



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

**TO:** POLICY AND RESOURCES COMMITTEE

**DATE:** 19<sup>th</sup> AUGUST, 2021

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## PLANNING APPLICATIONS

### PURPOSE OF REPORT

To determine the attached planning applications.

## REPORT TO POLICY AND RESOURCES COMMITTEE 19<sup>TH</sup> AUGUST 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

This report has been referred from the Barrowford and Western Parishes Committee as members were minded to refuse the application, contrary to officer recommendation. Members stated the following reason for refusal:

1. 4 properties on this site would be too much in terms of highway impact.

There is a significant risk of a costs award against the Council were an appeal to be advanced on these grounds and the application must be decided by the Council's Policy and Resources Committee as required by the constitution.

### 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  
Approved with conditions  
08/09/2017

21/0328/CND Approval of Details Reserved by Condition: Discharge of Conditions: 3 (Materials), 6 (Access) and 7 (Construction Method Statement) of Planning Permission 17/0410/FUL  
Withdrawn

## Consultee Response

### LCC Highways

The current proposal is for the erection of four dwellings. Having considered the information submitted, the Highway Development Support Section does not have any objections regarding the proposed development at the above location. The following comments should be noted, and conditions and notes applied to any formal planning approval granted.

### *Access*

Dixon Street is an adopted highway for only part of its length, with the final, upper section being unadopted, that is, not maintained at public expense.

The construction of the dropped vehicle crossing along the highway boundary outside Plots 3 and 4 would need to be carried out under a legal agreement (Section 278) with Lancashire County Council as the highway authority. The widening of the carriageway within the adopted highway network would also need to be carried out under the same agreement.

### *Parking*

There is an existing telegraph post in the southern boundary of Plot 4 which would restrict the access onto the drive. This requires re-locating to allow access to the drive and would be at the applicant's expense.

All off-road parking areas should be surfaced in bound porous material to prevent loose material from being carried onto the adjacent carriageway, where it could pose a hazard to other users.

Due to the limited amount of manoeuvring space on Dixon Street, particularly when cars are parked outside Nos 55 – 63, the off-road parking areas for Plots 1, 2 and 3 should be widened to a minimum of 5.6m each; this would improve manoeuvrability and result in a shared space for vehicles and pedestrians on the driveways/parking bays.

To ensure visibility for pedestrians on the highway and for vehicles entering/leaving the parking bays the boundary to the west of Plot 1 should not be more than 900mm high for a distance of 5m from the boundary edge into the site. Likewise the boundary to the east of Plot 4 should not be more than 900mm high for a distance of 6m from the boundary edge into the site. Boundaries between the plots at the front of the site should not be higher than 900mm.

The applicant should provide Plots 1 – 3 with secure, covered storage for two cycles per dwelling in accordance with the borough council's 'Car and Cycle Parking Standards'.

### *General*

Access to the site is through a number of residential streets, most of which are heavily parked, with some tight junctions. If the application was approved, careful consideration would need to be given to the route for construction traffic. The timing of deliveries by large construction vehicles should also be restricted to ensure there is no conflict with traffic, both vehicular and pedestrian, at peak times. Deliveries should only be accepted between 9.00 am and 3.00pm.

Public Footpath No 30 (Barrowford) runs along the western and northern boundaries of the site. A Public Right of Way must not be obstructed during the proposed development. The granting of planning permission does not constitute the diversion of a Definitive Right of Way. If it is necessary

for the Public Right of Way to be temporarily diverted or temporarily closed, it is the landowner's responsibility to ensure that this is done following the appropriate legal procedures.

The following conditions and notes should be applied to any formal planning approval granted.

Conditions have been suggested which relate to off-site highway works, a construction method statement, site boundary / visibility splays, the surfacing of car parking spaces, cycling facilities, garages not being converted into residential accommodation, and electric vehicle charging points.

*Update:* Following the comments received from LCC Highways, the applicant has amended their plans to widen the car parking spaces.

#### 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 on the site, for three dwellings each with two parking spaces. Permission was granted in 2017 and has now expired. The application to discharge the conditions has been withdrawn. 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-render, 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 should 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 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. In terms of the issues concerning the construction phase, this could be controlled by an appropriate condition.

