



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

**TO: NELSON COMMITTEE**

**DATE: 3<sup>rd</sup> February 2020**

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

## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications.

## REPORT TO NELSON COMMITTEE ON 03 FEBRUARY 2020

**Application Ref:** 19/0791/FUL  
**Proposal:** Full: Installation of an access track and gate.  
**At:** Old Clarion House, Shelfield Lane, Southfield  
**On behalf of:** Mr R Smith  
**Date Registered:** 06/11/2019  
**Expiry Date:** 01/01/2019  
**Case Officer:** Alex Cameron

### **Site Description and Proposal**

The application is a dwelling and agricultural building located within the open countryside approximately 1.8 km to the east of the settlement boundary of Nelson adjacent to the crossroads of Sheffield Lane and Back Lane. A Permitted Development Notification under Class Q of the General Permitted Development Order (GPDO) has previously been approved for the change of use of the building to a single dwelling.

The proposed development is the formation of an access track and new vehicular access approximately 60m to the south of the existing access. The track would be surfaced in either stone chippings or tarmac and an area of landscaping is proposed to the north and west of the track.

### **Relevant Planning History**

17/0277/AGD - Prior Approval Notification (Agricultural Building to Dwelling House): Change of use of agricultural building to one dwelling house (Class Q(a) only). Approved.

17/0608/OUT - Outline: Erection of one bungalow (access and layout only). Approved.

18/0083/OUT - Outline: Erection of a bungalow Access and Layout only (All Other Matters Reserved). Approved.

18/0633/FUL - Full: Approval of Reserved Matters for the construction of a detached dwelling and garage. Approved.

19/0407/FUL - Full: Erection of Agricultural Building (9.1m x 18.3m). Approved.

### **Consultee Response**

#### **LCC Highways**

From site observations, together with the submitted documents, the access as proposed raises some highway safety concerns. If these cannot be addressed satisfactorily then we would object to this application on highway safety grounds.

The applicant's Supporting Statement purports that there would be 85m visibility in a northerly direction from the new access (page 2, penultimate paragraph). From observations on site visibility of only 51m can be achieved due to the rise in the road, and a 2m high stone boundary wall which obstructs visibility towards the junction of Back Lane/Sheffield Lane. A Stopping Sight Distance of 51m would be appropriate for vehicles travelling at 34mph. Whilst traffic is likely to be travelling below the maximum speed limit of 60mph (the speed limit on Back Lane), and a shorter SSD could

be accepted, this would need to be supported through traffic survey data, particularly as the applicant's Supporting Statement acknowledges that traffic speeds would be increasing travelling in a southerly direction towards the new access track entrance.

In addition, improvements will be needed to the existing access due to the increase in day-to-day use. The existing boundary walls should be altered to provide 45o visibility splays, and the gate set back 8m from the edge of the carriageway on Back Lane, and open inwards, to allow vehicles to pull clear of the carriageway. The first 8m of the access would also need to be surfaced in approved bound porous material to prevent any loose material from being carried on to the public highway. 45o visibility splays were applied to the previously approved planning permission 18/0083/OUT.

The future use of the access track also needs to be considered, including the possibility of the previously approved bungalow and agricultural building being in separate ownership. Therefore an appropriately sized internal passing place should be provided to prevent vehicles having to reverse onto Back Lane.

The applicant should provide the further information requested above, together with an amended site layout plan, to enable the highway authority to provide final comments.

Additional response:

It has been demonstrated that there is visibility of approx. 84m to the north of the existing field gate and proposed site access. The majority of vehicles are travelling a distance of around 1m or more from the boundary wall due to the proximity of the wall to the carriageway and the narrow width of the carriageway prevents 2 vehicles passing easily so often drivers wait in the wider section.

The applicant has concerns about the safety of the existing access and the close proximity to the crossroads where he has observed a number of near misses due to drivers reversing from Back Lane to Shelfield Lane to allow larger vehicles to pass.

The proposed site access does benefit from being further from the crossroads junction and the road itself it wider at this point which will aid the movements of the agricultural vehicles. However the vehicle speeds are higher at the proposed site access due to the increased distance from the junction and the long sightline for south bound drivers in particular.

Overall the balance is in favour of improving the existing site access which is approved under application 18.0083 which includes lowering the boundary walls to below 1m high and creating a 45 degree splay at the site access. We consider that these works will allow the safe operation of the site access for the development which is approved, including a new bungalow and agricultural building.

