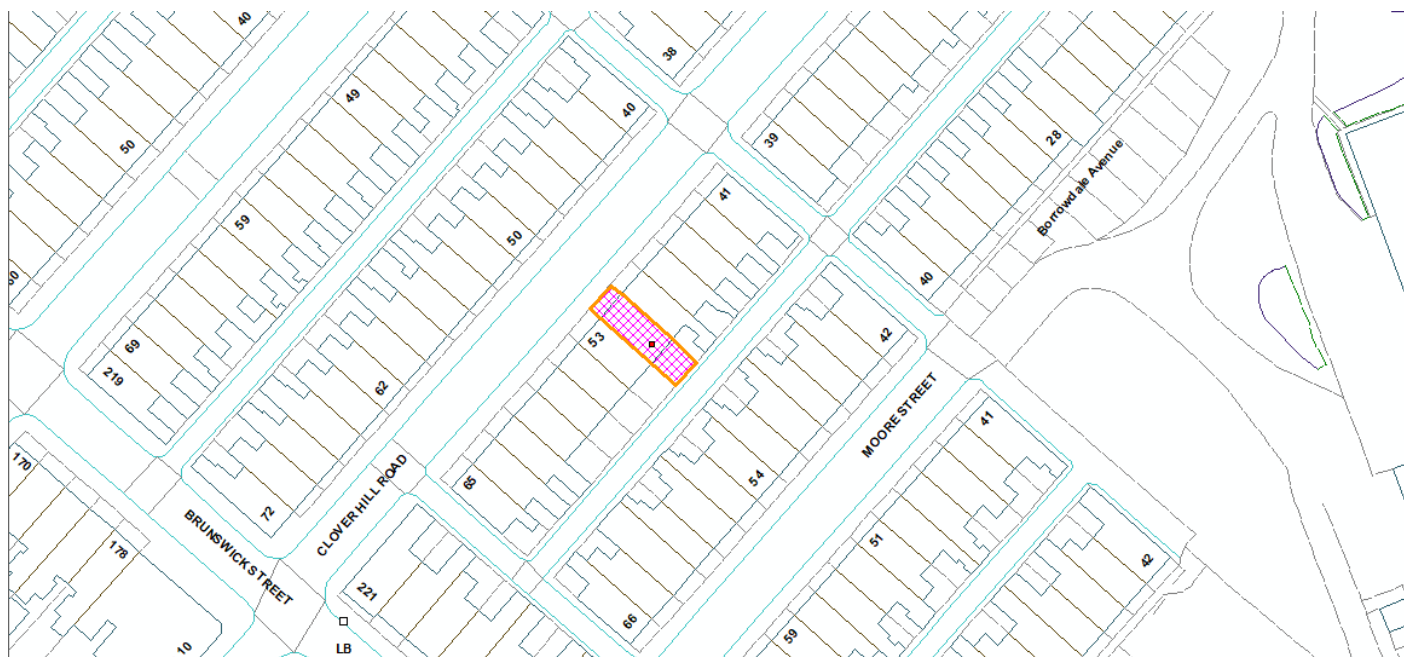
6. Summary

The proposal seeks to erect a single-storey rear extension and roof dormers to the front and rear. The development would have no detrimental impacts on residential amenity, or the road network. However, front dormers are not existing features of terraced houses in the locality. The proposal is therefore unacceptable in relation to impacts on visual amenity and fails to accord with Policy ENV2, the guidance of the Design Principles SPD and Paragraph 130 of the NPPF.

RECOMMENDATION: Refuse

For the following reason:

1. The siting of a front roof dormer of the proposed dimensions would be of detriment to the Victorian façade of the house and the proposal would be harmful to visual amenity of the location and would fail to improve the character and quality of the area thereby failing to accord with Policy ENV2 of the Pendle Borough Council Local Plan Part 1: Core Strategy (2011-2030), the guidance of the Design Principles Supplementary Planning Document and Paragraph 130 of the National Planning Policy Framework.



Application Ref: 19/0656/HHO

Proposal: Full: Erection of front and rear dormers and single-storey rear extension.

At: 51 Clover Hill Road, Nelson

On Behalf of: Mr Paval Klys

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 23rd October 2019