

REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND
REGULATORY SERVICES MANAGER

TO: BARROWFORD AND WESTERN PARISHES COMMITTEE

DATE: 1ST DECEMBER 2021

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO BARROWFORD & WESTERN PARISHES COMMITTEE 1ST DECEMBER, 2021

Application Ref: 21/0542/FUL

Proposal: Full: Change of use from joiners workshop (Use Class E) to a 2 bedroom holiday let (Use Class C3), change window to door with Juliet balcony and insertion of an additional window.

At: Workshop adj Higherford Bridge, Gisburn Road, Barrowford

On behalf of: Mr J Fawcett

Date Registered: 17th September 2021

Expiry Date: 12th November 2021

Case Officer: Kathryn Hughes

Site Description and Proposal

The application site is a joiner's workshop located on Gisburn Road, Barrowford within the settlement boundary.

The proposed development is the change of use of the building to a dwelling for use as a holiday let.

A Juliet balcony is proposed on the East elevation along with an additional window to the west elevation.

Relevant Planning History

13/15/0375P - Full: Conversion of joiner's workshop (B1(c)) to dwelling house (C3) and erect balcony to east elevation – Withdrawn.

Consultee Response

LCC Highways – The site was visited on 7 October 2021 and was also visited on 9 June 2021 as part of a highways pre-application submission. There have been no material changes to the surrounding highway network in the intervening period.

The proposal is for the conversion of workshop into a two bedroom holiday let.

Having considered the information submitted, together with site observations, the Highway Development Control Section does not have any objections in principle regarding the proposed development at the above location, subject to the following comments being noted, and condition being applied to any formal planning approval granted.

Car & cycle parking

There are no parking restrictions on Gisburn Road outside the workshop and there is a broken carriageway centre line along the frontage of the site. This allows some limited on-road parking outside the property, as currently happens with the existing business.

The applicant has indicated in their Supporting Planning & Heritage Impact Statement that up to three deliveries of goods are received in an average week, and that two joiners work at the site. The use of the site could change and operate under the same Use Class without planning permission being required. This could generate a higher volume of traffic movements to and from the site, which could not be controlled by condition.

It is unlikely that the holiday let proposed would be occupied all year round, unlike a permanent residential dwelling. Traffic generated by the holiday let is therefore likely to be less than that from a permanent residence, and be more akin to the existing traffic conditions. The absence of parking restrictions outside the site, and the broken centre line, would allow visitors to briefly stop outside the property to load/unload.

However, some form of off-road parking would need to be provided to dissuade visitors from parking outside the property. This provision is proposed to be on the public car park at the Malt Kiln, which is within acceptable walking distance. The provision of a multiple-user parking permit would need to be investigated to ensure that this could be provided to visitors of the holiday let.

The applicant has submitted details to confirm that there is availability on Malt Kiln Car park which is managed by 'Park with Ease'. A permit costs £100 per annum. A condition is proposed which requires a parking permit for a single vehicle to be made available for the guests and renewed annually. This is supported.

General

There are bus stops within acceptable walking distances providing access to local destinations and some further afield, which may provide an alternative means of transport to the car.

The use of the premises as a holiday let only should be controlled by condition to ensure the proper control of the holiday let and to prevent the establishment of a permanent residency.

Condition

1. Prior to the use of the holiday let hereby approved, a valid parking permit for a single vehicle at The Malt Kiln Car park (or alternative car park by agreement), shall be obtained and made available for use by visitors and thereafter be renewed annually.

Environment Agency – The planning application is accompanied by a Flood Risk Assessment (FRA) prepared by PSA Design (D3663-FRA-01, dated 17 September 2021). We have reviewed the FRA in so far as it relates to our remit and we are satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented. The proposed development must proceed in strict accordance with this FRA and the mitigation measures identified as it will form part of any subsequent planning approval. Any proposed changes to the approved FRA and / or the mitigation measures identified will require the submission of a revised FRA.

Barrowford Parish – Objection – although this could be seen as an initiative re-use of a small joiner's workshop. Its location on the A682 in close proximity to the sharp right hand bend approaching Higherford Bridge with the acute angle of the bend necessitating wagons to cross the central line to negotiate this tight bend would pose a clear and present danger to any vehicles off loading at this point. The highway has a double white line to the centre of the road indicating no parking on the highway. The application shows no off-road parking provision on site. The location is difficult to safely access for local residents with knowledge of road conditions so the conversion to holiday let will subject visitors unloading luggage to significant risk. The lack of off-road parking provision leads to the presumption that users will find alternative parking and carry their luggage potentially some distance to this building as this is unlikely, the Council feels that the lack of parking is paramount to determining this application which should be refused on highway safety concerns alone.