There are no collisions, which have resulted in injuries to persons, on our database for the previous 5 years for the crossroads of Back Lane/Shelfield Land or in the vicinity of the site.

### **Public Response**

A site notice has been posted and neighbours notified. One response received in support of the application:

The relocation of this gate makes perfect sense as it is further from the junction and cars on the road will have a better view of any vehicles exiting the property.

## **Officer Comments**

### **Policy**

#### **Pendle Local Plan Part 1: Core Strategy**

ENV1 (Protecting and Enhancing Our Natural and Historic Environments) states that proposals in the designated open countryside should have regard to the Development in the Open Countryside SPG.

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.

Policy ENV4 (Promoting Sustainable Travel) requires new development to have regard to potential impacts that may be caused on the highway network.

#### **National Planning Policy Framework (The Framework)**

Paragraph 108 states that it should be ensured that safe and suitable access to the site can be achieved for all users.

Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

### **Design and Impact on Open Countryside**

The existing property sits on the brow of a hill in an open rural setting. The proposed access track would extend over the brow of the hill and this would make the development extreme prominent within the landscape when viewed from the south. Due to the sloping nature of the site and extent of the proposed track, landscaping would not adequately mitigate the impact. The development would result in an unacceptable visual amend landscape impact contrary to policies ENV1 and ENV2.

### **Impact on Amenity**

The proposed development would raise no unacceptable residential amenity impacts.

### **Highways**

The proposed access would have visibility to the north restricted by the crest at the brow of the hill, it has been demonstrated that the visibility would be approximately 85m in that direction. This is below the minimum distance of 151m for a 60mph road, 85m would only be an acceptable stopping distance for average speeds of below 48mph.

The applicant has raised concerns that the existing position of the access raised highway safety issues, with vehicles reversing back out onto Shelfield Lane to allow his farm vehicles to exit.

However, the proposed access is at a point of Back Lane where vehicles are likely to have lower speeds, either having just turned on to Back Lane or decelerating towards the junction with Shelfield Lane.

The proposed access would be on a steeper section of road with restricted visibility to the north of the access at a point where vehicles are likely to have accelerated to at or near their full speed. On the basis of the details available the proposed access would be of greater detriment to highway safety.

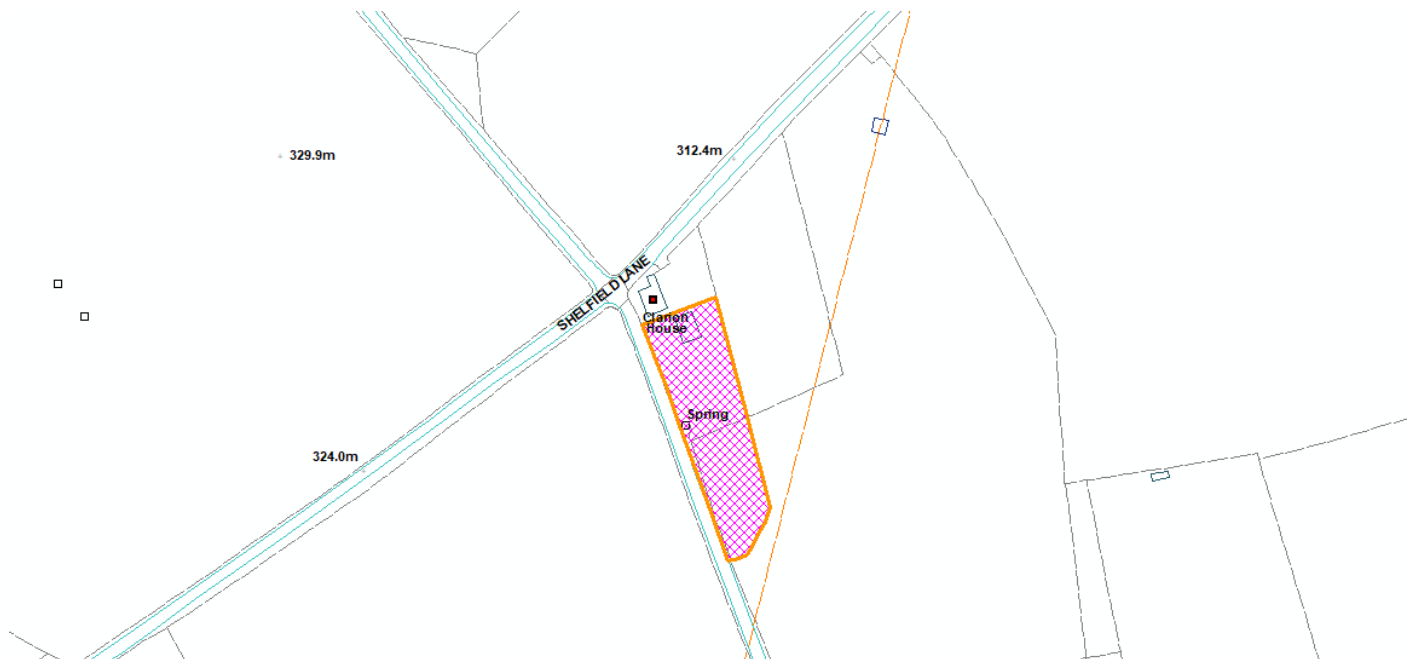
For the proposed access to be acceptable it must be demonstrated that the average speed of traffic is less than 48mph. The applicant has been requested to carry out a traffic survey to demonstrate that but no survey has been submitted.

