



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

TO: WEST CRAVEN COMMITTEE

DATE: 11th OCTOBER 2022

Report Author: Neil Watson
Tel. No: 01282 661706
E-mail: neil.watson@pendle.gov.uk

PLANNING APPLICATIONS

PURPOSE OF REPORT

To consider the attached planning application for determination by Council.

REPORT TO WEST CRAVEN COMMITTEE 11TH OCTOBER 2022

Application Ref: 22/0461/FUL
Proposal: Full: Erection of detached three storey dwelling with detached double garage.
At: Gordale, Manchester Road, Barnoldswick
On behalf of: Mr S Mitchell
Date Registered: 06/07/2022
Expiry Date: 31/08/2022
Case Officer: Alex Cameron

This application is brought before Committee due to the number of objections received.

Site Description and Proposal

The application site is the garden of a detached bungalow located within the settlement of Barnoldswick and Calf Hall & Gillians Conservation Area. To the west is a row of terraced houses to the south is the bungalow and open land beyond, to the east is an agricultural/equine building and to the north are gardens.

This is a resubmission of a previously approved application for the erection of a detached three storey dwelling and detached double garage. The only change to the approved development relates to the northern boundary of the site, where a new retaining wall is proposed.

Relevant Planning History

21/0222/FUL - Full: Erection of two storey detached dwelling with detached double garage.
Approved

21/0954/FUL - Full: Erection of detached three storey dwelling with detached double garage.
Approved

Consultee Response

LCC Highways – No objection.

United Utilities – Following our review of the submitted drainage documents; Drainage Strategy Ref: CAL 2020 014 003, Dated 18.5.21, the plans are not acceptable to United Utilities. This is because we have not seen robust evidence that that the drainage hierarchy has been thoroughly investigated and the proposals are not in line with the Non-Statutory Technical Standards for Sustainable Drainage Systems.

Please provide evidence to show surface water infiltration to ground has been investigated.

With regards to the submitted drainage layout, we request a detailed drainage plan showing all proposed and receiving sewer manhole cover levels be provided.

Should planning permission be granted we request a drainage condition is attached.

Cadent Gas – No objection subject to a note relating to works close to gas infrastructure.

PBC Environmental Health – Please attach a construction management statement condition and a note relating to contamination.

Barnoldswick Town Council –

Public Response

A press and site notice posted and neighbours notified. Responses received objecting on the following grounds:

- Privacy impact on adjacent dwellings
- Impact on the condition of the access road
- Highway safety impact of increase use of the junction with Manchester Road
- Overbearing impact and loss of light from the dwelling and garage
- Concerns relating to drainage
- Visual impact of the building and impact on the Conservation Area

Officer Comments

Pendle Local Plan Part 1: Core Strategy

Policy SDP2 states that proposals for new development should be located within settlement boundaries. Proposals to develop outside of settlement boundaries will only be permitted for those exceptions outlined in the Framework.

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 states that 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. This is supported by the guidance set out in the Conservation Area Design and Development Guidance SPD.

Policy ENV4 (Promoting Sustainable Travel) requires new development to have regard to potential impacts that may be caused on the highway network, particularly in terms of safety. Where residual cumulative impacts cannot be mitigated, permission should be refused. Proposals should follow the settlement hierarchy approach in Policy SDP2 and minimise the need to travel by ensuring that they are developed in appropriate locations close to existing or proposed services.

Replacement Pendle Local Plan

Policy 31 of the Replacement Pendle Local Plan sets out the maximum parking standards for development.

National Planning Policy Framework

Paragraph 79 of the Framework states that local planning authorities should avoid the development of isolated homes in the countryside unless it meets one or more of five circumstances. The circumstances include development that would represent the optimal viable use of a heritage asset and the re-use of redundant or disused buildings and lead to an enhancement to the immediate setting.

Principle of the development

The site is located within the settlement of Barnoldswick. This is a sustainable location for a new dwelling with adequate access to services, facilities and public transport. The proposed development is therefore acceptable in principle in accordance with policies SDP2 and LIV1.

Design and Heritage Impact

The site is not prominent, located to the rear of the houses fronting Manchester Road and on lower land than the bungalow. The design of and materials of the proposed dwelling are acceptable as established by the existing permission. The changes in this application only relate to the erection of a retaining wall to the northern boundary. The boundary is to a private garden and therefore not publically prominent, the proposed wall would preserve the character and appearance of the Conservation Area and thus its significance in accordance with policies ENV1 and ENV2 and the guidance of the Conservation Area Design and Development Guidance SPD.

