



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

**TO:** NELSON, BRIERFIELD AND REEDLEY COMMITTEE

**DATE:** 5<sup>th</sup> JULY 2021

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## PLANNING APPLICATIONS

### PURPOSE OF REPORT

To determine the attached planning applications.

## **REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE 5<sup>th</sup> JULY, 2021**

**Application Ref: 21/0170/REM**

**Proposal:** Reserved Matters: Major: Erection of 48 dwellings (Appearance, Landscaping, Layout and Scale) of Outline Permission 17/0611/OUT.

**At:** Land to the South of Wood Clough Platts Brierfield

**On behalf of:** Cross Construction Ltd

**Date Registered:** 4 March 2021

**Expiry Date:** 3 June 2021

**Case Officer:** Kathryn Hughes

### ***Site Description and Proposal***

Reserved Matters are sought for Appearance, Landscaping, Layout and Scale for the erection of 48 dwellinghouses on land to the south of Woodclough Platts in Brierfield.

The site is located within the settlement boundary and of no special designation in the Local Plan it is however, close to the Leeds-Liverpool Canal which is a Biological Heritage site.

The mixture of 48 housetypes is made up of 8 2 bed bungalows, 15 two bed three storey terraces (in rows of 3), 2 3 bed three storey semi-detached, 18 3/4 bed detached and 5 4 bed detached.

This proposal seeks approval of matters reserved under outline application 17/0611/OUT which includes appearance, landscaping, layout and scale. Details of access were approved and conditioned under the outline application and therefore will not be considered again here.

### ***Relevant Planning History***

17/0611/OUT - Outline: Major: Erection of 48 dwellings (Access only) – Approved 7<sup>th</sup> March, 2018.

### ***Consultee Response***

LCC Highways – I have viewed the proposed site plan CROS/23 02RevB and I have the following comments to make:

Site access and Layout

Quakers View provides vehicular access for 52 existing properties and 48 are proposed under this application which results in 100 dwellings off a single access.

It would be beneficial to provide a loop estate road linking both Quakers View and Wood Clough Platts to allow maximum permeability within the street design for ease of access for emergency services, refuse vehicles and other large vehicles.

An all-purpose secondary point of access would be supported but is not considered necessary due to the small reduction in house numbers.

I would still seek to secure a pedestrian/cycle link from the estate road to Wood Clough Platts for sustainability to support walking and cycling.

If the estate roads are to be offered for adoption please contact [developeras@lancashire.gov.uk](mailto:developeras@lancashire.gov.uk) to progress the Section 38 agreement.

All dwellings without garages will require a secure covered cycle store within curtilage.

There is no objection to the proposal subject to conditions relating to future management and maintenance, porous materials and cycle stores.

Brierfield Town Council

PBC Environment Officer – The plan of trees to be in the original tree survey and the landscape plan submitted with this application do not match the text within the tables of the arb report. As such, trees that are to be removed are marked on the plan as to be retained. Most of these are poor quality trees but what it does do is change the finished look of the site. The treescape will be a lot less dense looking than it does on the landscaping plan. This needs changing so the plans match.

Some of the trees are inappropriate for the location that they are planted in. For instance, the use of Beech close to properties will mean that the tree will come under pressure to be constantly pruned or removed. There could also be the possibility of damage to the properties from root action.

The tree planting through the greenspace is made up of relatively small trees in Alder, Silver Birch, Holly, Maple and Hawthorn. This could be improved by more variety of decent sized trees and tie in with what is already present in the landscape such as Sycamore and Oak.

To the south east of the site is the canal. There is a bit of tree planting within the gardens of the properties the space between gardens and the site boundary should be planted up to create a buffer zone between the development and the biological heritage site.

An Arboricultural Method Statement and Tree Protection Plan will need to be submitted prior to the commencement of development.

The above changes to the scheme would help it to fit in better with the surrounding landscape area.

An Arboricultural Method Statement and Tree Protection Plan will need to be submitted prior to the commencement of development.

Subject to the minor changes above this would be acceptable in policy terms and an appropriate condition can be attached requiring the landscaping scheme (once acceptable) to be implemented.

