

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

**TO: BRIERFIELD AND REEDLEY COMMITTEE**

**DATE: 7th January 2020**

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications.

## REPORT TO BRIERFIELD & REEDLEY COMMITTEE ON 7<sup>th</sup> JANUARY 2020

**Application Ref: 19/0578/FUL**

**Proposal:** Full: Major: Conversion of former Public House into 10 No. one bed flats, car parking and access; Outline: Erection of two buildings to accommodate 12 No. two bed flats with car parking, access and associated works (Access, Layout, Scale and Appearance only).

**At:** 30 Higher Reedley Road, Brierfield

**On behalf of:** Reedley Properties Ltd.

**Date Registered:** 3<sup>rd</sup> September, 2019

**Expiry Date:** 3<sup>rd</sup> December 2019

**Case Officer:** Kathryn Hughes

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

### **Site Description and Proposal**

The application site is to the rear of the former Marsden Cross Public House in Brierfield which lies within the settlement boundary.

There is a public right of way PF20 (Brierfield) which crosses the site within the red edge along the southern edge of the site.

This application is a hybrid with a full application for the conversion of the public house and the two new build units in Outline only for access, layout, scale and appearance.

The proposal is for the public house to be converted into ten one bed apartments with associated parking and access and some external works.

Two new build blocks are proposed to be erected to the rear of the former public house. Each block would contain 6 two bed apartments with car parking, access and associated works. No details of landscaping have been applied for as this matter has been reserved for later consideration.

A planning statement, heritage statement, structural report, drainage, ecology and coal mining reports have been submitted in support of this application.

### **Relevant Planning History**

13/07/0369P - Full: Form doorway to rear and construct pergola - Approved 10th July, 2007.

13/12/0270P - Conversion of public house with residential flat to four flats - Refused 21st August, 2012.

13/12/0415P - Conversion of public house with residential flat to four flats with eight solar panels on the rear roofslope (resubmission) – Approved.

16/0773/FUL: Full Removal of existing equipment and erection of new free standing 20m high telecommunications mast – Approved 20<sup>th</sup> January, 2017.

17/0525/PNT: Prior Notification (Telecoms): Erection of 17.5m high Jupiter Street Pole, foundation and three antennas with associated works.

## **Consultee Response**

### **LCC Highways**

Having considered the information submitted, together with site observations on 1 October 2019, the proposal, as submitted, raises a number of concerns. If these cannot be resolved satisfactorily then we would object to this development on highway safety grounds, based on the information provided.

This site has received planning permission previously for both the conversion of the former public house (12/00415P) and the construction of two pairs of semi-detached dwellings (18/0548/FUL). However the schemes now submitted are substantially different and would lead to an intensification of the access on Higher Reedley Road; our comments are made on this basis.

For the Outline application the landscaping submitted is indicative only and would have to be the subject of a Reserved Matters application, if Outline Planning Permission was granted.

The applicant should clarify the extent of both applications as the boundaries shown on the Location Plan and Proposed Site Plan do not match.

### **Site access & new footway**

We note a condition regarding the construction of a new vehicular crossing and reinstatement of footway (Condition 3) was applied to Planning Permission 12/0415P.

However, as the current application would lead to intensification, the formation of the new vehicle access from Higher Reedley Road to the development site would need to be carried out under a legal agreement (Section 278) with Lancashire County Council as the highway authority. Works should include, but not be exclusive to, the construction of the access to an appropriate standard, including a minimum width of 4.5m, 6m radius kerbs, and buff coloured, tactile paved dropped pedestrian crossings.

Construction of a new section of footway within the adopted highway network, from the northern site boundary to the existing adopted footway to the south of the former public house, would also need to be carried out under the same legal agreement.

Both the vehicular access and new footway should be constructed and completed prior to first occupation of any residential unit on the site to ensure that traffic generated by the development does not have a detrimental impact on the surrounding highway network.

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

### **Visibility splays**

The development site is located off Higher Reedley Road (C664), an urban, single two way road, categorised as a secondary distributor, and subject to a maximum speed limit of 30mph. For a road with a speed limit of 30mph a Stopping Sight Distance (SSD) of 43m should be provided. From the information provided on the Proposed Site Plan (Reedley/01 Dwg 06) the sight line requirement is fully achievable over land within the applicant's ownership and/or the adopted highway network. This would be subject to any boundary treatment along the front of the site with Higher Reedley Road being no higher than 0.9m, and should be controlled by condition.

The visibility splays at the site access onto Higher Reedley Road would be partially protected by the solid, double white centre lines. However the following comments regarding on-site parking provision should be noted.

### **Car & cycle parking provision**

The submitted Planning Statement (6.7) states that car parking would be on an unallocated communal basis, with parking provision made on the basis of 1.5 car parking spaces per unit, totalling 33 spaces, including four mobility parking bays (the Proposed Site Plan shows five).

We do not support off-road parking provision on this basis. Given the site's distance from local amenities and facilities, and the consequent reliance on the use of private motor vehicles, we recommend that maximum parking standards are applied to this site. For the size and type of development proposed 34 adequately sized parking bays and manoeuvring areas should be provided. Standard bays should be a minimum of 5m long x 2.4m, unless adjacent to a wall/fence when they should be a minimum 2.6m wide. A minimum manoeuvring area of 6m should be provided to/from each bay (Manual for Streets).

Five mobility parking bays are shown on the Proposed Site Plan, whilst four are referred to in the Planning Statement (6.7). National guidance for the design and layout of mobility parking bays (Department for Transport's 'Inclusive Mobility') states that an additional width of at least 1200mm along each side should be provided. Where bays are adjacent the same 1200mm space can serve both sides. There should also be a 1200mm wide safety zone at the vehicle access end to provide boot access or for use of a rear hoist. As such, the proposed layout for the mobility parking bays does not comply with current guidance and requires amendment.

To allow for the efficient use of the off-road parking bays this should also be on an allocated basis. Vehicles should not park outside the development site on Higher Reedley Road due to the solid, double white centre lines. If vehicles did park here they would narrow the carriageway width and force other vehicles to cross/straddle the solid, double white centre lines. This would be to the detriment of highway safety as vehicles turning left out of the site would have to swing out onto the opposite side of the carriageway, and parked vehicles would also obstruct visibility. In addition, the geometry of Higher Reedley Road restricts forward visibility due to the brow of the hill.

Amendments required to the internal layout may reduce the parking and manoeuvring provision to a sub-standard level.

No cycle storage has been provided on site for any element of the proposed development. The previously approved permission (18/0548/FUL) provided storage within the garages. Therefore the applicant should provide secure, covered cycle storage in line with the council's Parking Standards, or at a level agreed in writing with the local planning authority.

Given the increase in the number of residential units, electric vehicle charging points should also be provided to ensure that the development provides sustainable transport options. A scheme for the number and location of these should be submitted to, and agreed in writing by, the local planning authority.

### **Internal layout**

The applicant indicates in their Planning Statement (3.2 and 6.8) that the internal road would be a private road. Whilst the internal layout would not be considered for adoption it should still be constructed to adoptable standards.

A service strip a minimum 1.8m wide should be provided through the site, which could be contained within the footway. This would require amending on the Proposed Site Plan, and it should be noted that this would also impact on the parking and manoeuvring layout.

### **Access for emergency vehicles**

A properly designed and constructed turning head is required to allow emergency vehicles to turn within the site. Fire and Rescue Service vehicles should not have to reverse more than 20m (Manual for Streets). A fire appliance also needs to be able to approach to a point within 45m of a suitable entrance to any dwelling (Manual for Streets).