In the absence of information to demonstrate that the visibility from the proposed access would be sufficient the applicant has failed to demonstrate that the proposed development would not result in an unacceptable highway safety impact. On the basis of the information available it is concluded that the development would result in an unacceptable highway safety impact contrary to policy ENV4 and paragraphs 108 – 109 of the Framework.

**RECOMMENDATION: Refuse**

For the following reasons:

1. Due to its substandard visibility to the north the proposed access would result in an unacceptable highway safety impact contrary to policy ENV4 of the Pendle Local Plan Part 1: Core Strategy and paragraphs 108 and 109 of the National Planning Policy Framework.
2. Due to its prominent hillside siting the proposed track would result in unacceptable harm to the landscape character and visual amenity of the area contrary to Policies ENV1 and ENV2 of the Pendle Local Plan Part 1: Core Strategy.



**Application Ref:** 19/0791/FUL

**Proposal:** Full: Installation of an access track and gate.

**At:** Old Clarion House, Sheffield Lane, Southfield

**On behalf of:** Mr R Smith

## REPORT TO NELSON COMMITTEE 3<sup>rd</sup> FEBRUARY 2020

**Application Ref:** 19/0820/HHO

**Proposal:** Full: Erection of three storey extension to rear and single storey extension to side (South), alterations to roof and insertion of two first floor and two second floor windows to sides (Amended Scheme).

**At:** Eastfield, Scotland Road, Nelson.

**On behalf of:** Nasser Mahmood

**Date Registered:** 7 November 2019

**Expiry Date:** 02 January 2020

**Case Officer:** Kathryn Hughes

### **Site Description and Proposal**

The application site is a large detached attractive stone built house located within the settlement boundary of Nelson. The house sits in its own large plot off Scotland Road and opposite the recently opened petrol filling station. It was likely to have been erected prior to 1891 perhaps as a local Mill owner's property.

Although the property has been altered in recent years whilst in use as a residential home it is still a good example of a well-designed and laid out Victorian dwelling together with the adjacent Westfield House and would have been set in spacious grounds on the edge of the settlement of Nelson (formerly Great Marsden).

It is constructed from natural stone with natural blue slate roof with mainly timber fenestration painted white although some upvc windows and doors have been introduced.

The proposal is to erect a single storey side extension (already approved) and a three storey rear extension (two storey already approved). The proposed side extension would measure 4.825m x 5.85m with a height of 4.2m (2.8m to eaves). The extension would be constructed from natural stone and render walls with natural slate roof to form a kitchen. The two storey rear extension would measure 4m x 3.8m with a revised height of 9.6m (8.25m to eaves). The extension would be constructed from natural stone and render walls with natural slate roof to form a dining room at ground floor, bedroom at first floor and storage at second floor.

Four additional white upvc windows are proposed, one in each gable at second floor level and one on each gable at first floor level.

Two additional rooflights are also proposed to the side roofslope together with four larger rooflights to the front and rear roofslopes.

To the rear of the site (west) is a bowling green with housing adjacent to the south and a recently completed petrol filling station to the front (east). There is mature landscaping which provides substantial screening along the Scotland Road elevation.

## **Relevant Planning History**

19/0735/NMA – Amend planning permission 19/0324/HHO to raise roof height of rear extension – Refused 1<sup>st</sup> November, 2019.

19/0327/HHO – Full: Erection of two storey extension to rear and single storey extension to side (South), alterations to roof and insertion of two first floor and two second floor windows to sides (Amended Scheme) – Approved 25<sup>th</sup> June, 2019.