## ***Public Response***

Site and Press notices posted and nearest neighbours notified by letter. A number of objections have been received on the following grounds:

- Highways access;
- Additional traffic using Quakers View;

- The traffic survey was undertaken when the terraced houses had been demolished and there is no 30-40 properties occupied and the survey was taken during the school holidays. This should be repeated now outside the holidays and post covid restrictions;
- There is enough houses in Pendle and destruction of more green spaces is not needed;
- There is constant disruption to repairs and drainage of water;
- More people now work from home and have shopping delivered and order online;
- The road is not wide enough and people double park;
- Inadequate parking and lack of access to the site;
- Existing road may not be to highway standards in constant need of repair;
- The exit from the estate is challenging with the last bend dangerous if meeting oncoming traffic;
- No construction traffic should be allowed through Quakers View;
- We maintain that Quakers View is an unsafe access route for any additional development;
- Perhaps the developer can be compensate with the offer of alternative land, more suitable for housing, after this site is adopted and developed as a nature reserve;
- This would remove a pleasing visual amenity used by many local people for leisure, exercise and communication;
- Loss of trees, plants and wildlife including deer and hedgehogs;
- Habitat used by kestrels and barn owls and frogs, toads and newts;
- The woodland has been severely damaged by the removal of trees leaving the tree line but cutting back behind it. I believe the forestry commission has asked for native trees to be replanted. The trees in my garden are classed as TPO so how can this be allowed;
- There are other housing developments in Colne, Barrowford by the Canal at M65 J 12 and the huge extension to Lomeshaye Estate – how much more building?
- Absence of formal notification of the proposed developed. Only to a few houses facing the proposed building site;
- There is sufficient brownfield land which could be regenerated and add value to the area;
- The three storey build is out of character for the area;
- Trees should be planted and adequate play areas for young families and cycle areas with access from the canal; and
- Another huge housing project and all the disruption this causes is the last thing the local residents needs after being subjected to it for many years.

One comment has been received in support of the proposal:

- I agree with LCC that is possible a link road would be beneficial to allow ease of access for everyone with a secure pedestrian/cycle link to support walking and cycling.

## **Officer Comments**

The main issues to be considered with this application are impact on residential amenity, design and materials, open space and landscaping/protected trees.

### 1. Relevant Planning Policies

#### **Pendle Borough Council Local Plan Part 1: Core Strategy (2011 – 2030):**

Policy ENV1 (Protecting and Enhancing our Natural and Historic Environments) seeks to ensure a 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 (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 the wider locality.

Policy ENV7 (Water Management) states that proposals within a designated flood zone should seek to eliminate or reduce the potential for flooding to occur, by demonstrating that further investigation of the extent of risk, and the feasibility of options for prevention or mitigation, have been considered;

Policy LIV5 (Design Better Places to Live) states that the layout and design of new housing should reflect the site surroundings, and provide a quality environment for its residents, whilst protecting the amenity of neighbouring properties. Provision for open space and/or green infrastructure should be made in all new housing developments.

Saved Policy 31 (Parking) of the Replacement Local Plan which sets out appropriate parking standards for new housing developments is also relevant here.

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

National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied and is a material consideration in determining planning applications, particularly where local plans are silent on an issue. Of relevance to this application is that there is a presumption in favour of sustainable development and that it seeks to deliver a wide choice of high quality homes. In addition, the NPPF states that Local Authorities should approve applications where practical to do so and attach significant weight to the benefits of economic and housing growth.

The NPPF also states: "This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise."

## **2. Principle of Housing**

This site has been granted Outline Planning Permission for housing under 17/0611/OUT and therefore the principle of housing on the site has been established. Many comments have been made regarding the access arrangements into the site. Whilst access arrangements are a material consideration the outline planning permission sought permission for the access route into the site. This matter has therefore been dealt with and is not for further consideration as part of this reserved matters application.

## **3. Impact on Residential Amenity**

The development would be a relatively low density scheme of 48 houses with green spaces throughout the site. The design of the dwellings would be contemporary. The surrounding housing is also newer built development and this would therefore be acceptable.

Some of the properties appear to be slightly short of the 21m distances proposed in the Design SPD and the adjacent has been requested to address this as well as the proximity of the gables of plots

With the proposed changes the development would not result in any unacceptable impacts on privacy, overbearing impacts or loss of light to adjacent dwellings subject to appropriate finished floor levels and sections through the site. An acceptable degree of residential amenity can be assured for the future residents of the proposed dwellings as well as those adjacent to the site.