On a private access road a fire appliance requires an unobstructed operating carriageway width of 3.7m (kerb to kerb). The access can be reduced to 2.75m over short distances, provided the pump appliance can get to within 45m of dwelling entrances (Manual for Streets).

We consider that the turning head proposed is under-sized, sub-standard in design and should be amended, taking into account the above comments.

As the internal road would remain private the developer should provide details of the proposed arrangements for the future management and maintenance of the road.

These should include the establishment of a private management and maintenance company.

### **Public Right of Way**

A Public Right of Way - Public Footpath 20 (Brierfield) - passes adjacent to the southern boundary of the development site. The proposed two three storey buildings are positioned closer to the site boundary than the previously approved dwellings and may affect the setting of FP20. This Public Right of Way must not be obstructed during any proposed development. Furthermore, no excavation/construction works should affect the structural integrity of land supporting this Public Right of Way.

### **General**

Given the development site's location on Higher Reedley Road close to the signal controlled crossroads, and the type of development proposed, the developer should provide a construction method statement.

Subject to the satisfactory receipt of a revised internal parking/layout plan and further information as outlined. Conditions relating to site access and off site works, construction method statement, engineering, drainage, street lighting and constructional details, future management and maintenance, visibility splays, estate road construction, paving, layout, car parking areas, cycle facilities and electric charging points should be attached to any grant of planning permission.

### Amended Plans

Further to our response dated 3 October 2019, the applicant has submitted an amended Proposed Site Plan (Drawing 06A), which has satisfactorily addressed the majority of concerns previously raised by the Highway Development Support Section. We note that a properly designed and constructed turning head, which would allow emergency vehicles to turn within the site, has not been provided. However, as the internal estate road is to remain private we do not raise an objection to this application, subject to conditions. Conditions relating to site access and off site works, construction method statement, engineering, drainage, street lighting and constructional details, future management and maintenance, visibility splays, estate road construction, paving, layout, car parking areas, cycle facilities and electric charging points should be attached to any grant of planning permission.

### LCC Education

An education contribution is not required at this stage in regards to this development.

### United Utilities

## **Drainage**

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

Following our review of the Drainage Strategy (Ref: REEDLEY/01 Dwg 08, dated 21/08.2019) we can confirm the proposals are unacceptable in principle to United Utilities.

We request appropriate drainage conditions to be attached to any approval to reflect the above approach detailed above.

## **Management and Maintenance of Sustainable Drainage Systems**

Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact.

We therefore recommend the Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development.

## **Water Supply**

For larger premises or developments of more than one property, including multiple connections, where additional infrastructure is required, a water network behaviour/demand modelling exercise would be required to determine the network reinforcements required to support the proposed development. With this in mind we recommend the applicant contacts us at the earliest opportunity.

Our standard conditions document includes details of trees and shrubbery suitable for planting in the vicinity of a water main. The applicant should consult this document to ensure their landscaping proposals meet with the advice provided in the document.

We also recommend the use of root barriers to afford additional protection to the water main.

The applicant should be instructed to lay their own private pipe, to United Utilities standards, back to the existing main. If this should involve passing through third party land United Utilities must receive a solicitor's letter confirming an easement, prior to connection.

Although water supply in the area is compliant with current regulatory standards, we recommend the applicant provides water storage of 24 hours capacity to guarantee an adequate and constant supply.

## LCC Lead Local Flood Authority

No objections subject to appropriate conditions.

## Coal Authority

The Coal Authority is a non-departmental public body sponsored by the Department of Business, Energy & Industrial Strategy. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

## The Coal Authority Response: **Material Consideration**

I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority records indicate that a thick coal seam outcrops at or close to the surface of the site which may have been worked in the past and historic unrecorded underground coal mining is likely to have taken place beneath the site at shallow depth.

The Coal Authority is pleased to note that the applicant has obtained appropriate and up-to-date coal mining information for the proposed development site. This information has Protecting the public and the environment in mining areas been used to inform a Coal Mining Risk Assessment (or equivalent) (September 2019, prepared by Worms Eye) to accompany the planning application.

The report identifies that there is one shallow coal seam beneath the site, the 'Yard Bottoms (China)'. It advances to indicate that the geological memoir suggests this is a thin seam, too thin or inferior to be worked, and therefore not a risk.

Furthermore, the report also suggests this is below about 7 metres of rock (15 times the seam thickness) below the nearest proposed building. This being sufficient rock cover to minimise the risks to the proposed building, according to the report, which subsequently attributes a **negligible risk** to the proposed buildings.

The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system and meets the requirements of NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has **no objection** to the proposed development. However, further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building regulations application.

### Architectural Liaison Unit

In relation to the above planning application, it is most beneficial to address any crime and security issues as early as possible in the design process and should be discussed at any pre-planning meetings or at the Outline application stage. This allows crime prevention strategies to be more effectively integrated into the overall development. Making minor changes to the design and layout and target hardening the site can mean that the scheme is less attractive to potential intruders and have the added benefit of reducing crime and the fear of crime.

Unfortunately, multiple occupancy accommodation can be vulnerable to persistent crime and anti-social behaviour. 'Tailgating' through access-controlled areas can be real risk, whereby an intruder follows a resident into the building who has legitimate access or enter via insecure entrance or exit doors. Certain valuable household and personal items are attractive commodities to criminals, such as TV's, easily removable electronic devices, jewellery, mobile telephones and money, which can be easy to steal for personal use or financial gain.

General burglary patterns indicate that rear ground floor doors and windows are most vulnerable to criminal attack, by prising them open, smashing the glazing or 'snapping' euro profile type cylinder door locks. Over the past 12 months, there has been a high number of crimes recorded within the Police Incident location that encompasses the proposed development, including burglary, vehicle crime, criminal damage and assaults.

Therefore, the proposed scheme should be developed to Secured by Design (SBD) 'Homes 2019' principles, security standards and security rated products; further information can be found at [www.securedbydesign.com](http://www.securedbydesign.com).

### NHS Contribution

This proposed development comprises of **12, two-bed flats** and based on the 2011 Census average household size per dwelling, we have calculated that this development will accommodate a population of **33 residents**. This means that this residential development will generate **75 interventions** for the Trust based on the average calculation above. The consequences of that number of interventions and the costs of them are set out in Appendix 4. The contribution requested is based on this calculation and by that means ensures that the request for the relevant landowner or developer to contribute towards the cost of health care provision is directly related to the development proposals and is fairly and reasonably related in scale and kind. Without the contribution being paid the development would not be acceptable in planning terms because the consequence would be that there would be inadequate healthcare services available to support it and it would adversely impact on the delivery of healthcare for others in the Trust's area.

As a consequence of the above and due to the payment mechanisms the Trust is subject to, it is necessary that the developer contributes towards the cost of providing capacity for the Trust to maintain service delivery during the first year of occupation of each dwelling. The Trust will receive no commissioner funding to meet each dwelling's healthcare demand in the first year of occupation due to the preceding year's outturn activity volume based contract and there is no mechanism for the Trust to recover these costs in subsequent years. Without securing such contributions, the Trust would be unable to support the proposals and would object to the application because of the direct and adverse impact of it on the delivery of health care in the Trust's area.

Therefore, the contribution requested for this proposed development is **£19,296.00**. This contribution will be used directly to provide additional services to meet patient demand as detailed in Appendix 4.

