

Nelson, Brierfield and Reedley Committee – Planning Update Report - 25th March 2024

24/0036/HHO - 281 Barkerhouse Road, Nelson

Following the publication of the Committee report, additional comments have been received from members of the public. These comments were made by members of the public who have previously commented on the scheme. These can be summarised as follows:

- Proposed front balcony overlooking neighbours and looking out of character
- Impact on streetscape
- Disproportionate and poor design
- Additional parking potentially impacting pedestrian safety
- Use of artificial stone on proposed side elevation
- Rear dormers overlooking neighbour's gardens
- Loss of private views
- Concerns for garage converted to living accommodation at a later stage

These issues have either been raised and addressed in the original report or are not matters of planning consideration. Therefore, this does not change the overall recommendation, which is to approve the application, subject to conditions.

24/0078/FUL - Garage site to rear of 203-205 Barkerhouse Road, Nelson

Following the publication of the Committee report, additional comments have been received from LCC Highways indicating that the amended plans are satisfactory.

They have set out that amended plans showing the carriageway width to be 6-7m wide with footways both sides, the existing pedestrian ginnels are to be maintained, linking Marsden Hall Road and Rowland Avenue. A refuse collection point has been indicated for the collection of rubbish on collection days.

The applicant has submitted further information regarding tree protective fencing during the construction phase in order to adequately protect the trees off site. The Council's Environment Officer has reviewed this and the proposals are acceptable, subject to condition.

There are two conditions removing permitted development rights for plots 1 and 2 for some development. The reason for this is to ensure that neighbouring amenity is not unacceptably affected. If the Local Planning Authority has no control over the insertion of additional windows to the side elevation, this could result in habitable room windows being less than the separation distances set out in the Design Principles SPD. Similarly, single storey extensions to either dwelling could result in an unacceptable neighbouring amenity issue. Therefore, it is necessary and reasonable to remove Permitted Development rights in this case.

The recommendation can be changed to Approval, subject to 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 T Ref:QRQM22272205322207, Proposed Site Plan AB153-01 Rev B, Proposed Site Plan with plots 1&2 AB153-02 Rev B, Proposed Elevation Plan AB153-06 Rev B, Proposed Roof Plan AB153-05 Rev B, Proposed Ground Floor Plan AB153-03 Rev B, Proposed First Floor Plans AB153-04 Rev B.

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

3. Samples of materials including descriptions shall be submitted to the Local Planning Authority for written approval prior to commencement of work on the site. The development shall be carried out using only the agreed materials.

Reason: In order that the Local Planning Authority can assess the materials in the interest of the visual amenity of the area.

4. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes 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 in accordance with BRE365;

(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). In the event of surface water discharging to the public surface water sewer, the rate of discharge shall be restricted to 2 l/s;

(iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;

(iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and

(v) Foul and surface water shall drain on separate systems.

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

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

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

5. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning Authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
- (i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
 - (ii) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

6. 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.

7. The development hereby permitted shall not be commenced until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:
- a. the exact location and species of all existing trees and other planting to be retained;
 - b. all proposals for new planting including the replacement trees for those which have been removed, and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
 - c. an outline specification for ground preparation;
 - d. all proposed boundary treatments with supporting elevations and construction details;
 - e. all proposed hard landscape elements and pavings, including layout, materials and colours;
 - f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its entirety approved form 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.

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

9. Before any dwelling unit is occupied waste containers shall be provided and shall be stored within the boundaries of each property.

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

10. No development shall take place, including any works of clearance, 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/ mechanical road sweeping
 - vi) Measures to control the emission of dust and dirt during construction
 - vii) Details of working hours
 - viii) Timing of deliveries
 - ix) Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties.

Reason: In the interest of highway safety.

11. Prior to first occupation each dwelling shall have an electric vehicle charging point. Charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicle currently available.

Reason: To ensure adequate provision for sustainable transport.

12. Notwithstanding any permitted development right granted under the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), there shall be at no time any openings inserted into the side elevations of plots 1 or 2 without the prior written consent of the Local Planning Authority.

Reason: In the interests of neighbouring amenity.

13. Full details including samples of boundary treatment along back Barkerhouse Road, details of external surface treatments and surface water drainage shall be submitted and approved and with the scheme implemented prior to the first occupation of any dwelling.

Reason: To ensure adequate visibility at the site access and to protect highway safety.

14. Prior to the occupation of each dwelling the driveways and parking areas shall be constructed in accordance with the approved materials and made available for use and maintained for that purpose for as long as the development is occupied.

Reason: To ensure adequate parking provision is provided.

15. Prior to first occupation each dwelling shall have a secure cycle store for at a ratio of 1 cycle space per bedroom.

Reason: To support sustainable travel.

16. A pedestrian link shall be maintained between Marsden Hall Road and Rowland Avenue to the northwestern edge of the site.

Reason: For pedestrian connectivity.

17. The development shall be carried out in strict accordance with the tree protective fencing details on the approved plan AB153-01-Rev B.

Reason: In the interest of protecting the trees on the boundary of the site, to be retained.

Informative

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.