#### 4. Layout, Design and Materials

In terms of layout for the 48 dwellinghouses this is generally acceptable with a central link through the proposed open space within the centre of the site.

There is a mix of housetypes including bungalows albeit these have the bedrooms in the roofspace and short rows of 3 storey terraces, semi-detached and larger detached properties.

As mentioned above some of the plots are closer than the 21m distances advised in the Design SPD and in order to prevent any privacy issue the agent has been requested to address this together with other issues which would not affect the fundamental principles of the scheme.

The design of the houses is very modern which is acceptable for a site of this size especially when the adjacent houses are also of a fairly modern design and a relatively new estate.

The proposed materials are in the main acceptable with Marley Modern Grey slates, Marshalls Cromwell Stone and cream pvc windows.

Subject to some minor changes in layout the scheme could be acceptable.

#### 5. Open Space and Landscaping/Trees

Full details of proposed landscaping have been submitted. This has been assessed with the agent being requested to provide some slight amendments.

The plan of trees in the original tree survey and the landscape plan submitted with this application need to match arboricultural report. As such, trees that are to be removed are marked on the plan as to be retained. Most of these are poor quality trees but what it does do is change the finished look of the site. The treescape will be a lot less dense looking than it does on the landscaping plan. The agent has been requested to address this.

A number of trees are proposed to be removed with a total of 79 replacement trees within the site, together with shrub planting and hedgerows to the north/north east boundary. Further hedgerow planting to the west and southern boundaries to the woodland boundary edge and extended tree planting along the south east boundary to the Canal side has been requested.

The tree planting through the greenspace is made up of relatively small trees in Alder, Silver Birch, Holly, Maple and Hawthorn. This can be improved by additional tree species that make decent sized trees and tie in with what is already present in the landscape such as Sycamore and Oak.

It is clear that the proposed landscaping could help to mitigate for the removal of trees which would help to provide an appropriate setting for the housing scheme.

#### **Open Space**

Policy LIV5 requires that provision for public open space and/or green infrastructure is made in all new housing developments. The proposed layout plan shows public open space areas throughout the centre of the site with footpath links to allow flow through these informal green areas. This is acceptable and accords with policy LIV5 subject to an appropriate condition relating to open space management and maintenance.

#### 6. Parking

Overall all the plots have adequate of-street parking for each plot proposed with a mixture of garages and driveways.

Therefore the scheme has sufficient off-street parking for the units proposed and would not lead to any undue parking issues within this site and therefore accords with saved Replacement Local Plan policy 31.

## 7. Other Issues

Concerns have been raised regarding the access, volume of traffic and kerbside parking. This application does not seek permission for access as that has already been approved at the Outline stage and all the relevant issues have been addressed then and cannot be revisited during the course of this Reserved Matters application.

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 accords with the Local Plan and National Planning Policy Framework in terms of impact on amenity, design, layout and materials and landscaping/tree protection subject to appropriate conditions and slight amendments to the scheme. 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 Delegate Grant Consent subject to acceptable revised layout and landscaping plans being submitted to reflect the changes proposed.**

Subject to the following conditions:

1. This notice constitutes an approval of matters reserved under Condition 1 of Planning Permission No. 17/0611/OUT and does not by itself constitute a planning permission.

Reason: The application relates to matters reserved by Planning Permission No.17/0611/OUT.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

CRO23/Dwg 01, CRO23/Dwg 02B, CRO23/Dwg 03, CRO23/Dwg 04, CRO23/Dwg 05, CRO23/Dwg 06, CRO23/Dwg 07 & CRO23/Dwg 09.

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

3. Prior to the commencement of development samples of the external facing materials to be used in the construction of the development and the hard landscaping hereby permitted (notwithstanding any details shown on previously submitted plans and specification) 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 the external materials and finish of the development is appropriate for the setting and character of the area.

4. All window reveals shall be set back by a minimum of 75mm from the external wall.

Reason: In the interests of good design.

5. Prior to first occupation of each dwelling, the parking area associated with that dwelling, shall be constructed, laid out and surfaced in bound porous material, in accordance with the approved plans. The parking area shall thereafter always remain available for the parking of domestic vehicles associated with the dwelling.

Reason: In order to ensure satisfactory levels of off-road parking are achieved within the site to prevent parking on the highway.

6. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the Local Planning Authority.

Reason: In order to ensure the development is adequately maintained in the future.

