

REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND
REGULATORY SERVICES

TO: BARROWFORD AND WESTERN PARISHES COMMITTEE

DATE: 9th June 2021

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO BARROWFORD AND WESTERN PARISHES ON 9TH JUNE 2021

Application Ref: 21/0154/FUL

Proposal: Full: Erection of 2no. semi-detached bungalows and 2no. semi-detached two storey dwellings, with associated parking and landscaping.

At: Land adjacent 30 Dixon Street, Barrowford

On behalf of: MFH Projects

Date Registered: 10/03/2021

Expiry Date: 05/05/2021

Case Officer: Laura Barnes

The application has been brought before Committee due to the number of objections received.

Site Description and Proposal

The application site is a vacant, undeveloped site within the settlement boundary of Barrowford. The site is located in a residential area, is surrounded by semi-detached and terraced two storey properties and a detached bungalow to the north east.

The proposal is for the erection of two semi-detached two storey houses and two semi-detached single storey bungalows. Each property would have parking facilities to the front with the plot, with one plot also having a garage.

Relevant Planning History

17/0410/FUL Planning permission granted for three dwellings

Consultee Response

LCC Highways – No objection, subject to conditions

Concern over the width of the parking bays. However, amended plans have been submitted which are acceptable.

Barrowford Parish Council

The Council feels that as the site is on a narrower unadopted section of highway with parking problems on the whole of Dixon Street the site would be better suited to three dwellings with more off-road parking. A local resident spoke at the Council meeting and informed the Parish Council that work was in progress at the site.

Unites Utilities – The site should be drained on separate foul and surface water systems. Conditions are proposed.

Lancashire Fire Safety

Provided comments specifically in relation to Building Regulations issues. Comments have been passed on to the applicant.

Public Rights of Way Officer

The developer should take note of all the public footpaths running through the site and take utmost care to ensure that these are kept undisturbed and free of obstruction during the course of the development. Any breach of the legislation which protects public rights of way can result in legal

action, fines and default action carried out and re-charged to the landowner. Any proposals for the temporary diversion or closure of a footpath should be made to Lancashire County Council's public rights of way team. An enquiry about permanently diverting or closing the footpath may be made to Pendle Council.

Public Response

Nearest neighbours notified, 15 responses have been received, 14 in objection, raising the following issues;

- Traffic and highway safety grounds
- Access for emergency vehicles will be difficult
- Some conditions have been breached
- Concerns over the fence stopping up the footpath
- There are already many houses in Barrowford, 4 more are not needed
- Over development of the plot
- The number of cars this scheme would generate is too many for Dixon Street to accommodate
- Previous permission has expired
- Concerns about deliveries of construction materials being delivered outside the site confines
- The proposed site operating hours including a Saturday morning are not acceptable

One letter of support has also been received.

Officer Comments

Policy

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

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

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

Policy ENV4 (Promoting Sustainable Travel) seeks to promote sustainable travel as well as development impacts and accessibility and travel plans for major developments to mitigate any negative impacts.

Policy ENV5 (Pollution and Unstable Land) concerns the risks of air, water, noise, odour and light pollution in addition to addressing the risks arising from contaminated land.

Policy ENV7 (Water Management) concerns the risk of flooding from flood or surface water. It requires flood risk to be assessed and sustainable drainage measures to be used.

Policy LIV1 (Housing Provision and Delivery) sets out the requirement for housing to be delivered over the plan period. This policy allows for non-allocated sites within the Settlement Boundary as well as sustainable sites outside but close to a Settlement Boundary.

Policy LIV3 (Housing Needs) encourages the support and provision of a range of residential accommodation.

Policy LIV4 (Affordable Housing) sets out the targets and thresholds to contribute towards the provision of affordable housing. Where the relevant target cannot be met a financial viability assessment should be provided to allow for negotiation and adjustment accordingly.

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

Saved Policy 31 sets out the parking standards for development.

National Planning Policy Framework

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

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

Barrowford Neighbourhood Plan

The Neighbourhood Plan has a policy in it relating to new housing (BNDP01). It requires new housing development to be in conformity with the Core Strategy and to be of high quality design, would not have an unacceptable impact upon residential amenity, would not lead to over-development of residential gardens and are appropriate to the surrounding local context.

Principle of Development

The principle of development on this unallocated land has been established in the planning history, for three dwellings each with two parking spaces. The application site is located within the settlement boundary and as such the principles of development is acceptable in accordance with Policy SDP2, subject to compliance with design and amenity policies.