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

### **Highways**

The previous scheme which was on this site was for three dwellings, all to be three bedrooms. Whilst it is acknowledged that there is one additional dwelling here the number of bedrooms has changed so that two plots would have two bedrooms and the other two plots would have three bedrooms. As such, the parking requirement would still be six spaces in total. Therefore, there would be no material difference, in parking / highway terms between the previous scheme and the one which is now before the Council for determination.

Dixon Street is adopted highway for only part of its length, with the final upper section unadopted. Therefore, the developer should take steps to ensure future maintenance of this section. Off-site highway works have been requested by Lancashire County Council Highways, including construction of the dropped vehicle crossing along the highway boundary outside plots 3 and 4, which would need to be carried out under a legal agreement (Section 278 works). The widening of the carriageway

within the adopted highway network would also need to be carried out under the same agreement. In order to ensure that the final details of the highway scheme / works are acceptable before the work commences, this will be secured by an appropriate condition.

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 i.e refuse wagons, would not alter through the development. This development would not result in a worsening of on street parking.

Amended plans indicate wider car parking spaces than originally proposed, in accordance with comments made by LCC 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 on this site. All of the plots have adequate parking. 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 in terms of impact on amenity, design and amenity and highway safety 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: Proposed Elevation Plans 5131-007 F, Proposed Site Plan 5131-005H, Proposed Ground



Floor and First Floor Plans 5131-006 D, Location Plan 5131-001, Section through Plot 2 5131-010.

**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. Before the development hereby permitted becomes operative, the existing boundary to the east and west of the site shall be reduced to and be permanently maintained henceforth at a height no greater than 900mm above the crown level of the adjacent carriageway / Public Footpath, and shall include any new, internal boundaries in the front section of the site, in accordance with the approved plan, before the first occupation of any dwelling.

**Reason:** To ensure adequate visibility for the drivers of vehicles entering and leaving the site.9. The cycling facilities to be provided in accordance with a scheme to be approved by the Local Planning Authority and the cycling facilities to be provided in accordance with the approved plan, before the first occupation of any dwelling.

9. The garage shown on the approved plan shall be maintained as such and shall not be converted to ancillary accommodation or used for storage without the prior written approval of the Local Planning Authority.

**Reason:** In order to ensure that sufficient off-street parking can be accommodated within the site.

10. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvements has been submitted to, and approved by, the Local Planning Authority. The scheme shall thereafter be completed in accordance with the approved details.

The works shall include:

- Re-surfacing and kerbing the footway from the end of the adopted section to the western edge of No. 59 Dixon Street. A measurement of 5.5m from this kerb edge should be taken, which will be the minimum carriageway width.
- Upgrading and re-surfacing the carriageway from the edge of the adopted section to the western boundary i.e opposite No. 59 Dixon Street, to include a surface water gully.
- Provision of a new street lighting column, exact position to be agreed with Lancashire County Council's Street Lighting section.

**Reason:** In order to satisfy the Local Planning authority that the final details of the highway scheme / works are acceptable before work commences on site.

11. The car parking area shall be surfaced or paved in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority prior to the dwelling houses being occupied and shall thereafter at all times be made available for the parking of vehicles associated with the dwelling.

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

12. Electric vehicle charging points to be provided in accordance with a scheme to be approved by the Local Planning Authority and the vehicle charging points to be provided in accordance with the approved plan, prior to first occupation of any residential unit.

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

13. Prior to the commencement of development on site a method statement shall be submitted to the Local Planning Authority for written approval which shall include the following:

- i) the parking of vehicles of site-operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- iv) the erection and maintenance of security hoardings including decorative displays, where appropriate
- v) wheel-washing facilities
- vi) measures to control the emission of dust and dirt during construction
- vii) Details of working hours

**Reason:** In the interest of the amenity of the area and highway safety during construction work.

14. 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.

15. 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 Borough Council.

The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as the Highways 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 and section of widened carriageway to an appropriate standard. The applicant should be advised to contact the County Council for further information.

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**At:** Land adjacent 30 Dixon Street, Barrowford  
**On behalf of:** MFH Projects