Having considered the cost projections, and phasing of capacity delivery we require for this development it is necessary that the Trust receive 100% of the above figure on the implementation of the planning permission. This will help us to ensure that the healthcare services are delivered in a timely manner.

## Summary

As our evidence demonstrates, the Trust is currently operating at full capacity in the provision of acute and planned healthcare. The contribution is being sought not to support a government body but rather to enable that body to provide services needed by the occupants of the new homes. The development directly affects the ability to provide the health service required to those who live in the development and the community at large. Without contributions to maintain the delivery of health care services at the required quality standard and to secure adequate health care for the locality the proposed development will put too much strain on the said service infrastructure, putting people at significant risk. This development imposes an additional demand on existing over-burdened healthcare services, and failure to make the requested level of healthcare provision will detrimentally affect safety and care quality for both new and existing local population. This will mean that patients will receive substandard care, resulting in poorer health outcomes and prolonged health problems. Such an outcome is not sustainable.

One of the three overarching objectives to be pursued in order to achieve sustainable development is to include b) **a social objective** – to support strong, vibrant and healthy communities ... by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being." NPPF paragraph 8. There will be a dramatic reduction in safety and quality as the Trust will be forced to operate over available capacity as the Trust is unable to refuse care to emergency patients. There will also be increased waiting times for planned operations and patients will be at risk of multiple cancellations. This will be an unacceptable scenario for both the existing and new population. The contribution is necessary to maintain sustainable development. Further the contribution is carefully calculated based on specific evidence and fairly and reasonably related in scale and kind to the development. It would also be in the accordance with Council's Core Strategy:

### ***Pendle Borough Council- Local Plan Part 1: Core Strategy Adopted 2015***

#### ***Policy SUP 2***

#### ***Health and Well-being***

*The Council will work with partners to deliver key developments which will improve the health and well-being of people in Pendle, and will:*

*Support the provision of new or improved facilities for health, leisure and social care.*

Chapter 8 of the NPPF elaborates paragraph 8 in paragraph 92, which directs that:

*To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*

*a) ... ;*

*b) ... ;*

*c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;*

*d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and*

*e) ... .*

In the circumstances, without the requested contributions to support the service delivery the planning permission should not be granted.

### **PBC Countryside Access Officer**

Public footpath 20 runs along the southern boundary of the site at the top of a retaining wall 3-4 metres high including a 1m high parapet wall. The footpath has been temporarily closed since 2008 following the partial collapse of the parapet wall. It is intended that the footpath will eventually be repaired but the funding to carry out the work required has not previously been available. The work would require that substantial parts of the retaining wall are taken down and rebuilt.

The proposed development is set back from the retaining wall in question.

LCC Countryside Access Officer has raised the same issues but suggest that the proposed development would interfere with access to the retaining all part of which is in need of extensive repair. The development would be overlooked by the PROW and could be subject to anti-social behaviour from materials being used to be thrown onto properties. LCC requests that part of the footpath is diverted between the eastern boundary and Higher Reedley Road through the development and linking with the footpath at the rear east end. The collapsed section could then be extinguished under the Highways Act.

## PBC Environmental Health

### Brierfield Town Council

## **Public Response**

Nearest neighbours have been notified by letter and site and press notices posted without response.

## **Officer Comments**

### **Policy**

Policy SDP1 requires the decision make to take a positive approach in favour of sustainable development as set out in the National Planning Policy Framework (the Framework).

Policy SDP3 sets out the location of new housing in the Borough in conjunction with SDP2 and LIV1.

ENV1 (Protecting and Enhancing Our Natural and Historic Environments) requires development to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

ENV2 (Achieving Quality in Design and Conservation) 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.

ENV4 seeks to promote sustainable travel as well as development impacts and accessibility and travel plans for major developments to mitigate any negative impacts.

ENV5 (Pollution and Unstable Land) seeks to minimise air, water, noise, odour and light pollution and address the risks arising from contaminated land, unstable land and hazardous substances.

ENV7 (Water Management) 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. The proposals compliance with this policy is addressed in the flooding and drainage section.

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 LIV3 encourages the support and provision of a range of residential accommodation.

Policy LIV4 sets out the targets and thresholds to contribute towards the provision of affordable housing. No affordable units are required for this site.

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

## **Replacement Pendle Local Plan**

The following saved policies also apply:

Policy 31 'Parking' requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP.

## **National Planning Policy Framework**

Paragraph 32 states that all developments which generate significant amounts of movement to be supported by a Transport Statement and provide a safe and suitable access.

Paragraph 67 of the Framework requires local planning authorities to identify a supply of deliverable housing sites to provide five years' worth of their housing requirements. The SHLAA has been updated.

The Framework expects that Councils meet their full objectively assessed housing needs and to annually update their supply of specific deliverable sites to meet a five year supply. Where there has been persistent under delivery a 20% buffer needs to be added to the 5 year supply. The Framework states that good design is a key aspect of sustainable development and is indivisible from good planning. Design is to contribute positively to making places better for people (para. 124). To accomplish this development is to establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live and responding to local character and history (para. 127). Design quality should be considered throughout the evolution and assessment of individual proposals (para.128).

Para 130 of the National Planning Policy Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving character and quality of an area and the way it functions. If a development is poor in design it should be refused.

### **1. Principle of Development**

This site is previously developed land which lies within Brierfield and its settlement boundary.

Brierfield as part of Nelson is a Key Service Centre in the M65 Corridor which is an area identified in policy SDP2 to play a supporting role and accommodate levels of new development to serve a localised catchment area.

This proposal is for a total of twenty two apartments located within the settlement boundary in a sustainable location. The principle of housing on this site was established by previous permissions which included the conversion of the former public house to four residential apartments and an outline permission for erection of two pairs of semi-detached dwellinghouses on land to the rear of the public house.

At the present time Pendle only has a 4.6 year supply of housing land therefore this proposal would help to contribute towards this.

### **2. Impact on Residential Amenity**

The proposed scheme comprises of ten one bed apartments in the converted public house and two block of six new build two bedroom apartments. The new build units would be sited to the rear of the existing building with access and parking of the existing car park to the east. The new build element is submitted in Outline with details of landscaping reserved for consideration at a later stage.

Policy ENV2 of the Local Plan states that good design should be informed by, and reflect the history and development of a place and meet high standard of design, being innovative to obtain the best design solution and using materials appropriate to its setting.

In terms of privacy distances the proposed blocks of apartments have been positioned to the eastern part of the site to the rear of the former public house. A retaining wall structure is proposed along the side boundary of No. 5 Woodlea Gardens and the side boundary of No. 32 Higher Reedley Road.

The rear elevations of the plots would be within 12m of the side boundary at an oblique angle with No. 5 which has a conservatory extension to the side.

The front elevation of the block nearest to no. 6 Woodlea Gardens would be approximately 33m distant which is acceptable,

The blocks of apartments would have a maximum height of 11.127m with an eaves height of 8.05m the buildings will be set down by 2.5m this reduces the height to an acceptable 8.6m/55m. and results in an acceptable built form from the perspective of the properties on Woodlea Gardens and Higher Reedley Road.

The rear elevations of block 1 would be 11.4m from the side gable of no. 32 Higher Reedley Road separated by the existing Public Footpath and a retaining wall structure. The proposed layout indicates some tree planting along this elevation which would help to screen the development to some extent. The agent has been requested to ensure no loss of privacy would occur on this aspect.

Subject to the position of block 1 being considered in respect to no. 32 and an adequate landscaping scheme that would screen any potential impact the proposal would have limited impact on the amenity of adjacent properties subject to the submission of an appropriate landscaping scheme.