Design

The proposed development comprises two semi-detached two storey houses and two semi-detached single storey bungalows. The proposed bungalows are to have a footprint of 60 sqm each whilst the proposed two storey dwellings are to have a footprint of 44 sqm each, with plot 4 having an attached garage with an additional footprint of 18 sqm. The properties are to be constructed in block and k-rend, with some artificial stone picked out to the front of the bungalows, they are all to have and stone heads / cills to the openings, concrete roof tiles and UPVC windows. The doors are to composite with the colour to be agreed. The boundary treatment is to comprise timber fences with an artificial stone retaining wall. Internally, the accommodation to the houses comprises a kitchen dining area along with a living room and WC to the ground floor, with three bedrooms (one with ensuite facilities) and a family bathroom to the first floor. The bungalows are to comprise two bedrooms, a living room, kitchen and bathroom. The height of the ridge of the houses would be 8.5m and the height of the ridge of the bungalows would be 6.4m. The three houses which were previously granted planning permission were to be 8.5m in height.

Due to the limited size of the plots and in order to reduce the impact upon off-street parking, Permitted Development rights are to be removed for certain types of development. It is recommended that Class D, relating to porches, is removed so that this would not affect the size of the parking spaces to the front elevation.

The surrounding area is made up of single and two storey semi-detached and terraced dwellings, some of which are finished in render whilst the majority are stone / artificial stone. The proposed dwelling would complement the character of the surrounding street scene. It would relate acceptably to the adjoining properties and would not result in development that adversely affects the street scene. The Design Principles SPD advises that single storey rear extensions should be constructed in materials and style to match the existing dwellinghouse. Pitched roof elements are preferred and forward projections would only be supported if they are appropriate to the dwellings design.

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

Residential Amenity

The Design Principles SPD advises that proposed dwelling should be sited so that any habitable room windows are at least 21m from neighbouring habitable room windows. In terms of privacy there are dwellings to the north west that face the site. These are built on elevated land. The proposal is to erect a bungalow with one gable facing these properties. There is one side door that would face the site beyond which there is a close boarded fence. There would be no unacceptable loss of privacy to these properties.

There is a dwelling to the south east which has a gable facing the site between which there is an unmade vehicular track. No windows face the site. There would be no unacceptable loss of privacy. There is a bungalow to the rear (north east) of the site. This has a close boarded fence on its boundary with windows in the elevation. There is a footpath that runs around the rear of the site in between the two. There are windows in the rear elevation of the two bungalows. The level difference and the fence however mean that there would not be any direct visibility between the windows so there would be no unacceptable loss of privacy.

There would be line of sight to the terraced properties to the front but this is across a public road and privacy would not be affected adversely more than currently exists between other properties on Dixon Street. There would be no overshadowing or overbearing impact on any property.

Therefore, the proposed development is acceptable in terms of residential amenity in accordance with Policy ENV2 and the Design Principles SPD.

Highways

There have been comments made about the car parking and the problems that occur in the locality. The proposal is for 2 car parking spaces for the bungalows, which have two bedrooms. The two houses have three bedrooms with one property having two off street spaces and the other having three spaces and a garage. The level of car parking complies with the car parking standards in the local plan.

Ample on site parking will be provided. Access by other vehicles ie refuse wagons, would not alter through the development. This development would not result in a worsening of on street parking to an unacceptable degree.

Amended plans indicate wider car parking spaces than they had originally planned, in accordance with comments made by Lancashire County Council Highways. The amended plans are acceptable. The proposed development provides an adequate level of off-street parking, in accordance with Policy 31 of the Replacement Pendle Local Plan.

Summary

The proposed development comprises a total of four dwellings, two of these are to be bungalows and two are to be two storey dwellings. The principle of residential development in this location has previously been established through the planning history. All of the plots have adequate parking to the front, with one having a garage in addition. The proposed dwellings have been assessed from a design and amenity perspective and are acceptable.

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 would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 5131-007 E, 5131-006 E, 5131-005 G, 5131-001, 5131-005H, 5161-006 D, 5131-007C, 5131-009, Location

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

3. All the external materials to be used in the elevations and roof of the development hereby permitted shall be as stated on the application form and approved plans and there shall be no variation without the prior written consent of the Local Planning Authority.

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

4. The dwelling shall not be occupied unless and until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority and has been fully installed and completed in accordance with the approved details.