7. Unless approved in writing by the Local Planning Authority no ground clearance, demolition, changes of level or development or development-related work shall commence until protective fencing, in full accordance with BS 5837 : 2012 has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land, and no work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction.

All works involving excavation of soil, including foundations and the laying of services, within the recommended distance calculated under the BS 5837 (2012) of the trees to be retained on the site, shall be dug by hand and in accordance with a scheme of works which has been submitted to and approved by the Local Planning Authority, prior to the commencement of works.

Reason: To prevent trees or hedgerows on site from being damaged during building works.

8. The development hereby permitted shall be carried out in accordance with the approved Landscaping Plan and Landscape Specification.

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 appropriate landscape design and in the interests of the visual amenities of the area.

**Application Ref: 21/0170/REM**

**Proposal:** Reserved Matters: Major: Erection of 48 dwellings (Appearance, Landscaping, Layout and Scale) of Outline Permission 17/0611/OUT.

**At:** Land to the South of Wood Clough Platts Brierfield

**On behalf of:** Cross Construction Ltd



## REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE 5<sup>TH</sup> JULY 2021

**Application Ref:** 21/0317/HHO  
**Proposal:** Full: Erection of two storey side extension and single storey rear extension.  
**At:** 42 Edge End Avenue, Brierfield  
**On behalf of:** Mr and Mrs Uddin  
**Date Registered:** 14/04/2021  
**Expiry Date:** 09/06/2021  
**Case Officer:** Laura Barnes

This application has been called for determination by planning committee due to the number of objections received. It was deferred from the meeting in June for a further site visit.

### Site Description and Proposal

The application site is a two storey semi-detached dwelling, sited amongst dwellings of a similar scale and design. The property is located within the defined settlement boundary of Brierfield.

The proposal is for the demolition of the existing garage and erection of a part single and part two storey extension to the rear and a two storey side extension.

### Relevant Planning History

None relevant

### Consultee Response

#### LCC Highways

No comment

#### Environmental Health

Contaminated Land 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.

### Public Response

Nearest neighbours have been notified by letter, 55 letters relating to this application have been received (including the applicant responding to some letters of objection), they raise the following issues:

- Loss of light
- Construction vehicles and the delivery of materials will cause problems for highway safety
- Party wall issue relating to the boundary with No. 44
- The proposed development would block views of the open countryside
- Overbearing impact upon neighbouring dwellings
- Potential structural / ground stability issues in the area

- The extension will block more sunlight from the road meaning that when it snows it will take the snow longer to melt on the road
- Outlook would be completely changed
- Not in proportion with existing dwelling
- There will be an increase in traffic associated with the development

And in support of the application, the following points have been made:

- The proposed extension would be in keeping with others on the street
- It will provide a family with a bigger living space
- It will add value to properties in the area
- The building work will provide work for local builders
- Houses in this area need modernising
- Proposed plans are similar to extension which have gone up elsewhere on Edge End Avenue

## **Officer Comments**

### **Policy**

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

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 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.

#### Replacement Pendle Local Plan

Saved 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 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.

### **Design**

The Design Principles SPD advises that proposed extensions to the side are set back from the front elevation and down from the ridge height of the existing dwelling. Neither principle has been followed here which results in a proposed development which would create a terracing effect with the neighbouring dwelling.

The proposed two storey rear element and two storey side element of the extension have a pitched roof, in accordance with the Design Principles SPD. The proposal involves a rendered

finish to the entire property, including the proposed extension. The roof is to be constructed of tiles and the windows are to be UPVC. These materials are considered appropriate in this location. The porch to the front of the dwelling is to have a pitched roof and be constructed of matching materials to the rest of the proposed development.

The design of the proposed development is not acceptable and would result in a terracing effect, causing harm to the wider visual amenity of the area, amounting to poor design. This is contrary to paragraph 130 of the Framework, Policy ENV2 and the Design Principles SPD.

## **Residential Amenity**

The Design Principles SPD advises that two storey rear extensions will be acceptable only if they do not breach the 45 degree rule. It is also recommended that any first floor extension is set in by 1m from the boundary where the properties are attached (such as semi-detached dwellings) and the neighbouring dwelling does not already have an extension.

