

REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND
REGULATORY SERVICES MANAGER

TO: NELSON, BRIERFIELD & REEDLEY COMMITTEE

DATE: 6th SEPTEMBER 2021

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, BRIERFIELD & REEDLEY COMMITTEE 6TH SEPTEMBER 2021

Application Ref: 21/0237/FUL

Proposal: Full: Change of Use of land of existing car park and siting of a container to be used as a Hot Food Takeaway (Use Class Sui Generis)

At: Land adjacent to Queens Mill, Bankhouse Road, Nelson

On behalf of: Mr Abdul

Date Registered: 1st April 2021

Expiry Date: 27th May 2021

Case Officer: Laura Barnes

Site Description and Proposal

The application site relates to a car park adjacent to Queens Mill, Bankhouse Road, Nelson. It is located within a mixed use area, with surrounding uses including a car garage, fire station, residential and a nursery school. It is approximately 40m outside the Town Centre Boundary. The proposal is to site a container on part of the car park and use this as a Hot Foot Takeaway.

Relevant Planning History

None relevant

Consultee Response

Lancashire Constabulary – Designing Out Crime Officer

No objection, with crime prevention advocated

LCC Highways

No objection

Environmental Health

The Council's Environmental Health Team have reviewed the proposals and have the following comments:

We would be concerned about the potential effect of noise and odour from the takeaway, as well as operating hours. It would be important to carefully control odours as the building is to have a partly open side, where the serving hatch is, which may allow odours to escape into the surrounding environment more easily than a closed building would.

Request conditions for hours, noise and vibration and odour extraction.

Regard shall be had of the following: DEFRA Guidance on the control of Odours and Noise from Kitchen Extraction Systems.

Public Response

Nearest neighbours have been notified, no response received

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy (LPP1)

Policy ENV2 states that all new development should seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving heritage assets.

Policy ENV5 (Pollution and Unstable Land) seeks to minimise air, water, noise, odour and light pollution.

Policy WRK4 (Retailing and Town Centres) states that main town centre uses should follow the following sequential approach:

- 1: Town and local shopping centres
- 2: Edge of centre locations
- 3: Out-of-centre sites which are well serviced by a choice of means of transport and have a higher likelihood of forming links with a nearby centre

Proposals for hot-food takeaways in close proximity to establishments that are primarily attended by children and young people will be resisted.

Replacement Pendle Local Plan (RPLP)

Policy 25 states that new retail and service development should be located within a defined town centre as the first order of priority. The supporting text states that where existing commercial uses exist outside of a town centre they can be replaced by some other commercial use of the same scale.

Policy 31 (Parking) requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP.

Bradley Area Action Plan

The application site is identified within the Bradley Area Action Plan as “New & Improved Parks” The plan states at Policy 4 that it will encourage environmental improvements to the area. Whilst this has some weight, as part of the Development Plan, it is understood that the funding for these proposals is not currently available and hence why in the short term this land has been leased as a car park.

Principle of the Development

The site is located outside of a town centre, Policy 25 of the RPLP allows existing commercial uses outside of town centres to be replaced by other commercial uses of the same scale.

The proposed use does not replace an existing town centre use of a building but is for the siting of a container on an existing car park. Taking this into account, the applicant should have prepared a sequential assessment to consider preferable sites within a Town Centre location. It is likely that there will be other vacant / available units and sites within the town centre which could accommodate the use. As such, the proposal would result in harm to the vitality and viability of Nelson Town Centre.

Flood Risk

The proposed site is located within an area of Flood Risk. Policy ENV7 of the Core Strategy requires development to ensure that it would not worsen the conditions downstream, in accordance with national policy. The existing use is a car park which by its nature has a large amount of hard standing, the surface area of the proposed container is reasonably small (less than 15m²) and would not result in a worsening of flood risk elsewhere.

Design & Visual Amenity

Details of the colour of the container have not been provided. However, the planning statement provides an indication of the company's proposed marketing logo which is dark in colour. Details of the paint colour could be secured by appropriately worded planning condition.