Public Response

Nearest neighbours notified by letter. Two responses received objecting to the proposal as follows:

- C3 relates specifically to general residential use and cannot be limited to "Holiday Let";

- Highways – traffic/parking – previously the Highway development control section was of the opinion that the proposed development would have a detrimental impact on highway safety. Car parking in the area is limited and there is no current parking on site. The proposal for a space at the Malt Kiln is too far away and there is no guarantee this would be available in the future;
- Loss of employment land – to replace employment with residential does not benefit anyone but the owner. We need more employment and diversity not less. A holiday let cannot be assessed in terms of tourism or the local economy and cannot justify the permanent loss of employment use;
- Privacy and amenity – the Juliette balcony will allow occupants to overlook our garden from an elevated position resulting in loss of privacy and intrusion on our residential space;
- Environmental and safety issues – the property overlooks Pendle Water and as such there should be a certain amount of respect towards the riverbank and wildlife. The proposed open Juliet balcony doorway is not only a safety hazard but will undoubtedly add to litter and pollution finding its way into the river; and
- The east facing Juliet balcony is directly opposite the beer garden of the public house and is likely to result in noise for the people using the holiday let especially if they have children trying to sleep.

Two further responses raising no objections and supporting the proposal.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy ENV1 states that the historic environment and heritage assets of the borough (including Listed Buildings, Conservation Areas, Scheduled Monuments, non-designated assets and archaeological remains), including and their settings, will be conserved and where appropriate should be enhanced.

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.

Policy LIV1 sets out the housing requirement for the borough.

Policy LIV5 states that layout and design should reflect the site surroundings, and provide a quality environment for its residents, whilst protecting the amenity of neighbouring properties.

Policy WRK5 supports proposals for new and improved tourism facilities where they meet the criteria set out, are sustainable and of an appropriate scale.

Replacement Pendle Local Plan

Policy 31 sets out the maximum parking standards for development.

National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies set out in the Framework, taken as a whole,

constitute the Government's view of what sustainable development in England means in practice for the planning system.

Principle of the Development

The application site falls within the settlement boundary of Barrowford, this is a sustainable location for the proposed dwelling in accordance with the Local Plan Part 1: Core Strategy and the Framework. The proposal is for a holiday let and therefore this is assessed under policy WRK5.

The policy context of the development is principally contained within Policy WRK5 that applies to tourism provision within the M65 Corridor within a designated town centre.

Given its location within Barrowford the site has good accessibility and the development would not result in an overreliance on car use. The site is within walking distance of the settlement boundary where services such shops and drinking establishments exist. The scheme therefore meets the initial requirements of Policy WRK5.

Visual Amenity

The proposed insertion of a window to the front elevation and change of window to door with Juliet balcony to the rear elevation both of which would be acceptable and accord with policy ENV2.

Residential Amenity

The proposed window to the front (west elevation) would face the highway and raise no further amenity issue that the existing windows at present

The doorway and Juliet balcony to the rear (east elevation) would not also be acceptable in terms of amenity as it would face the river and park with some side views of the properties to the as the doorway would be offset rather than having direct views this relationship would not result in an unacceptable privacy impact upon either property.

The proposed use would also not result in any unacceptable impacts upon any other neighbouring properties.

The proposed development would not result in any unacceptable residential amenity impacts and is therefore acceptable in terms of residential amenity in accordance with policy ENV2.

Flood Risk

An acceptable flood risk assessment has been submitted and the proposed dwelling would be acceptable on that basis.

Parking

The site would have no off-street parking, however, it has no parking provision at present and residential properties without off-street parking are characteristic of the area and it has good links to public transport. Taking into account the existing commercial use of the property the proposed development is acceptable in terms of parking and highway safety. Although LCC raised concerns previously they have not objected to this proposal in principal and whilst they have requested a condition requiring a parking permit on the Malt Kiln this in itself would not require any users to and this type of condition would not be reasonable based on the existing commercial use of the premises. Given the proposal is for a holiday let it would be unlikely to have occupancy all year round and therefore would have less comings and goings than a permanent dwelling. This can be effectively controlled by condition restricting occupancy on this basis.

This is acceptable and reflects the existing parking arrangements for many properties within the area and therefore accords with policy 31.