The development would therefore comply with the amenity standards set out in the Council's Design Supplementary Planning Document.

Therefore, the proposed development is acceptable in terms of potential impact on residential amenity in accordance with Policies ENV2 and LIV5 subject to appropriate conditions.

### **3. Design and Layout**

Policy ENV2 seeks to deliver the highest possible standards of design, in form and sustainability, whilst enhancing and conserving the heritage assets.

The layout plan indicates some green areas within the site around the parking bays; however, details of proposed planting has not been submitted and this is part of the reserved matters application which would be submitted at a later stage.

Given the amount of built form, car parking and bin stores this does reduce the amount of useable green space and how effective this can be as part the development.

The proposed layout provides limited scope for any effective landscaping this needs to be improved and provide for adequate soft landscaping/screening between the rear elevation and the southern boundary and moving the bin store from the front of the site near the highway to the rear of the building in order to allow some significant soft landscaping to the front of the proposed parking areas.

In terms of materials the palette proposed is natural stone with concrete roof tiles to match the external materials of the former public house which is acceptable subject to samples being submitted for approval. No details of windows, doors and bin stores have been submitted or boundary treatments. These can be controlled by condition.

Therefore subject to appropriate samples being submitted and approved this is acceptable.

As submitted the proposed scheme includes the provision of some green space within the site. The amount of built form and the limited potential for landscaping opportunities can be improved and the agent has been requested to make some minor changes which would result in an adequate layout with the public house and two new built blocks of apartments together with car parking spaces and bin stores this would accord with policy LIV5 subject to an appropriate landscaping scheme at the Reserved Matters stage.

#### **4. Contamination**

Policy ENV5 addresses pollution which includes contamination and noise. It does not allow for new development where it would be at risk of potential noise nuisance and new development should not be sited close to potentially incompatible uses.

The potential risk for contamination has not been investigated and therefore an assessment has been requested as per policy ENV5.

An appropriate condition requiring a contamination study to be carried out can be attached to any grant of permission.

#### **5. Flooding and Drainage**

Policy ENV7 addresses water management, which includes flood risk and surface water run-off. It does not allow for new 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.

Sufficient details of the drainage scheme have been submitted and subject to appropriate conditions this can be achieved.

This meets the guidance set out in the Planning Practice Guidance and the requirements of policy ENV7 of the Pendle Local Plan Part 1: Core Strategy and therefore is acceptable.

#### **6. Highways and Public Rights of Way**

No objections have been raised with regards to the capacity of the existing road to accommodate additional traffic as a result of this development.

The development will comprise of 22 no. apartments; ten 1 bed and 12 two bed.. Therefore a total of 34 on plot parking spaces are required. The proposal includes 34 parking spaces within the site with 4 disabled spaces. These are sufficient provision for the development and should be clearly allocated to each unit.

Only three charging points are proposed which is not sufficient and this can be controlled by condition.

As a result, no objections are raised on highway grounds and the site accords with policy 31 in terms of parking requirements subject to appropriate conditions.

## **7. Ecology**

A Bat Report has been submitted which confirms that there are no bats on site and that there is not potential for any roosting within the site.

## **8. Contributions**

### Education

An assessment of the proposal by Lancashire County Council Education Authority, taking into account all approved applications within the local area, concluded that no contribution would be sought at this stage.

### Health Authority Contribution Request

Planning legislation allows for conditions to be placed on developments to make them acceptable. It also provides for the possibility of payments being made through section 106 agreements for infrastructure affected by a development. The law surrounding this is as follows:

Section 106 of the 1990 Act provides as follows:

(1) Any person interested in land in the area of a local planning authority may, by agreement or otherwise, enter into an obligation (referred to in this section and sections 106A and 106C as “a planning obligation”), enforceable to the extent mentioned in subsection (3)—

- (a) restricting the development or use of the land in any specified way;
- (b) requiring specified operations or activities to be carried out in, on, under or over the land;
- (c) requiring the land to be used in any specified way; or
- (d) requiring a sum or sums to be paid to the authority (or, in a case where section 2E applies, to the Greater London Authority) on a specified date or dates or periodically.

(2) A planning obligation may—

- (a) be unconditional or subject to conditions;
- (b) impose any restriction or requirement mentioned in subsection (1) (a) to (c) either indefinitely or for such period or periods as may be specified; and
- (c) if it requires a sum or sums to be paid, require the payment of a specified amount or an amount determined in accordance with the instrument by which the obligation is entered into and, if it requires the payment of periodical sums, require them to be paid indefinitely or for a specified period....”

The relevant parts of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (“the CIL Regulations”) are as follows:

(1) This regulation applies where a relevant determination is made which results in planning permission being granted for development.

(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

Section 216(1) of the Planning Act 2008 together with Regulation 59 of the CIL Regulations requires charging authorities to apply CIL payments to “supporting development by funding the provision, improvement, replacement, operation or maintenance of infrastructure”.

Section 216(2) defines “infrastructure” as follows:

“infrastructure” includes—

- (a) roads and other transport facilities,
- (b) flood defences,
- (c) schools and other educational facilities,
- (d) medical facilities,
- (e) sporting and recreational facilities, and
- (f) open spaces”

The request for contributions for health care services does in my view overall fit into a category of infrastructure that could, if necessary to make the development acceptable, fall within a category of infrastructure that can be funded through a section 106 agreement. However that does not mean to say that the contribution being requested meets the tests set out in the CIL Regulations detailed above.

Case law is clear that planning permissions cannot be bought or sold hence any sum to be paid to a planning authority must be for a planning purpose which should in some way be connected with the land in which the developer is interested.

The issue for Committee is whether the funding has a direct connection to the development and whether this would be fairly and reasonably related in scale and kind to the development.

Robust evidence is required to support a request for a contribution. In London for example a model has been produced which attempts to provide robust and up to date evidence on the need for a contribution. The model is referred to as the HUDU model. This looks at the specific circumstances of each development in its own location reflecting the population characteristics of the area.

The evidence supplied with this request does not in my view go far enough to support the view that the impacts of the individual development is directly related to healthcare deficiencies. A flat rate is applied to all developments which will inevitably result in some developers over providing and some underproviding. The model does not factor in demographic modelling of the area and does not for example look at any percentage of the population that may move into the developments and that they are already resident in the area thus not increasing the demand on services.

Whilst more accurate evidence could be provided were the model to be finessed as it stands it is not sufficiently robust to prove the level of contribution fairly reflects the impact the development would have on acute services.

This is an important issue that will arise in other developments in the Borough. In order to get an independent view on this we have obtained Counsel’s opinion on this. That advice is legally privileged but supports the view that the evidence is not sufficiently robust to be able to support a requirement for the contribution requested.

Committee are therefore recommended not to require a contribution as the evidence is not robust enough to confirm that the funding is directly enough related to the development and is fairly and reasonably related in scale and kind to the development.

## **9. Summary**

The proposed scheme is acceptable in terms on impact on residential amenity, design and materials, drainage, ecology and highway issues subject to some minor changes in the layout. Landscaping will be addressed as part of any Reserved Matters application.

### ***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 development is acceptable in terms of layout, design and materials and would not adversely impact on amenity, ecology, ground stability, heritage assets or highway safety subject to appropriate conditions.

The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

### ***RECOMMENDATION: Approve***

Subject to the following conditions:

1. 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. An application for approval of the reserved matters (namely the landscaping of the site) shall be submitted in writing to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

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

3. Details of the landscaping (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

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

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

REEDLEY/01 Dwg 00, Dwg 01, Dwg 02, Dwg 06A, Dwg 08, Dwg 03, Dwg 04, Dwg 05 & Dwg 07.