The proposed container would be located to the side of an existing building which is currently being used for retail, on a car park adjacent to an MOT testing and tyre centre. It takes up a prominent position which is highly visible from the public highway. A metal container, the likes of which are used for transporting cargo, would not be appropriate in such a prominent location and would have an adverse impact upon the wider visual amenity of the surrounding area, contrary to Policy ENV2 of the Local Plan: Part 1 Core Strategy, Policy 4 of the Bradley Area Action Plan, and paragraph 134 of the National Planning Policy Framework.

Amenity

The proposed container is to be sited in a car park in a mixed use area (existing retail unit adjacent, MOT testing centre to the rear with residential and educational / community use opposite). Therefore, it would not conflict with the existing adjacent commercial uses. However, there are also residential dwellings on Bankhouse Road and Regent Street, No. 59 Bankhouse Road is approx. 30m from the proposed location of the container. As such, the neighbouring amenity of the residents of these dwellings needs to be carefully considered. The applicant has not indicated the proposed operating hours on the application form. However, the Environmental Health Officer has reviewed the proposals and has recommended that the hours of operation are controlled. It is recommended that the hours of operation are controlled by condition to 11am and 11pm Monday to Saturday and 11am to 9pm Sundays and Bank Holidays.

Concern has been raised by Lancashire Constabulary regarding the waste disposal being within close proximity to the container, leading to an increased risk of fire and potential to attract anti-social behaviour. The applicant has provided a plan indicating the proposed location of the bins. However, it is recommended that further detail of this including the proposed management of waste and the security of it overnight is provided. This information could be secured by planning condition for a site waste management plan.

Subject to this condition, the proposed development would be acceptable in terms of residential amenity in accordance with policies ENV2 and ENV5.

Highways

The proposed use would not be likely to result in a significant increase in vehicular traffic over the existing retail use and the MOT testing centre adjacent. The Highways Authority have not objected to the proposed development. The proposal would not result in a danger to highway safety and accords with Policy 31 of the Pendle Replacement Local Plan.

RECOMMENDATION: Refuse

For the following reasons:

1. The application site is located outside the Town Centre Boundary and a sequential assessment has not been undertaken to establish whether there are any more suitable sites located within the Town Centre. This would result in harm to the vitality and viability of Nelson Town Centre. As such, the application site is outside the Town Centre boundary and is not preferable in terms of the hierarchy set out in Policy 25 of the Pendle Replacement Local Plan and Policy WRK4 of the Local Plan: Core Strategy or National Planning Policy Framework.
2. The proposed development being a flat roof metal shipping container represents poor design, this is compounded by being sited in a prominent position adjacent to the public highway, contrary to Policy ENV2 of the local Plan Part 1 Core Strategy, Policy 4 of the Bradley Area Action Plan and paragraph 134 of the National Planning Policy Framework.

Application Ref: 21/0237/FUL

Proposal: Full: Change of Use of land of existing car park and siting of a container to be used as a Hot Food Takeaway (Use Class Sui Generis)

At: Land adjacent to Queens Mill, Bankhouse Road, Nelson

On behalf of: Mr Abdul

REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE 6TH SEPTEMBER, 2021

Application Ref: 21/0325/FUL

Proposal: Full: Change of use of former ambulance station to mixed use; including storage and distribution, vehicle mechanical and body repairs and tyre fitting (part retrospective).

At: Ambulance Station, Rakehouse Road, Nelson

On behalf of: Mr Hussain Jamal Ahmed

Date Registered: 19th April 2021

Expiry Date: 14th June 2021

Case Officer: Kathryn Hughes

Site Description and Proposal

The application site is the former ambulance station located within a residential area in the settlement boundary of Nelson.

There are residential properties located to all four sides which consists of terraces, bungalow, apartments and semi-detached properties.

Relevant Planning History

None.