In this case, the neighbouring dwelling does not have a single storey extension to the rear on the shared boundary. However, the applicant has chosen to observe more than the 1m off-set from the boundary at the first floor level. The Design Principles SPD advises single storey rear extensions located on, or immediately adjacent to, the party boundary with a neighbouring property will normally be acceptable if it does not project more than 4m from the rear elevation of the existing dwellinghouse. The proposed extension is to project 3m at the ground floor level. As such, the proposed extension would not result in an unacceptable impact upon the neighbouring dwelling at No. 40.

The proposed development does not have any proposed window to the side elevation. It is noted that the intended boundary treatment is a 2m high close boarded fence. To the front elevation the proposed extension is to have one first floor window, serving a bedroom. To the ground floor there is to be an additional patio door. Whilst this is an unusual feature within the streetscene, usually found to the rear of a property, it would not cause any harm to the overall appearance of the building, neither would it result in any unacceptable neighbouring amenity issues. To the rear, the proposed extension is to have two windows to the first floor, one of which is to be obscure glazed. To the ground floor the single storey extension is to have two rooflight windows along with two sets of patio doors and a single window, which is obscure glazed. Although the proposed first floor window is set further back in the plot than the existing first floor windows, due to the position of the plot (being set forward of the neighbour at No. 44) it would not cause any unacceptable neighbouring amenity issues.

It is noted that there is a ground floor side elevation window to the neighbouring dwelling, No. 44 which faces the proposed development site, as well as a first floor (landing) window. A vertical sky component assessment has been undertaken which has found that light would be lost from the ground floor window, serving the kitchen at No. 44. As such, this would result in an unacceptable overbearing impact and adverse neighbouring amenity impact.

It is noted that the proposed development includes a raised terrace area to the rear, this is not dissimilar to the existing raised terrace area and as such would not cause any unacceptable neighbouring amenity impacts. Further, the position of the garage to the side / rear of No. 44 assists in providing some privacy between the rear gardens.

Therefore, the proposed development is not acceptable in terms of residential amenity and conflicts with Policy ENV2 of the Local Plan, Part 1 Core Strategy and the Design Principles SPD.

## Highways

The proposed development would result in an increase in the number of bedrooms to four (with an additional officer which could be used as a bedroom) increasing the need for off-street parking, in accordance with Policy 31 of the Replacement Local Plan. Policy 31 requires three off-street car parking spaces where there are to be 4+ bedrooms. In this case the site plan indicated two off-street parking spaces. This is not sufficient car parking and may lead to on-street parking which could cause a danger to highway safety. The Highways Authority have not provided any comments on this application.

## Other Matters

Issues relating to a boundary wall have been raised by objectors to the proposed development. However, this is not a material planning consideration but rather a civil matter. As such, it does not form part of the determination of this application. Similarly, issues relating to a loss of views. This is not a material planning consideration and cannot be taken into consideration in the determination of this application.

## RECOMMENDATION: Refuse

For the following reasons:

1. By virtue of its scale and massing, the proposed extension would result in poor design and would cause harm to the visual amenity of the area, contrary to paragraph 130 of the National Planning Policy Framework, Policy ENV2 of the Local Plan, Part 1 Core Strategy and the Design Principles SPD.
2. The position of the proposed extension upon the boundary would result in a loss of light and overbearing impact upon the neighbouring dwelling, contrary to the National Planning Policy Framework, Policy ENV2 of the Local Plan, Part 1 Core Strategy and the Design Principles SPD

**Application Ref:** 21/0317/HHO

**Proposal:** Full: Erection of two storey side extension and single storey rear extension.

**At:** 42 Edge End Avenue, Brierfield

**On behalf of:** Mr and Mrs Uddin

## REPORT TO NELSON, BRIERFIELD AND REEDLEY AREA COMMITTEE 5<sup>TH</sup> JULY 2021

**Application Ref:** 21/0401/FUL  
**Proposal:** Full: Sub-divide dwelling house into two dwellings.  
**At:** 16 Hillside View, Brierfield  
**On behalf of:** Mr Mujahaid Bin Jamshaid  
**Date Registered:** 12/05/2021  
**Expiry Date:** 07/07/2021  
**Case Officer:** Laura Barnes

The application has been brought before Committee due to the number of objections received.

### Site Description and Proposal

The application site relates to a two storey semi-detached dwelling, which has been recently extended to provide additional living accommodation to the ground and first floors.

The proposed development is to sub-divide the property into two dwellings, one which would have four bedrooms and the other which would have two bedrooms.