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

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 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.

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

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

7. 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. The calculations must also demonstrate that the post development surface water run-off rate shall not exceed 5l/s.
- c) A final site plan showing all on-site surface water catchment areas, i.e. areas that will contribute to the proposed surface 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; to ensure that there is no flood risk on or off the site resulting from the proposed development; to ensure that 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.

8. No development shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the local planning authority.

**Reason:** To ensure that the construction phase(s) of development does not pose an undue flood risk on site or elsewhere and to 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.

9. Prior to the commencement of development, a scheme for the construction of the off-site works of highway improvement shall have been submitted to and approved in writing by the Local Planning Authority.

Works should include, but not be exclusive to, the construction of the access to an appropriate standard, including a minimum width of 4.5m, 6m radius kerbs, and buff coloured, tactile paved dropped pedestrian crossings.

Thereafter, no part of the development (or phase) hereby approved shall be occupied until the approved scheme has been constructed and completed in accordance with the details agreed.

**Reason:** To satisfy the Local Planning Authority that details of the highway scheme/works are acceptable before work commences.

10. 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
- r) Noise-monitoring to be carried out for the construction period.
- 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.

11. No development shall be commenced until full engineering, drainage, street lighting and constructional details to adoptable standards (to Lancashire County Council's specification) of the internal road have been submitted to and approved in writing by the Local Planning Authority. The

development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** To ensure that the internal road is constructed to an acceptable standard in the interest of highway safety.

12. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed road within the development have been submitted to and approved by the local planning authority. The internal road shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and maintenance company has been established.

**Reason:** To ensure that the internal road serving the development is completed and thereafter maintained to an acceptable standard in the interest of residential/highway safety.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall (more than 0.9m high), fence, hedge, tree, shrub or other device. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed access from the continuation of the nearer edge of the carriageway of Higher Reedley Road to points measured 43m in each direction along the nearer edge of the carriageway of Higher Reedley Road, from the centre line of the access, and shall be constructed and maintained at footway level in accordance with a scheme to be agreed by the Local Planning Authority.

**Reason:** To ensure adequate visibility at the site access.

14. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and the vehicular turning space shall be laid out and be available for use before the development is brought into use and maintained thereafter.

**Reason:** Vehicles reversing to and from the highway are a hazard to other road users.

15. The estate road shall be laid out, surfaced, sealed and completed in its entirety prior to occupation of the first unit.

**Reason:** To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

16. Prior to first occupation of any residential unit the estate road shall be completed to at least base course level and in accordance with the agreed details.

**Reason:** To ensure that the internal road is constructed to an acceptable standard in the interest of highway safety.

17. Prior to first occupation of any residential unit and before the site access is used for vehicular purposes, that part of the access extending from the adopted highway boundary for a minimum distance of 6m into the site shall be appropriately paved in bound porous material.

**Reason:** In the interest of highway safety to prevent loose surface material from being carried on to the public highway.

**18.** The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and the vehicular turning space shall be laid out and be available for use before the development is brought into use and maintained thereafter.

**Reason:** Vehicles reversing to and from the highway are a hazard to other road users.

**19.** Prior to first occupation of any residential unit the car parking areas shall be surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas laid out in accordance with the approved plan.

**Reason:** To allow for the effective use of the parking areas.

**20.** Prior to first occupation of any residential unit cycle storage facilities shall be provided in accordance with a scheme to be approved in writing by the Local Planning Authority.

**Reason:** To allow for the effective use of the parking areas and the promotion of sustainable forms of transport.

**21.** A scheme for electric vehicle charging points shall be submitted and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the occupation of the first residential unit.

**Reason:** To ensure that the development provides sustainable transport options.

**22.** Prior to the commencement of development samples of the materials to be used in the construction of the development hereby permitted (notwithstanding any details shown on previously submitted plan(s) and specification) shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.

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

**23.** The windows and doors shall be set back by at least 75mm.

**Reason:** To ensure an acceptable form of development.

**24.** Before a dwelling unit is occupied waste containers shall be provided in the bin/cycle storage areas on each plot.

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

## **Notes**

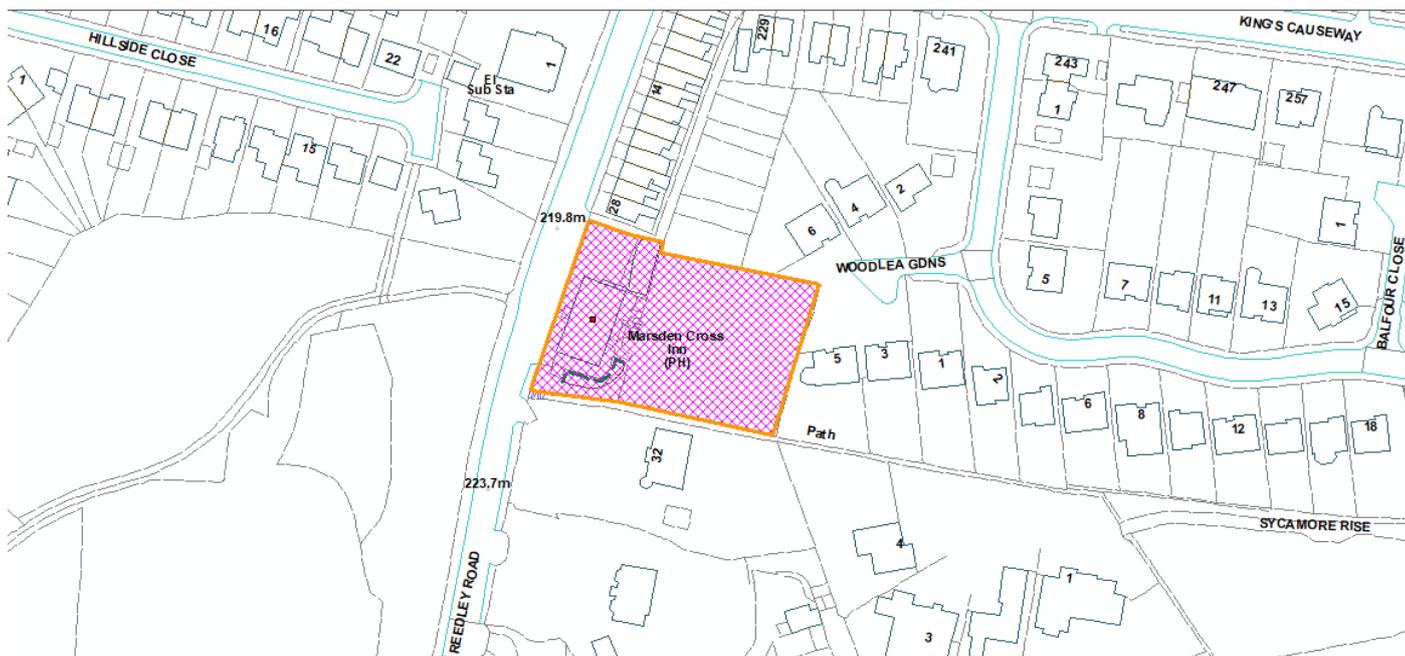
1. The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as the Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to, the construction of the access to an appropriate standard, including a minimum width of 4.5m, 6m radius kerbs, and buff coloured, tactile paved dropped pedestrian crossings; the construction of a new section of footway to an appropriate standard, including surfacing, kerbing and tying into the existing footway network. The applicant should be advised to contact the county council for further information by telephoning the Development Support Section (Area East) on 0300 123 6780 or by email on [developer@lancashire.gov.uk](mailto:developer@lancashire.gov.uk), in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.