Amenity

The proposed dwelling would be over 21m from windows of the dwellings to the east and west and so would not result in any unacceptable loss of privacy.

Windows in the north elevation would face the garden of 43 Park Avenue to the rear separated by 5.5m, due to the removal of the existing boundary hedge and proposal for a low retaining wall a condition is necessary for those windows to be obscure glazed.

Ground floor windows in the south elevation would face the blank side elevation of Gordale and side of the conservatory to the rear, taking into account that they are ground floor windows an adequate level of privacy for both properties. The upper floor window is proposed to be obscure glazed.

The adjacent agricultural / equine building is already in close proximity of other dwellings and the proposed dwelling would not be unacceptably impacted by it.

Concerns have been raised regarding the house and garage resulting in an overbearing impact and loss of light to adjacent dwellings. Both would be a sufficient distance from those dwellings to ensure that at the ground levels and heights proposed they would not result in any unacceptable loss of light or overbearing impact.

The proposed house and garage raise no unacceptable residential amenity impacts in accordance with policies ENV2 and LIV5.

Highways

Although single track, steep and meeting Manchester Road at an acute angle, the existing access serves a number of dwellings and the addition of one further dwelling would not result in an unacceptable highway safety impact.

The site would have sufficient parking and turning areas for three cars without the use of the garage being necessary and the garage would provide adequate space for bicycle storage.

Concerns have been raised regarding the future maintenance of the access road, however, this is a civil matter and it would not be proportionate or reasonable to attach a condition relating to maintenance of the access road.

The development is acceptable in highway terms in accordance with policies ENV4 and 31.

Drainage

United Utilities have raised concerns related to lack of investigation of surface water infiltration, however, that information was provided in relation to the discharge of conditions of the existing permission and accepted by UU. The proposed discharge points to the sewers are different in this application, being further to the north, and UU have queried the height of the manhole cover levels, that can be addressed by condition.

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 impact upon ecology. 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: Location Plan, CAL 2021 014 001, CAL 2020 014 003 Rev C, CAL 2021 014 010 Rev B.

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

3. Unless alternative details are submitted to and approved in writing by the Local Planning Authority, the external materials of the development shall be in accordance with the approved plans and application forms and the Colour and Materials Schedule, Condition 3 and supporting information received 02/08/2021.

Reason: To ensure the use of appropriate material in order to protect the character and appearance of the Conservation Area.

4. Unless otherwise approved in writing by the Local Planning Authority the reveal depth from face of stonework to face of windows and doors shall be 75mm.

Reason: In order to protect the character and appearance of the Conservation Area.

5. The dwelling hereby approved shall not be occupied unless and until provision to allow a minimum of three cars to park, turn and exit the site in forward gear has been laid out, surfaced and made available in accordance with the approved plans. The car parking and turning areas shall thereafter be maintained free of obstruction and available for car parking and turning purposes.

Reason: In the interest of highway safety.

6. Prior to the occupation of the dwelling an electric vehicle charging point shall be installed accessible from the parking area.

Reason: To ensure that the development supports sustainable transport modes.

7. Prior to the occupation of the dwelling hereby approved a scheme of foul and surface water drainage shall have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until the drainage has been installed in accordance with approved scheme.

Reason: To control foul and surface water flow disposal and prevent flooding.

8. The landscaping scheme detailed on the approved plans shall be implemented in its entirety within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

Reason: To ensure that the development is adequately landscaped so as to integrate with its surroundings.

9. The windows in the north elevation and upper floor windows in the north and south facing side elevations of the development hereby approved shall at all times be fitted with obscure glazing to at least level 4 or above, unless otherwise agreed in writing by the Local Planning Authority. Any replacement glazing shall be of an equal degree or above. The windows shall be hung in such a way as to prevent the effect of the obscure glazing being negated by way of opening.

Reason: To ensure an adequate level of privacy to the adjacent residential properties.

10. The Construction Management Statement received 02/08/2021 shall be adhered to throughout the construction period unless an alternative Construction Management Statement has been submitted to and approved in writing by the Local Planning Authority and thereafter adhered to throughout the construction period.

Reason: In the interest of highway safety and residential amenity.

Note:

1. If during any stage of the development any miscellaneous substances, made ground or potentially contaminated ground that has not been previously identified and planned for in a report is uncovered, work in the area must stop immediately and the Environmental Health Department at the Borough of Pendle should be made aware. No work should continue until a contingency plan has been developed, and agreed with the local planning authority.

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On behalf of: Mr S Mitchell

NPW/MP

Date: 3rd October 2022