### Relevant Planning History

13/96/0506P: Glazed extension to rear  
Approved with conditions

20/0308/HHO: Removal of garage and car port and erection of two storey side extension, first floor extension to front with gable roof and single storey rear extension.  
Approved with conditions

### Consultee Response

#### LCC Highways

I have viewed the plans and the highway related documents submitted, I have the following comments to make:

This proposal is for the dwelling house to be divided into one 4 bedroomed dwelling (3 parking spaces required) and one 2 bedroomed dwelling (2 parking spaces required).

Based on the car parking recommendations the Parking Standards requirements is for 5 parking spaces for this size of development. In this case ref: Drawing no: PP-003, 3.5.202, Site location and proposed Block Plan, shows 4 parking spaces can be provided on the drive. Ref: Design and Access Statement (814248) submitted, it is a sustainable location with access to local amenities, buses and trains.

It is recommended that the local planning authority satisfies itself that the parking spaces comply in size terms prior to the grant of any planning permission.

There is no record of collisions within the vicinity of Hillside View and no parking restrictions. Therefore, a reduction of one parking space should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site.

The vehicular entrance should be altered to allow vehicles to enter and leave the site independently.

It is recommended that the following conditions and notes are attached to any formal planning approval granted.

#### Conditions

1. Before the access is used for vehicular purposes, the hardstanding/driveway shall be appropriately paved in bound porous material. Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.

#### Informative Note

2. This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 (Vehicle crossings over footways and verges) Lancashire County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works. Therefore, before any works can start, the applicant must complete the online quotation form found on Lancashire County Council's website using the A-Z search facility for vehicular crossings at <http://www.lancashire.gov.uk/roads-parking-and-travel/roads/vehicle-crossings.aspx>

#### Coal Authority

No comments

### **Public Response**

Nearest neighbours notified by letter, seven letters of objection have been received raising the following issues:

- Concerns over the number of car parking spaces to be provided
- No access to the side or rear of the property, this will be problematic for bin storage
- Negative impact upon surrounding area
- An increase in the number of cars parked on the road may make it difficult for emergency services to get through

### **Officer Comments**

#### **Policy**

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

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 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.

## Replacement Pendle Local Plan

Saved 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 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.

### **Principle of Development**

The proposed development is located within the settlement boundary for Brierfield, as such the proposed development is in accordance with Policy SDP2, subject to compliance with policies which relate to design and amenity.

### **Design**

The design of the building has been approved under application reference: 20/0308/HHO. There is only one small change in terms of the design, to the rear elevation which involves blocking off a window. However, the main issue for consideration in this case is the principle of sub-dividing the unit into two dwellings.

As such, there would be no additional design issues, when compared with the planning permission which was previously granted for a two storey extension. The proposal accords with Policy ENV1 of the Local Plan: Part 1 Core Strategy and Design Principles SPD.

### **Residential Amenity**

In terms of its impact upon neighbouring dwellings, there are no additional windows to the proposed development compared with what has previously been approved under 20/0308/HHO. The only change is to the rear elevation where one of the three pane windows, serving the office is to be blocked off in order to ensure there are no unacceptable adverse impacts. However, it is noted from the elevation plans that there is no indication of a fence between the properties. As such, a condition could be added to any approval requiring those details to be submitted.

Another issue which has been raised relates to bin storage. There is a concern that without access between the front and back of the dwelling, it will not be possible for bins to be stored away from the street frontage. There is no requirement for them to be stored to the rear of the property. However, it is important to ensure that the bin storage area does not encroach upon the area set aside for car parking, as such a planning condition could be imposed which requires details of this to be submitted.

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

### **Highways**

The proposed Site Plan indicates four car parking spaces to the front of the dwellings. One of the properties is a two bed, so would require two car parking spaces in accordance with Policy 31

whilst the other property is to have four bedrooms so would require three parking spaces in accordance with Policy 31 of the Replacement Local Plan. As such, the proposed development is one car parking space short of meeting the required standard. However, the application site is located within a sustainable location with access to public transport. There is also existing on-street car parking within the vicinity of the proposed dwellings. As such, the proposed development would not result in an unacceptable highways impact.