Summary

The proposal is therefore acceptable in terms of impact on amenity, impact on highway safety, design and materials and the proposed holiday let would be acceptable on that basis.

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, amenity, highway safety and flood risk. 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:

01, 02, 03, 04 and 05.

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

3. Prior to the commencement of any external alterations samples of the external materials and finishes of the windows shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

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

4. The development shall be carried out in strict accordance with the submitted FRA prepared by PSA Design (D3663-FRA-01, dated 17th September, 2021). The proposed development shall thereafter proceed in strict accordance with the FRA and the mitigation measures identified be carried out in strict accordance with the approved details. Any proposed changes will require the submission of a revised FRA.

Reason: To order to ensure the proposed development is not a risk of flooding or proposes a risk elsewhere.

5. The property shall be occupied for holiday purposes only:

- (1) The cottage/chalet shall not be occupied as a person's sole or main place of residence.
- (2) The owner/operator shall maintain an up-to-date register of the names of all owners/occupiers of individual units on the site and their main home addresses, and shall make this information available at all reasonable time to the Local Planning Authority.

Reason: In order to ensure the proper control of the use of the holiday units and to prevent the establishment of permanent residency.

Advice to applicant: The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up. Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-for-flooding>.
To get help during a flood, visit <https://www.gov.uk/help-during-flood>.

Application Ref: 21/0542/FUL

Proposal: Full: Change of use from joiners workshop (Use Class E) to a 2 bedroom holiday let (Use Class C3), change window to door with Juliet balcony and insertion of an additional window.

At: Workshop adj Higherford Bridge, Gisburn Road, Barrowford

On behalf of: Mr J Fawcett

REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE 1ST DECEMBER 2021

Application Ref: 21/0794/FUL

Proposal: Full: Erection of one detached bungalow and two semi-detached dwellings, including private drives and gardens (Re-Submission).

At: Land adjacent 30 Dixon Street, Barrowford

On behalf of: MFH Projects

Date Registered: 05/10/2021

Expiry Date: 30/11/2021

Case Officer: Laura Barnes

This report has been brought to 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 one single storey bungalow. Each property would have parking facilities to the front within 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

21/0154/FUL Full: Erection of 2no. semi-detached bungalows and 2no. semi-detached two storey dwellings, with associated parking and landscaping
Refused

Consultee Response

LCC Highways

A number of applications have been previously considered at this site.

21.0328.CND – withdrawn – Discharge conditions 6 access and 7 CTMP
21.0154.FUL – Refused – 2 bungalows and 2 semi-detached dwellings
18.0879.VAR – Approved – Vary condition 6 highway improvements
17.0410.FUL – Approved – 1 bungalow and 2 semi detached dwellings
16.0595.FUL – withdrawn – 4 x 3 bedroom dwellings

Construction Traffic

Access to the site is via a residential area, with heavily parked terraced streets, 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.

The compound should be located in the south-eastern corner of the site so it can be accessed off the adopted highway. This will minimise overrun on the unadopted section of Dixon Street.

A pre-start photographic record of the condition of both the adopted and unadopted sections of Dixon Street adjacent to the site is requested. This will allow any damage to be recorded and repaired in the interest of the developer, unadopted street managers and Highway Authority.

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 2 and 3 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

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.

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 3 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 and 2 with secure, covered storage for two cycles per dwelling in accordance with the borough council's 'Car and Cycle Parking Standards'. Plot 3 has a garage which provides cycle storage.

PROW

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.

Conclusion

There is no objection to the proposal, should the application be approved the following conditions are requested.

1. No development shall take place, including any works of demolition, until a construction method statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:
 - i) The parking of vehicles of site operatives and visitors.
 - ii) The loading and unloading of plant and materials.
 - iii) The storage of plant and materials used in constructing the development.
 - iv) The erection and maintenance of security hoarding.
 - v) Wheel washing facilities.
 - vi) Measures to control the emission of dust and dirt during construction.

vii) A scheme for recycling/disposing of waste resulting from demolition and construction works.

viii) Details of working hours.

ix) Routing of delivery vehicles to/from site.

2. Within 3 months of commencement a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority. The works shall be completed prior to first occupation of any dwelling.

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

3. 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 not 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.

4. The car park spaces 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, before the first occupation of any dwelling. Reason: To allow for the effective use of the parking areas.

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

6. All garages shown on the approved plans shall be maintained as such and shall not be converted to ancillary accommodation/offices 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.

7. 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.