2. The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act. The development may affect the setting of Public Footpath 20 (Brierfield).

3. Before proceeding with the scheme preparation the applicant should consult with Lancashire County Council for detailed requirements relating to land arrangements, design, assessment, construction and maintenance of all existing or new highway structures included in, or affected by, the proposed scheme. For this purpose the term highway structure shall include:

- Any retaining wall supporting the highway (including and supporting land which provides support to the highway),
- Any retaining wall supporting land or property alongside the highway.

The term 'highway' shall include public footpaths.



**Application Ref: 19/0578/FUL**

**Proposal:** Full: Major: Conversion of former Public House into 10 No. one bed flats, car parking and access; Outline: Erection of two buildings to accommodate 12 No. two bed flats with car parking, access and associated works (Access, Layout, Scale and Appearance only).

**At:** 30 Higher Reedley Road, Brierfield

**On behalf of:** Reedley Properties Ltd.

## REPORT TO BRIERFIELD AND REEDLEY AREA COMMITTEE ON 07<sup>TH</sup> JANUARY 2020

**Application Ref:** 19/0749/HHO

**Proposal:** Full: Erection of two-storey extension to rear and front porch, installation of front balcony, alterations to windows and extension of driveway.

**At:** 11 Clements Drive, Reedley

**On Behalf of:** Mr Attiq Raza Azam

**Date Registered:** 03 October, 2019

**Expiry Date:** 28 November, 2019

**Case Officer:** Christian Barton

This application has been brought before Committee as requested by the Chairman.

### **Site Description and Proposal**

The application site is a detached two-storey house located in the settlement of Reedley. It is surrounded by similar houses to three sides with bungalows to the west. The house has brick elevations, a concrete tiled roof, white uPVC windows and garden areas to the front and rear.

The proposed development involves a two-storey rear extension. The proposed extension would have a depth of 3m, a width of 10.2m and a dual-pitched roof 6m in height. It would have brick elevations, a concrete tiled roof and white uPVC windows. The front a brick porch is proposed with a balcony across the full façade supported by brick piers and the existing garage. Window alterations to three elevations are proposed including three patio doors accessing the balcony. A front driveway extension is also proposed for an additional two vehicles.

### **Relevant Planning History**

No relevant planning history.

### **Consultee Response**

LCC Highways – There is no objection to this proposal on highway grounds. A condition should be added to any approval to ensure the driveway extension is appropriate surfaced.

Reedley Hallows Parish Council

### **Public Response**

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

- Ourselves personally are concerned about a balcony at the front and how this is going to be 'kept up' in relation to what it will look like;
- A balcony is not in keeping with the area and would be a monstrosity/eye sore every time we opened our curtains;
- The 2 storey extension we also believe would block our view onto the valley;
- We are extremely concerned about the extension of the driveway;

- We are also concerned about the building work;
- The property has been empty for months and rubbish has been left previously.

## **Officer Comments**

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

### **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:

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

The principle policy relating to this development 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 which is predominantly defined by brick built dwellings of varying styles. The materials proposed for the extensions would match the dwelling and are acceptable. They would be proportionate additions in terms of massing and roof height. Concerns have been raised about the driveway extension. Front driveways are common place in the area and the driveway extension proposed here would be acceptable in visual design terms.

Comments have been made citing concerns about the proposed balcony. It is acknowledged that the properties in the area are of a modern design and many have been altered with use of a range of materials. However, the proposal to install a first floor balcony across the full front façade, complete with a glazed balustrade and privacy screen would result in an incongruous feature in the street scene and one which would be out of keeping with the appearance of the surrounding dwellings.

Therefore, as that element is only a feature of the main proposal a condition is recommended to prevent its construction. Subject to that condition, the proposal would be acceptable in visual design terms in accordance with Policy ENV2 and the guidance of the Design Principles SPD.

### **3. Residential Amenity**

The Design Principles SPD states that development proposals must adequately protect neighbours enjoying their homes. The massing of the proposal would have no overbearing impacts on the neighbours at 9 Clements Drive given the staggered nature of the row of dwellings. To the rear, a two-storey elevation is proposed within 7.6m of the gable of 1 Eagley Road. However, that property has no main habitable room windows in the north gable and the proposal would not cause

any unacceptable losses of light for those neighbours. The proposal would also have no overbearing impacts on the neighbours to the west given ample separation.

The windows proposed to the rear would not face any main habitable room windows in the adjacent property. The windows proposed to the east gable would not directly overlook any main habitable room windows within 21m. The proposed patio doors would replace existing bedroom windows and would have no material impacts on domestic privacy. It is likely that alterations to those windows would be required given the inappropriateness of the front balcony and this has been raised with the Agent. It is recommended that aspect should be removed through condition and no further residential amenity assessments are required for it on that basis.

Concerns have been raised about losses of views. Losses of private views are not material planning considerations and there would be no losses of public views to the extent that would justify refusing the application. The proposed development would therefore be acceptable in relation to impacts on residential amenity and complies with Policy ENV2 and the guidance of the Design Principles SPD.

#### **4. Highways**

The proposal would provide two additional bedrooms to the site increasing parking demand. The plans submitted show parking to the front for three cars which is acceptable and in accordance with the Parking Standards of Saved Policy 31. A condition has been added to ensure additional parking is provided and appropriately surfaced prior to the additional bedrooms being brought into use in order to minimise the impacts of on-street parking. LCC Highways have raised no objections and I concur with their findings. Subject to additional parking being provided, the proposal would have no unacceptable impacts on highway safety.

#### **5. Wider Considerations**

Concerns have been raised about disruption during the construction phase, the previous vacancy period of the dwelling, use of fireworks and the generation of waste from social events. However, those matters are not material to the assessment of this application.

#### **6. Summary**

The application involves the erection of a two-storey rear extension with a front porch and balcony and associated works. Subject to appropriate conditions, the proposal is acceptable in terms of design, residential amenity and highways in accordance with Policy ENV2, Saved Policy 31 and the guidance of the Design Principles SPD.

### **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. Subject to appropriate conditions, the development would be acceptable in terms of design, residential amenity and highways. 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**

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 strict accordance with the following approved plans: U45: P01 and P02.

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

3. All materials to be used for the proposed development hereby approved shall be as stated on the application form and approved drawings and they shall not be varied without the prior written permission of the Local Planning Authority.

**Reason:** Those materials are appropriate for the development and site.

4. The additional bedrooms hereby approved shall not be brought into use unless and until, the parking area as shown on the approved plan 'U54 – P02' has first been constructed, laid out and surfaced in a bound porous material, unless otherwise agreed in writing by the Local Planning Authority. The parking spaces shall thereafter remain free from obstruction and be available for the parking of vehicles associated with the occupants of the dwelling.