Consultee Response

LCC Highways – Having considered the information submitted, together with site observations, the Highway Development Control Section does not have any objections regarding the proposed development at the above location.

In the Highway Development Control Section's opinion an adequate level of off-road parking has been provided for the mixed uses proposed for the site.

The applicant proposes to enclose the grass verge along Rakes House Road with a 2m high palisade fence and provide an internal access gate to the verge. We have presumed that this is for security purposes. This area should not be used for anything which would affect visibility for vehicles entering or leaving Rakes House Road.

Lancashire Fire & Rescue Service – raises comments on Access Document B Part B5 under Building Control.

PBC Environmental Health – raises issues with hours of operation, deliveries, hours of opening and requires a noise assessment.

Nelson Town Council

Public Response

Nearest neighbours notified by letter. Numerous objections have been received objecting to the proposal on the following basis:

- The area is predominantly residential and this will bring increased noise and air pollution;
- The area houses elderly and disabled residents
- There is already inadequate parking in the area there is nothing in the plans for waste tyre storage only a small bin area;
- Nothing for waste oil and hazardous waste storage;
- I believe Juno Street is unadopted – nothing for the maintenance on the road;
- Juno Street has poor pedestrian pavements;
- The Ambulance Service maintained the grass verge;
- Since the tyre bay has been operating the appearance of the site has greatly declined and is not in keeping with the residential area;
- This would be better suited to an industrial site;
- The proposed opening hours are unreasonable;
- Food storage will attract vermin and mean wagons coming and going at all times of the day and night;
- The proposal involves quantities of lethally flammable rubber, paint and petrol in proximity to our homes, electrical equipment capable of generating fire, persistent noise throughout the day;
- As well as hazards with spray painting which will involve noisy extractor fans and old dumped vehicles on the site;and
- There is nationwide awareness to protect residential areas from encroachment impacting on physical and mental wellbeing.

One letter received in support of the application:

- businesses should be supported;
- this was a former ambulance station in 24/7 365 days a year; and
- the complaints about parking issues are from residents who don't have parking places.

Officer Comments

Policy

Policy ENV2 states that all new development should seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving heritage assets.

Policy ENV5 relates to pollution and unstable land. New development will seek to minimise pollutant emissions and public exposure to pollution and ensure that the potential for noise, odour and light pollution is minimised.

Policy WRK4 seeks to focus retail and services development within town centres. This location is out of centre.

Replacement Pendle Local Plan

Saved policy 25 of the Replacement Pendle Local Plan allows for replacement commercial uses outside of the town centre where an existing commercial use exists within the settlement boundary of the same scale.

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

Visual Amenity

As existing there are two building, a central courtyard and parking for 18 vehicles with workshop, 8 service bays stores and facilities. A 2m high fence and gate secures the site to the front (east) and side (north).

As proposed there are two buildings, a central courtyard and parking for 18 vehicles with tyre fitting and car repair workshop, two storage units, associated stores, offices and facilities. A 2m high fence and gate secures the site to the front (east) and side (north).

There are no proposed changes to the external appearance of the site and this would be acceptable and accord with policy ENV2.

Residential Amenity

The building is sited in a residential area and therefore potential impact on amenity from noise is a concern.

Regard also has to be given its previous use of the building as an ambulance station with vehicle movements occurring 24 hours a day 7 days a week.

There are residential properties to all four sides of the site. No. 11 Rakeshouse Road lies 15m from the site to the south west, no. 42 Lee Road lies 18m to the north, the apartments at Parkwood Mews lie 20m to the west and no. 12 Rakeshouse Road 12m to the east and no. 49 Lee Road 9m also to the east.

Clearly there is potential for noise and disruption from the proposed uses. Storage and distribution would be a similar activity to the ambulance station in terms of coming and goings and would not unduly impact on the amenity of the area taking into account the previous commercial activity. The tyre bay would also be acceptable here subject to limits on operating hours and outside activities. The main concern is the vehicle repairs and the noise and vibrations that this use would generate in particular if this use was to take place evenings and weekends. The close proximity of the neighbouring properties including their outside amenity would adversely impact on the enjoyment of these properties to a detrimental effect.