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 and section of widened carriageway to an appropriate standard. 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 develooperas@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. Footpath 30 (Barrowford) may be affected by this development.

Barrowford Parish Council

No Objection: The modest scale of the proposed houses and bungalow with adequate off-road parking are the type of smaller new built properties Barrowford needs. The utilization of small plots of land within the urban core for small scale developments of smaller more affordable housing should be supported.

Unites Utilities

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

Environmental Health

Recommended conditions in relation to contaminated land, construction phase nuisance, control of dust and burning on site.

Public Response

Nearest neighbours notified, 6 responses have been received (although two are from the same address so must be counted as one objection), 4 in objection, raising the following issues;

- Suggest construction deliveries are between 9:30am and 3:00pm
- No weekend working
- Parking on this street is at a premium
- Relocation of a telegraph pole would prove problematic
- Concern that the drop off zone is going to make it difficult to access existing properties
- Highways issues have not been address when compared with the previous schemes
- Footprint of the dwellings are the same as the scheme for four dwellings, which was rejected
- Conditions have been breached on this site previously
- Adequate on-site parking for builders not provided
- Wheel washing facilities should be provided
- Privately owned land at the top of the street, residents will not give permission to access the site across this
- The site would be more suited to two large dwellings
- Hazardous for children who play on the street

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 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.

This is a re-submission of a scheme for four dwellings which was refused at planning committee, contrary to officer recommendation. This scheme seeks to reduce the impact by reducing the number of units from four to three.

Design

The proposed development comprises two semi-detached two storey houses and one detached single storey bungalow. The proposed bungalow is to have a footprint of 120 sqm whilst the proposed two storey dwellings are to have a footprint of 101 sqm each, with plot 4 having an attached garage with an additional footprint of 22 sqm. The properties are to be constructed in block and k-rend, with some artificial stone picked out to the front of the bungalow, 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 bungalow is to comprise three bedrooms, a living room, kitchen / dining room and bathroom. The height of the ridge of the two storey houses would be 7.8m and the height of the ridge of the bungalow would be 5.4m. The 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 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. 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. There are two side elevation windows at No. 30 Dixon Street which face the site. However, given the access track is in between No. 30 and the application site and that the separation distance between the side elevation of the neighbour and the front elevation of the proposed dwellings is 18m, this would not result in an unacceptable loss of privacy. There would be a 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.

There is a bungalow (No. 2 Burnsall Place) 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. To the rear, each two storey dwelling proposes a single bedroom window and single bathroom window at first floor level. Having analysed the original

plans for No.2 Burnsall Place, it is noted that a small secondary living room window on the south west side elevation would be closest to the proposed dwellings. This window would be sited approximately 16 metres from the closest habitable room window in Plot 2, which is less than the recommended 21 metres stated in the Design Principles SPD.

However, both Plot 2 and 3 are off set to the south east from No.2 Burnsall Place, so do not have direct visibility into the property. The application site is located in a slightly elevated position, therefore views from the first floor windows would be of the rooflines of neighbouring properties to the rear, not directly into their habitable rooms. Surrounding properties to the rear have high boundary fencing and the area is heavily screened with mature vegetation, which substantially obscures views between properties. Therefore the overall relationship would be acceptable. Given the single storey nature of the bungalow on Plot 1, in addition to the change in levels, existing fencing and mature boundary screening, the development would not have a detrimental overbearing impact or cause a loss of privacy to neighbouring occupiers. Permitted Development Rights can be removed by condition to Plot 1, to carefully control any extension to the roof of this plot, in order to safeguard the privacy position between dwellings.

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 approved on this site was for three dwellings, all to be three bedrooms. There is no change from the previously approved scheme. 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, 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 bungalow, which has three bedrooms. The two houses each have three bedrooms with one property having two off street spaces and the other having one space in front of the property and one space in the 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. 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 three dwellings, one of these is to be a bungalow 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 Site Plan 5131-005J, Proposed Elevations Plots 1, 2 and 3 5131-007H, Proposed Ground Floor and First Floor Plans 5131-006 G, Location Plan 5131-001, Proposed Elevations Plots 1, 2, and 3 continued 5131-009A

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. 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), for Plot 1 no development as specified in Class B & C of Part 1 of that Order and for Plot 2 & 3 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.

Application Ref: 21/0794/FUL

Proposal: Full: Erection of one detached bungalow and two semi-detached dwellings, including private drives and gardens (Re-Submission).

At: Land adjacent 30 Dixon Street, Barrowford

On behalf of: MFH Projects