19/0321/CND – Conditions Discharge – condition 3 of planning permission 18/0378/HHO – Approved 16<sup>th</sup> July, 2019.

18/0378/HHO - Full: Erection of two storey extension to rear and single storey extension to side (South), alterations to roof and insertion of two first floor and two second floor windows to sides – Approved.

13/08/0297P – Erection of two storey rear extension and alterations to house roof – Approved 23<sup>rd</sup> July, 2008.

13/04/0814P – Change of use from residential home to single dwelling – Approved November 2004.

13/00/0546P – Attach conservatory to side – Approved November, 2000.

13/99/0143P – Erect Bungalow – Approved April, 1999.

## **Consultee Response**

LCC Highways – No objection.

Nelson Town Council

## **Public Response**

Nearest neighbours notified by letter. One response from neighbour who does not object subject to obscure glazing being fitted to upper floor windows facing his property.

## **Officer Comments**

The main issues to consider in this application are design and materials, impact on amenity and parking.

Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy requires new development to be in scale and harmony with the surrounding area.

The Design Principles SPD contains further guidance on residential extensions and in particularly rear extensions should be designed to avoid overshadowing, loss of outlook or loss of privacy or appear unduly dominant to neighbours. Extensions should ensure the character and original scale of the property is not significantly altered.

Extensions should reflect the organic development of a building over time. Therefore extensions should be should generally be designed to appear subordinate in scale to the original dwelling. The overall scale should not look out of place in the streetscene.

The design of the roof and slope should echo that of the original house with matching materials to the host building.

Para 130 of the National Planning Policy Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

### **Impact on Residential Amenity**

The single storey side extension has already been approved previously and would be screened by the existing conservatory and would not have an adverse impact on the immediate neighbour (no.4) due to the existing boundary treatment and conservatory extension. The three storey rear extension would have a ground floor window to the side facing No. 4 which again would not impact any more than existing. The first floor element would also have a side window at a distance of 13m. A two storey extension was approved previously in this position.

The revised three storey extension raises the roof height by another 1.2m resulting in a much larger and more visible extension to the sides when viewed from the neighbouring property no. 4 Westfield.

More windows proposed including a second floor gable window to the south side and a second floor window in the rear extension both sited only 8m from the existing gable of no. 4 Westfield which has an existing second floor window in its gable. These windows therefore would need to be obscurely glazed in order to prevent any loss of privacy for both parties.

These additional windows together with additional larger rooflights are proposed to serve a large storage area on the second floor and are not really necessary for this purpose. The agent has been requested to reduce the number and the size.

Subject to appropriate obscure glazing which can be controlled by an appropriate condition the proposal would not unduly impact on residential amenity.

### **Design & Materials**

The increased height of the rear extension would result in an unacceptable extension that would not be subservient to the existing detached dwellinghouse which albeit altered in recent years is still a good example of a well-designed and laid out Victorian dwelling erected prior to 1891 and together with the adjacent Westfield House are likely to have been built to serve as local Mill owners properties.

Whilst there is mature planting to all sides of the property there would be views of the three storey element when travelling along Westfield towards Scotland Road and the proposed extension would be clearly visible when viewed from Scott Street as it would rise above the single storey garage which serves No. 6 Westfield. The existing second floor conservatory can be clearly viewed from this position and this extension would be sited in front of this (i.e. closer) at a height of 8.25m (conservatory is 6m high to eaves).

The proposed larger rooflights would increase the amount of glazing visible to the front elevation and hence reduce the amount of slate roof visible.

The additional window on the second floor of the proposed three storey rear extension is tight to the eaves which results in a poor relationship.



Whilst the materials proposed are acceptable the design is not, with the additional windows, larger rooflights to the front roofslope and increased height of the roof pitch to the rear three storey extension on this large imposing detached dwellinghouse resulting in a dominant roofline to the rear which can clearly be seen from public viewpoints along both Westfield and Scott Street to the detriment of the streetscene and contrary to good design.

As the second floor is proposed to be a store the additional rooflights and windows are not necessary for this development as natural light and ventilation is not essential and the existing approved five rooflights and two gable windows would be sufficient for this purpose.

Overall the scheme is poor in terms of good design and should be refused on this basis as it fails to accord with policy ENV2, the Design Principles SPD and para 130 of the NPPF.