Whilst the previous use of the building as an ambulance station with vehicle movements occurring 24 hours a day 7 days a week when have had some impact the intensity of this proposal would far outweigh that even with restrictions on operating hours.

A noise assessment has been submitted, however, this make various assumptions regarding the construction of the building which have not been confirmed. The report states that the assessment would need to re-taken if these assumptions are not accurate.

The agent has been requested to address these issues or remove the vehicle repairs from this proposal. If this can be satisfactory agreed then the recommended below may change subject to appropriate mitigation and appropriate conditions to control operational and opening hours.

As it stands the proposed development would therefore result in an unacceptable impact on the residential properties in terms of noise and fails to accord with Policies ENV2 and ENV5 of the Pendle Local Plan Part 1: Core Strategy 2011-2030.

Highways

As proposed the development would not result in any additional requirement for on-site car parking and is acceptable in terms of highway safety. The fence and gates are in situ and as they do not impact on highway safety this is acceptable.

In terms of parking four spaces are proposed for staff and the remainder would be used by customers. This is acceptable and can be controlled by condition and would accord with policy 31.

RECOMMENDATION: Refusal

On the following grounds:

The proposed development would result in an adverse impact on neighbouring properties due to the potential for unacceptable noise impact and fails to accord with Policies ENV2 and ENV5 of the Pendle Local Plan Part: Core Strategy 2011-2030.

Application Ref: 21/0325/FUL

Proposal: Full: Change of use of former ambulance station to mixed use; including storage and distribution, vehicle mechanical and body repairs and tyre fitting (part retrospective).

At: Ambulance Station, Rakehouse Road, Nelson

On behalf of: Mr Hussain Jamal Ahmed

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE 6th SEPTEMBER 2021

Application Ref: 21/0468/HHO

Proposal: Full: Insertion of dormer windows to front and rear roof slopes and erection of porch to front

At: 200 Chapelhouse Road, Nelson

On behalf of: Mr Mohammad Ul-Haq

Date Registered: 01/06/2021

Expiry Date: 27/07/2021

Case Officer: Laura Barnes

Site Description and Proposal

The application site relates to a mid-terrace dwelling, sited amongst dwellings of a similar scale and design. The property is located within the defined settlement boundary of Nelson, in a residential area.

The proposal is for a flat roof dormer to the front and rear roof slope, to create two additional bedrooms in the roof space. It also seeks planning permission for the erection of a porch to the front elevation.

Relevant Planning History

None relevant

Consultee Response

LCC Highways

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

The proposal is to increase from a 3 bedroom to a proposed 4 bedroomed property (ref Proposed floor plans 20.6.21). An increase in one bedroom. This property is on a row of terraces so does not currently have off street parking.

An investigation of the 5-year accident record shows 3 Collisions have occurred in the vicinity of the proposal.

- 1 serious adult collision o/s 196 Chape House Rd (17/7/2015 @ 00:30) . 2 vehicles involved – Car and Taxi/Private Hire Car . Severity serious.
- Car with Car, on Beaufort St (U20093) (12/4/2014 @ 12:10). Slight severity.
- Car with Car, 118 Napier St (U20122) (12/3/2015 @ 16.35). Slight severity.

Further to a visit to the site, I would highlight the following concerns:

There was parking on bus stop markings on both sides of the road, parking on the double yellow lines at the junctions, also parking on the disable bays (not disabled drivers). There is also disabled parking bay marking (4 in total) outside 187 to 191 Chapel House Rd and 180 Chapel House Rd, potentially reducing residential parking capacity.

The Highway Development Control Section is concerned about the cumulative effect of the increasing numbers of terraced homes being extended to increase bedroom space without providing any additional parking facilities. From observations on site, on-street parking in this area of Chapel House Road and surrounding roads is at premium. Any increased demand for on-road parking is difficult to absorb without causing additional loss of amenity and conflict for existing residents.