The drainage scheme must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
- (iii) A timetable for its implementation.
- (iv) Details of how foul and surface water will be disposed of.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The scheme hereby approved shall be carried out only in accordance with the approved drainage scheme.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

5. All windows shall be set back from the external face of the walls by a minimum of 70mm.

Reason: To ensure a satisfactory appearance to the development in the interest of visual amenity.

6. Prior to the commencement of development the applicant shall have submitted to and have agreed in writing by the Local Planning Authority a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site. The method statement shall detail how:-

a) an investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority; and

b) A comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority.

All agreed remediation measures shall thereafter be carried out in accordance with the approved implementation timetable under the supervision of a geotechnical professional and shall be completed in full accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

In addition, prior to commencing construction of any building, the developer shall first submit to and obtain written approval from the Local Planning Authority a report to confirm that all the agreed remediation measures have been carried out fully in accordance with the agreed details, providing results of the verification programme of post-remediation sampling and monitoring and including future monitoring proposals for the site.

Reason: In order to protect the health of the occupants of the new development and/or in order to prevent contamination of the controlled waters.

7. The proposed development should not be brought into use unless and until the parking area and garage shown on the approved plans has been constructed, laid out and surfaced in bound porous materials. The parking area shall thereafter always remain available for the parking of domestic vehicles associated with the dwelling.

Reason: In the interest of highway safety and in order to ensure satisfactory levels of off-street parking are achieved within the site.

8. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Class D of

Part 1 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: To enable the Local Planning Authority to control any future development on the site in order to safeguard the residential amenity.

9. Before any dwelling unit is occupied waste containers shall be provided

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

Informative

The developer should take note of all the public footpaths running through the site and must ensure that these are kept undisturbed and free of obstruction during the course of the development. Any breach of the legislation which protects public rights of way can result in legal action, fines and default action carried out and re-charged to the landowner. Any proposals for the temporary diversion or closure of a footpath should be made to Lancashire County Council's public rights of way team. An enquiry about permanently diverting or closing the footpath can be made to Pendle Council.

Application Ref: 21/0154/FUL

Proposal: Full: Erection of 2no. semi-detached bungalows and 2no. semi-detached two storey dwellings, with associated parking and landscaping.

At: Land adjacent 30 Dixon Street, Barrowford

On behalf of: MFH Projects

REPORT TO BARROWFORD AREA COMMITTEE ON 09 JUNE 2021

Application Ref: 21/0189/FUL

Proposal: Full: Demolition of existing conservatory and attached garage and erection of side extension and detached garage, alterations to convert roof space to form two bedrooms and bathrooms including installation of dormer windows and rooflights, and French doors to the ground floor level.

At: 43 Carr Hall Road, Barrowford

On behalf of: Mr and Mrs Parker

Date Registered: 10/03/2021

Expiry Date: 05/05/2021

Case Officer: Alex Cameron

This application has been brought before Committee as three objections have been received.

Site Description and Proposal

The application site is a detached bungalow located within the Green Belt to the west of the settlement of Barrowford and within the Carr Hall and Wheatley Lane Conservation Area. There are detached houses and gardens to the side and rear and Barrowford Road to the front. The existing house finished in red brick and render, with concrete /clay pantile roof and upvc fenestration.

The proposed development is the demolition of existing conservatory and attached garage, the insertion of dormer windows to the rear and rooflights to the rear and the erection of a part two story part single storey extension to the south west side and detached garage. The proposed extension and garage would be finished in red brick and render, pantiles to match the existing roof and steel framed fenestration.

Relevant Planning History

None.

Consultee Response

Cadent Gas – Identifies gas mains running near to the site (which are shown on the opposite side of Barrowford and Carr Hall Road) and offers advice to the applicant for working near their infrastructure.

Barrowford Parish Council – Objection: The application is for quite extensive remodelling of a post war bungalow. The large side extension coupled with the significant raising of the roof to accommodate the proposed dormer bedrooms will significantly alter the size and massing of the existing bungalow. The property falls within the Carr Hall Road & Wheatley Lane Conservation Area and is positioned at a prominent gateway off the bypass and would significantly diminish the setting and amenity of the Carr Hall Road and Wheatley Lane Road Conservation Area. Barrowford Parish Council requested the opinion of the Planning Conservation Officer to assist in coming to a balanced response but this was refused.

Public Response

Press and site notices posted and neighbours notified – Responses received objecting on the following grounds:

- Inappropriate design of dormers and imposing roofline.
- Privacy impacts.
- Conditions should be attached to preserve trees on the site.