### **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 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: Location Plan, Ref: ADM/20/49/04  
Location Plan and Block Plan Ref: 2215 PP-003  
Proposed Floor Plans, Roof Plan & Elevation Plans, Ref: 2215 PP-002

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

3. Prior to occupation of the proposed development details of the material used to block up the ground floor rear elevation window, serving the office, shall be submitted to and agreed in writing by Local Planning Authority, that development shall be carried out in accordance with the approved details and there shall be no variation without the prior written consent of the Local Planning Authority.

**Reason:** In order to allow the Local Planning Authority to control the external appearance of the development.

4. Prior to occupation of the second dwelling hereby approved details of a boundary fence or wall between the two properties shall be submitted and approved in writing by the Local Planning Authority and the fence or wall shall have been erected in accordance with the approved details.

**Reason:** In the interests of neighbouring amenity

5. Before the access is used for vehicular purposes, the hardstanding/driveway shall be appropriately paved in bound porous material.

**Reason:** To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.



6. Prior to occupation of the proposed dwellings, details of the bin storage shall be submitted to and approved in writing by the Local Planning Authority. There shall be no variation without the prior written consent of the Local Planning authority.

**Reason:** In the interests of highway safety

**Application Ref:** 21/0401/FUL

**Proposal:** Full: Sub-divide dwelling house into two dwellings.

**At:** 16 Hillside View, Brierfield

**On behalf of:** Mr Mujahaid Bin Jamshaid

## REPORT TO NELSON, BRIERFIELD & REEDLEY AREA COMMITTEE 5<sup>TH</sup> JULY 2021

**Application Ref:** 21/0157/HHO

**Proposal:** Full: Single storey rear extension and the erection of dormers to the front and rear main roof slopes

**At:** 262 Leeds Road Nelson Lancashire

**On behalf of:** Mr Ishfaq Hussain

**Date Registered:** 02.03.2021

**Expiry Date:** 27.04.2021

**Case Officer:** Neil Watson

### **Site Description and Proposal**

This is a typical terraced property on the main road to Nelson & Colne. There are no dormers on the front of the house. The houses faces properties refurbished under the HMR programme. The rear of the property has a small outrigger. It faces an extension of the neighbours that has a kitchen window in it directly facing the proposed extension. There is also a living room window in the main elevation of the neighbour directly adjoining the site. A wall circa 1.5m high sits in between the two.

### **Relevant Planning History**

No relevant planning history.

### **Consultee Response**

None

### **Public Response**

None

### **Relevant Planning Policy**

Pendle Local Plan Part 1: Core Strategy Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy 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 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. Saved Policy 31 of the Replacement Pendle Local Plan 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 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. The Design Principles Supplementary Planning Document (SPD) applies to extensions and sets out the aspects required for good design.

## **Officer Comments**

The application proposes extensions at both the rear of the house and a dormer to the front.

The street upon which the property is on does not have dormers on it. The row in which the building is situated faces properties that were renovated as part of the Housing Market Renewal programme and are well presented good examples of terraced properties. The Council's adopted design SPD indicates that dormers would not normally be acceptable design features in locations which do not have dormers as a feature. That is the case here. Other examples of dormers further along Leeds Road show how poor decisions have diluted the urban fabric of Nelson and have led to a dilution of the urban design quality of the area. Allowing a dormer here would result in a further area having its design and townscape quality diminished.

The proposal is to extend at the rear. The new windows would face a rear outrigger on the adjoining house and would also allow direct overlooking into the rear windows in the main façade of the dwelling. This cannot be overcome by requiring fencing which, to be effective, would have an unacceptable impact on the amenity of the adjoining residents.

## **RECOMMENDATION: Refuse**

- 1 The proposed front dormer would be an unsympathetic, unacceptable addition to this traditional terraced dwelling and would result in unacceptable harm to the character and visual amenity of the area contrary to policy ENV2 and the guidance of the Design Principles SPD.
- 2 The erection of the rear extension would lead to an unacceptable relationship between habitable windows in the adjoin property and hence the development would result in an unacceptable loss of privacy of the occupants of the adjoining dwelling.

**Application Ref:** 21/0157/HHO

**Proposal:** Full: Single storey rear extension and the erection of dormers to the front and rear main roof slopes

**At:** 262 Leeds Road Nelson Lancashire

**On behalf of:** Mr Ishfaq Hussain

## **LIST OF BACKGROUND PAPERS**

Planning Applications

**NW/MP**

**Date: 22nd June 2021**