Should the planning authority approve this application they should be aware of the highway safety concerns with regards to parking issues in the vicinity of the proposal.

Public Response

Nearest neighbours notified, one letter of objection has been received raising the following issues:

- Overlooking

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 care should be exercised with the insertions of dormers, to ensure that their design is in keeping with the dwelling and that they do not overlook neighbouring property. Dormers should not be so large as to dominate the roof slope resulting in a property which appears unbalanced.

The proposal is for a flat roof dormer to the front and rear, which dominates the entire roof slope of the dwelling which has a harmful effect upon the character and appearance of the original

dwelling. To the front elevation, this also has a wider effect on the street scene in a terrace which has a simple and uninterrupted roof line. The proposed dormer to the front is to be clad with natural slate and to the rear it is to be clad in concrete tiles, with a rubber roof membrane. Whilst to the rear a dormer may be inserted under Permitted Development in some circumstances, one of the conditions within the Permitted Development order is that the materials are similar in appearance to the existing roof materials. The materials for the rear dormer differ from the original slate roof of the dwelling. However, to the rear elevation there would not be an unacceptable impact upon the visual amenity of the area. As such, the front dormer would cause harm to the character and appearance of the original dwelling and have a wider impact upon visual amenity, whilst the rear dormer is acceptable in accordance with Policy ENV2 of the Local Plan: Part 1 Core Strategy and the Design Principles SPD.

The proposal also includes the insertion of a UPVC porch to the front elevation, where there is an existing bay window. The Design Principles SPD states the following in relation to porches where there is an existing bay window: "Where bay windows or other projections exist, these should be retained as separate structures, rather than being incorporated into the porch. The Council would normally expect such features to be separate from any front extension in order to protect the integrity of the original house". In this case the intention is to incorporate the front porch into the existing bay window, contrary to the guidance set out in the Design Principles SPD and Policy ENV2 of the Local Plan Core Strategy. This would have a detrimental impact upon the existing front of the dwelling and in turn would have a negative impact upon the wider visual amenity.

Overall, the design and materials of this development are unacceptable in this location and as such conflict with Policies ENV2 and the Design Principles SPD.

Residential Amenity

The proposed dormer is to have a window to the front elevation. There are no windows to the side elevation. The proposed dormer would be no closer to the dwellings on the opposite side of Chapelhouse Road than the existing front elevation windows, as such they would not cause any greater neighbouring amenity issue. Similarly, the dormer to the rear is to have a window facing towards Avondale Road however these are no closer than the existing windows to the rear of the dwelling. Comments have been received from a neighbour who is concerned about overlooking. However, to the front and rear the proposed windows would be no closer than the existing front or rear elevation windows. As such, no greater harm in terms of neighbouring amenity would be caused by the proposal.

The proposal would not result in any unacceptable neighbouring amenity issues and accords with Policy ENV2 and the Design Principles SPD.

Highways

The proposed development would increase the number of bedrooms to the dwelling which would increase the number of parking spaces required. However, as with other examples of dormers to terraced properties, the proposed development would not result in an increase or decrease in the number of car parking spaces provided. As such, the proposed development would not worsen the existing car parking situation.

RECOMMENDATION: Refuse

1. By virtue of its position to the front elevation of the dwelling, the proposed dormer and porch would have an unacceptable impact upon the design of the original dwelling and in turn cause harm to the wider character and appearance of the street scene, in conflict with Policy ENV2 of the Local Plan: Part 1 Core Strategy and the Design Principles SPD.

Application Ref: 21/0468/HHO

Proposal: Full: Insertion of dormer windows to front and rear roof slopes and erection of porch to front

At: 200 Chapelhouse Road, Nelson

On behalf of: Mr Mohammad Ul-Haq

Application Ref: 21/0455/FUL

Proposal: Full: Major: Erection of two buildings to provide for 12 no. flats with parking, access and associated works (re-submission).