Officer Comments

Policy

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

Policy ENV2 (Achieving Quality in Design and Conservation) All new development should viably seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving our heritage assets.

Policies ENV1 and ENV2 are supported by the guidance of the Design Principles SPD and Conservation Area Design and Development Guidance SPD.

Replacement Pendle Local Plan

Policy 31 (Parking) which is a saved Policy within the Replacement Pendle Local Plan requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP.

National Planning Policy Framework

Paragraph 89-90 of the National Planning Policy Framework sets out the types of development that are not inappropriate within the Green Belt. This includes the extension of existing buildings provided that it does not result in a disproportionate addition over the original building.

Green Belt Impact

The proposed extension would result in an approximate 30% increase in the external volume of the original building. This would not represent a disproportionate extension of the building and therefore is not inappropriate development within the Green Belt and would not result in an unacceptable impact on the openness of the Green Belt.

The garage is a proportionate outbuilding that elsewhere within the plot could be erected under permitted development rights. Taking that into account it would not result in an unacceptable impact on the openness of the Green Belt.

Design and Heritage Impact

The design of the development has been amended to alter the publicly visible window and dormer designs to be more in keeping with the original building and alter the roof line of the extension to match the existing roof. With these changes the design of the proposed extension is acceptable. The proposed garage is also an acceptable design.

The proposed materials would match the existing and taking into account that the existing fenestration is upvc and no permission would be required to change it, the proposed metal framed windows and doors are acceptable.

Therefore, the proposed development is acceptable in terms of visual amenity and would not cause harm to the significance of the Conservation Area in accordance with policies ENV1 and ENV2.

Trees

There are protected trees on and adjacent to the site. These would not be directly impacted by the development, however, a condition is necessary to ensure that protective fencing is erected for the duration of construction works.

Impact on Amenity

Concerns have been raised regarding the impact in the privacy of properties across Barrowford Road. The boundaries of those properties are a minimum of 30m from the proposed extension and dormer windows.

All proposed new openings are a sufficient distance from surrounding properties to ensure that they would not result in any unacceptable reduction in privacy and the proposed development would not result in any overbearing impact or unacceptable loss of light.

The proposed development is acceptable in terms of residential amenity in accordance with Policy ENV2.

Highways and Access

The property would maintain an acceptable level of off-street car parking provision.

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 design, residential amenity, highway safety, green belt and heritage impacts. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 265_LAP_001 Rev A, 265_GAP_001 Rev D, 265_GAP_002 Rev D, 265_GAP_003 Rev D, 265_GAE_001 Rev D, 265_GAE_002 Rev D, 265_GAE_003 Rev D, 265_GAS_001 Rev D.

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

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

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

4. Unless otherwise 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 on or adjacent to the site from being damaged during building works.

Note: Cadent Gas has a MAJOR ACCIDENT HAZARD PIPELINE in the vicinity of this development. From the information provided, it does not appear the proposed works will directly affect the above pipeline. However, should you/the applicant require the pipeline locating 'on Site', or wish to discuss technical information regarding Cadent Gas apparatus at this location, please telephone me on 07870856098, and arrangements will be made for a Cadent Gas representative to attend site.

It is the responsibility of the applicant to contact Cadent Gas prior to any works commencing on site. As you will appreciate, we are unable to provide specific guidance based on the information provided. It is therefore essential that the applicant should contact Cadent Gas at the earliest convenience providing detailed site plans, method statements and risk assessments. Correspondence should be forwarded to the above address and marked for the attention of 'The Plant Protection Team'. This will enable us to provide the relevant documentation for safe working in the vicinity of our pipeline, and to arrange appropriate site supervision.

For ALL other works/enquiries it is essential that you contact our Plant Protection Team on 0800 688 588 at the earliest available opportunity prior to ANY work commencing on site. This will ensure that the Operations Engineer responsible for this area is informed of your potential works and is able to make the necessary arrangements to provide appropriate supervision. Plant Protection Team, 3rd Party Enquiries, Cadent Gas Block 1 floor 2 Brick Kiln Street Hinckley Leicestershire LE10 0NA.

Application Ref: 21/0189/FUL

Proposal: Full: Demolition of existing conservatory and attached garage and erection of side extension and detached garage, alterations to convert roof space to form two bedrooms and bathrooms including installation of dormer windows and rooflights, and French doors to the ground floor level.

At: 43 Carr Hall Road, Barrowford

On behalf of: Mr and Mrs Parker

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 25th May 2021