## **Highways**

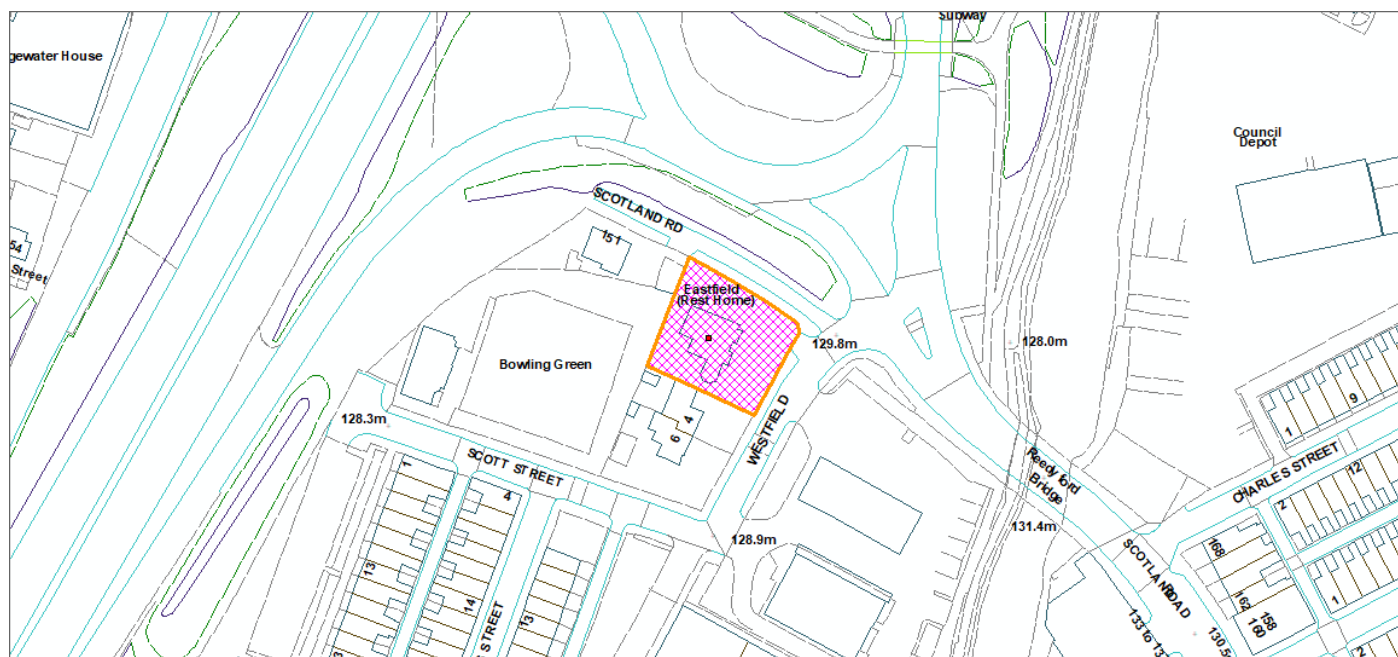
The proposal would not result in a change to the approved parking layout, with the driveway able to accommodate over 4 vehicles which is acceptable.

## **Summary**

The proposed changes to the approved scheme are not acceptable and raise adverse design amenity issues. No justification has been submitted for the additional windows and rooflights and raised roofline which will clearly result in harm to this property and would be clearly seen in public viewpoints. The development thereby complies with policy ENV2 of the Pendle Local Plan Part 1: Core Strategy and guidance set out in the Design Principles SPD as well as para 130 of the National Planning Policy Framework.

## **RECOMMENDATION: Refuse**

The proposed three storey rear extension would result in a large dominant extension which would be incongruous to this imposing detached Victorian dwellinghouse. The extensions and alterations would be clearly visible from public vantage points. The height of the rear extension, additional gable windows and larger rooflights to the roofscape would result in poor design to the detriment of this property contrary to policy ENV2 of the Pendle Local Plan Part 1: Core Strategy, Design Principles Supplementary Planning Document and para 130 of the National Planning Policy Framework.



**Application Ref: 19/0820/HHO**

**Proposal:** Full: Erection of three storey extension to rear and single storey extension to side (South), alterations to roof and insertion of two first floor and two second floor windows to sides (Amended Scheme).

**At:** Eastfield, Scotland Road, Nelson.

**On behalf of:** Nasser Mahmood

## **LIST OF BACKGROUND PAPERS**

Planning Applications

**NW/MP**

**Date: 21st January 2020**