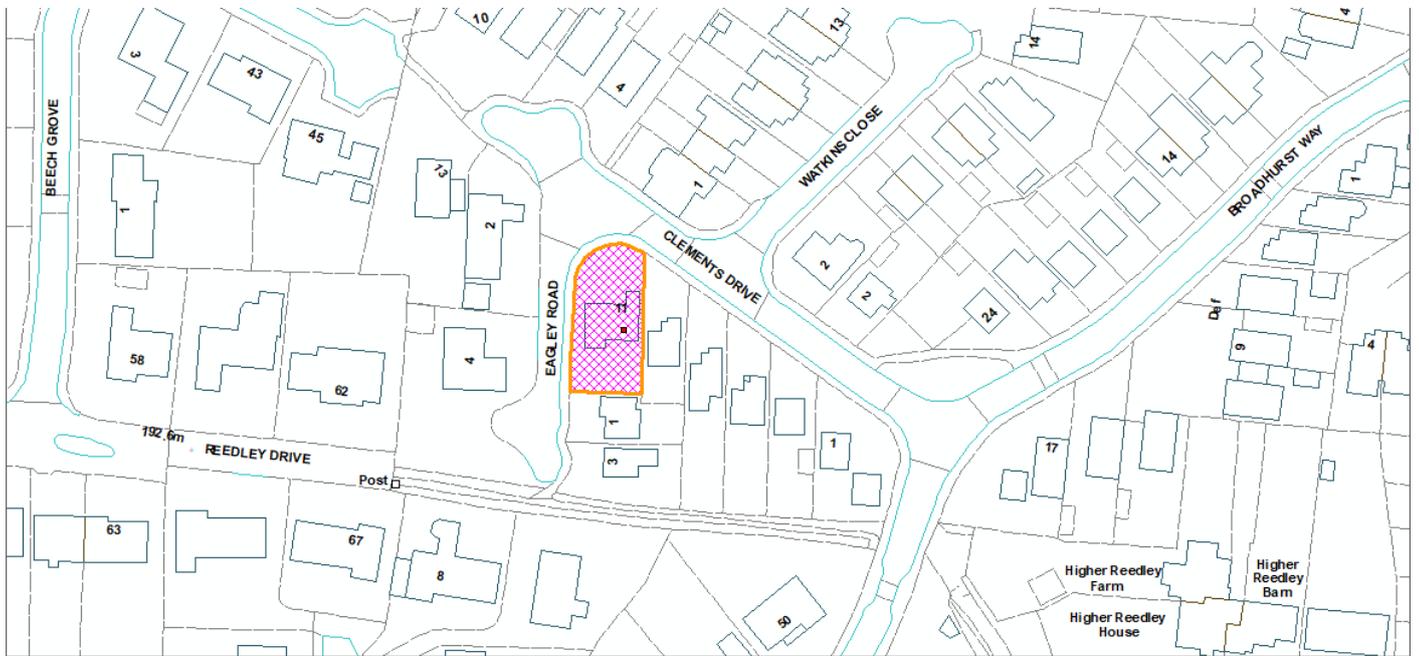
**Reason:** To provide adequate parking to service the development and to prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.

5. Notwithstanding any information shown on the submitted application form and approved drawings, this permission does not allow for the erection of a first floor balcony in any form.

**Reason:** To prevent the installation of an inappropriate feature in the interest of visual amenity.

#### **Informative**

This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 (Vehicle crossings over footways and verges) Lancashire County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works. Therefore, before any works can start, the applicant must complete the online quotation form found on Lancashire County Council's website using the A-Z search facility for vehicular crossings at <http://www.lancashire.gov.uk/roads-parking-and-travel/roads/vehicle-crossings.aspx>.



**Application Ref: 19/0749/HHO**

**Proposal:** Full: Erection of two-storey extension to rear and front porch, installation of front balcony, alterations to windows and extension of driveway.

**At:** 11 Clements Drive, Reedley

**On Behalf of:** Mr Attiq Raza Azam

## REPORT TO BRIERFIELD AND REEDLEY AREA COMMITTEE ON 07<sup>TH</sup> JANUARY 2020

**Application Ref:** 19/0781/FUL

**Proposal:** Full: Erection of two-storey extensions to both sides and part single, part double storey extension to rear.

**At:** 24 Broadhurst Way, Reedley

**On Behalf of:** Mr Hayat

**Date Registered:** 15 October, 2019

**Expiry Date:** 10 December, 2019

**Case Officer:** Christian Barton

This application has been brought before Committee as requested by the Chairman.

### **Site Description and Proposal**

The application site is a detached corner plot dwelling house located in the settlement of Reedley. It is surrounded by similar houses to all sides with a highway verge immediately to the south. The dwelling has brick elevations, a concrete tiled roof, white uPVC windows and garden areas to three sides.

The proposed development is an extension to the rear and both sides forming a wrap round design. It would project 2.5m off the northeast gable and 2.3m off the southwest gable at a depth of 11m. The side extensions would have ridge heights of 7.1m. The rear extension would have a split level roof and a width of 10m. The single-storey element would have a mono-pitched roof 3.8m in height and the two-storey element would have a dual-pitched roof 6.4m in height. The extensions would have brick and rendered elevations with concrete tiled roofs and white uPVC windows. Parking is shown on the plans to the front for three cars.

### **Relevant Planning History**

19/0380/HHO – Full: Erection of two-storey extension to rear and side (North West) and front porch – Approved with Conditions – July 2019.

### **Consultee Response**

LCC Highways – The Highway Development Support Section objects to the above proposal on highway safety grounds. We consider that one parking space should be provided for the proposed "granny annexe" and at least two for the remaining development, all adequately sized and laid out.

(Update) As three adequately sized parking spaces have now been provided, which would also allow pedestrian access, the Highway Development Control Section withdraws its previous objection. However, a condition should be applied to any formal planning approval to ensure the development is serviced with adequate parking.

Burnley Borough Council – A desk-based review of the application has been carried and having reviewed the application I would not recommend approval of the scheme based on the following:

1. Inappropriate scale and massing - the development would not be subordinate to the existing dwelling;

2. Impact on the existing street scene - by virtue of scale and massing on both Clements Drive and Broadhurst Way;
3. Overbearing impact on the neighbouring property No. 22;
4. Materials - The proposed amount of render in the development will emphasise the overall impact on the street scene. Render does not appear to be a predominant type of material on the street.

Reedley Hallows Parish Council

### **Public Response**

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

- The external footprint of the property has been almost completely decimated;
- Trees, shrubs, fences - all gone and an unsightly building site left in its place surrounding the house;
- The proposed extensions seem to be completely out of proportion with the actual site and the surrounding houses;
- My main concern is the additional parking issue this very large property will present;
- Losses of private views.

### **Officer Comments**

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

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

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

Other policies and guidance's are also relevant:

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

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

#### **8. Design and Visual Amenity**

The Design Principles SPD states that the style, design and scale of domestic extensions should respect the existing character of the location. The materials proposed for the front and sides would match the dwelling with off-white render proposed to the rear. The use of those materials would be acceptable for the property and location. Comments have been made citing concerns about previous demolition and landscape clearance works. Demolition of the garage, raised patio and boundary treatments have been carried out under permitted development and the trees/shrubs

within the site have no protections so could therefore be removed at any point. Those works have no impacts on the merits of this application.

Concerns have been raised about the scale of the extensions initially proposed. The plans now show substantial reductions to their massing and they would now be proportionate additions and would have no unacceptable impacts on the street scene. A two-storey elevation is proposed immediately on the northeast boundary. However, given the staggered arrangement of the row of dwellings no terracing impacts would be created. The proposed development would therefore be acceptable in visual design terms in accordance with Policy ENV2 and the guidance of the Design Principles SPD.

## **9. Residential Amenity**

The Design Principles SPD states that development proposals must adequately protect neighbours enjoying their homes. The rear projection would not breach a 45 degree line measured from the centre of the ground floor main habitable room windows at the property immediately to the north, number 22. The proposal would not cause any overbearing impacts on the immediate neighbours owing to ample separation.

New windows are proposed to all four elevations. The windows proposed for the front and southwest gable would not overlook any dwellings within 21m. The ground floor window proposed for the northeast gable would face a 2m close boarded fence on that boundary. A first floor window is proposed to that elevation immediately adjacent to gardens at number 22 and it is recommended that window should be obscurely glazed through condition. At the time of the site visit the boundary treatments to the rear had been entirely removed. Therefore, a condition is recommended to ensure some fencing is replaced on that boundary, alongside one to ensure the first floor rear window is obscurely glazed in order to safeguard the domestic privacy of the neighbours to the rear.

Concerns have been raised about losses of views. Losses of private views are not material planning considerations and there would be no losses of public views to the extent that would justify refusing the application. Subject to appropriate conditions, the proposed development would be acceptable in relation to impacts on residential amenity thereby complying with Policy ENV2 and the guidance of the Design Principles SPD.

## **10. Highways**

Concerns have been raised about parking impacts. The proposal would provide three additional bedrooms to the site increasing parking demand. The plans submitted show parking to the front for three cars which is acceptable and in accordance with the Parking Standards of Saved Policy 31.

LCC Highways initially objected on parking grounds though those objections were based on the parking scheme previously proposed. Independent accommodation would be provided on the ground floor yet that element would be reliant on the main dwelling and does not require its own parking provision. Their objection has now been removed based on the revised parking layout.

A condition is recommended to ensure additional parking is provided and appropriately surfaced prior to the additional bedrooms being brought into use in order to minimise the impacts of on-street parking and subject to that condition the proposal would have no unacceptable impacts on highway safety.

## **11. Summary**

The application involves the erection of two-storey rear extensions to the side and rear. Subject to appropriate conditions, the proposal is acceptable in terms of design, residential amenity and

highways in the accordance with Policy ENV2, Saved Policy 31 and the guidance of the Design Principles SPD.

### **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. Subject to appropriate conditions, the development would be acceptable in terms of design, residential amenity and highways. 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**

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 strict accordance with the following approved plans: HAD3153: 01 (Revision a), 02, 03, 04i (Revision c), 04ii (Revision c), 04iii (Revision c), 05 (Revision c), 06 (Revision b) and 07 (Revision b).

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

3.All materials to be used for the proposed development hereby approved shall be as stated on the application form and approved drawings and they shall not be varied without the prior written permission of the Local Planning Authority.

**Reason:** Those materials are appropriate for the development and site.

4.The additional bedrooms hereby approved shall not be brought into use unless and until, the parking area as shown on the approved plan 'HAD3153 – 07 (Revision b)' has first been constructed, laid out and surfaced in a bound porous material, unless otherwise agreed in writing by the Local Planning Authority. The parking spaces shall thereafter remain free from obstruction and be available for the parking of vehicles associated with the occupants of the dwelling.

**Reason:** To provide adequate parking to service the development and to prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.

5.Before the development hereby approved is completed, a close boarded fence no lower than 1.8 metres or no higher than 2.0 metres shall be provided along the northwest boundary of the rear garden from a point starting in line with the northeast boundary to a minimum point of 12m to the southwest. The fence shall at all times thereafter be retained in good repair.

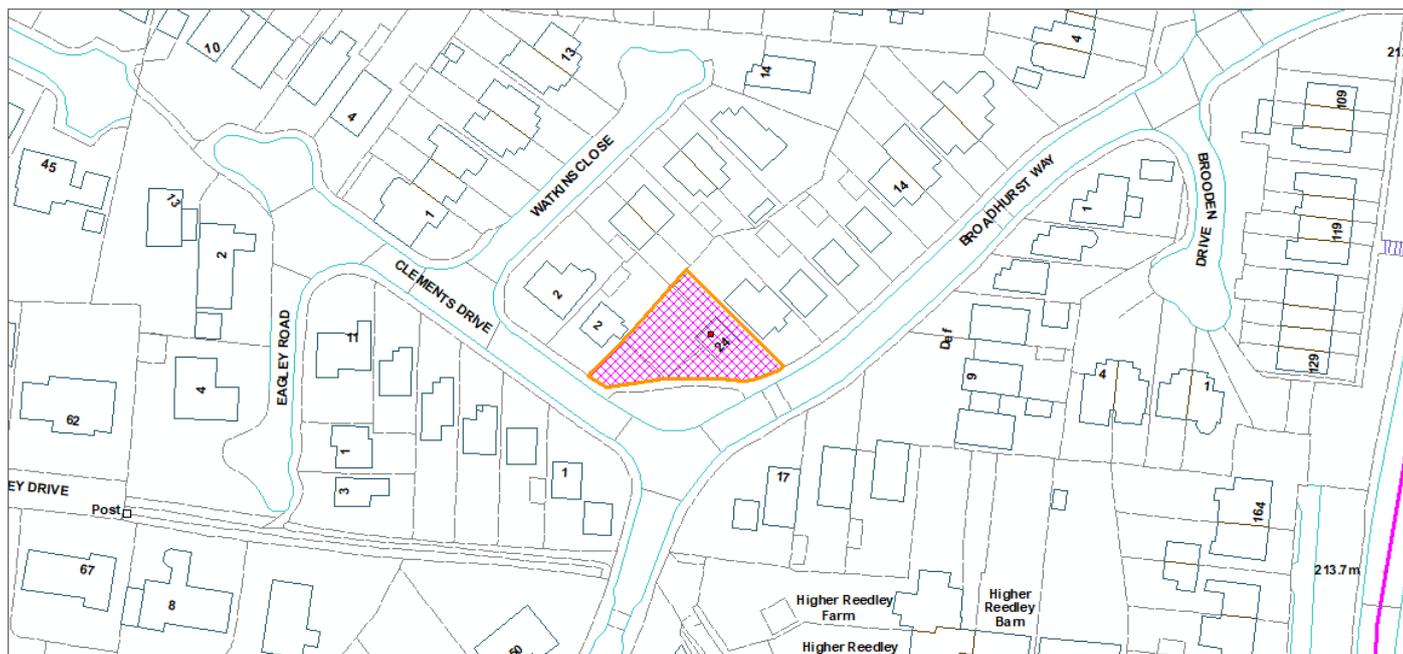
**Reason:** To safeguard residential amenity and prevent overlooking.

6. The first floor windows in the northeast and northwest elevations shall at all times be fitted with obscured glazing with a level of obscurity of Level 3 or above, unless otherwise agreed in writing by the Local Planning Authority, which shall thereafter be retained in perpetuity. Any replacement glazing shall be of an equal degree of obscurity. The windows shall also be hung in such a way so as to prevent the effects of obscure glazing being negated by way of opening.

**Reason:** In order to protect the privacy of the occupiers of adjacent property and prevent overlooking.

**Informative**

This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 (Vehicle crossings over footways and verges) Lancashire County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works. Therefore, before any works can start, the applicant must complete the online quotation form found on Lancashire County Council’s website using the A-Z search facility for vehicular crossings at <http://www.lancashire.gov.uk/roads-parking-and-travel/roads/vehicle-crossings.aspx>.



**Application Ref:** 19/0781/FUL

**Proposal:** Full: Erection of two-storey extensions to both sides and part single, part double storey extension to rear.

**At:** 24 Broadhurst Way, Reedley

**On Behalf of:** Mr Hayat

**LIST OF BACKGROUND PAPERS**

Planning Applications

**NW/MP**

**Date:** 17<sup>th</sup> December 2019