At: 30 Higher Reedley Road, Brierfield

On behalf of: Reedley Properties Ltd.

Date Registered: 1st July, 2021

Expiry Date: 30th September 2021

Case Officer: Kathryn Hughes

This application has been brought before Committee as it is a major application.

1. Site Description and Proposal

The application site is to the rear of the former Marsden Cross Public House in Brierfield which lies within the settlement boundary.

There is a public right of way PF20 (Brierfield) which crosses the site within the red edge along the southern edge of the site.

This application seeks full permission for two new build units to comprise 12 flats.

The two new build blocks are proposed to be erected to the rear of the former public house. Each block would contain 6 two bed apartments with car parking, access and associated works.

A Design & Access Statement, drainage report and tree report have been submitted in support of this application.

The former public house has already been converted under planning application 19/0578/FUL approved early this year. The new build flats to the rear are also well under way despite only being approved in outline under the same application.

2. Relevant Planning History

13/07/0369P - Full: Form doorway to rear and construct pergola - Approved 10th July, 2007.

13/12/0270P - Conversion of public house with residential flat to four flats - Refused 21st August, 2012.

13/12/0415P - Conversion of public house with residential flat to four flats with eight solar panels on the rear roofslope (resubmission) – Approved.

16/0773/FUL – Full Removal of existing equipment and erection of new free standing 20m high telecommunications mast – Approved 20th January, 2017.

17/0525/PNT – Prior Notification (Telecoms) – Erection of 17.5m high Jupiter Street Pole, foundation and three antennas with associated works.

19/0578/FUL – Full: Major: Conversion of former Public House into 10 No. one bed flats, car parking and access; Outline: Erection of two buildings to accommodate 12 No. two bed flats with car parking access and associated works (Access, Layout, Scale & Appearance only) – Approved 10th January, 2020.

20/0596/FUL – Full: Major: Erection of two blocks of flats with a total of 12 flats with parking access and associated works – Withdrawn.

3. Consultee Responses

LCC Highways

This application is a re-submission of a previous application (20/0596/FUL), which was withdrawn prior to determination. A site visit for that application was made on 11 November 2020.

For the current application a revised Proposed Site Plan (Drawing 06B) has been submitted; the internal car parking layout has been amended.

Site access

During the previous site visit it was noted that the section of footway within the adopted highway network had been constructed and was substantially complete. Works within the adopted highway network, both at the site access and footway to the south of the access have been undertaken. No contact has been made with Lancashire County Council as the highway authority with regard to providing details for the vehicle access and entering into the necessary legal agreement (Section 278). This agreement will still need to be entered into and the developer would be liable for rectifying any defective or missing works.

The formation of the new vehicle access from Higher Reedley Road to the development site would need to be carried out under the above legal agreement with Lancashire County Council as the highway authority. Works should include, but not be exclusive to, the construction of the access to an appropriate standard, including a minimum width of 4.5m, 6m radius kerbs, and buff coloured, tactile paved dropped pedestrian crossings.

Construction of a new section of footway within the adopted highway network, from the northern site boundary to the existing adopted footway to the south of the former public house, would also need to be carried out under the same legal agreement.

Both the vehicular access and new footway should be constructed and completed prior to first occupation of any residential unit on the site to ensure that traffic generated by the development does not have a detrimental impact on the surrounding highway network.

Car & cycle parking

To allow for the efficient use of the off-road parking bays this should be on an allocated basis. Vehicles should not park outside the development site on Higher Reedley Road due to the solid, double white centre lines. If vehicles did park here, they would narrow the carriageway width and force other vehicles to cross/straddle the solid, double white centre lines. This would be to the detriment of highway safety as vehicles turning left out of the site would have to swing out onto the opposite side of the carriageway, and parked vehicles would also obstruct visibility. In addition, the geometry of Higher Reedley Road restricts forward visibility due to the brow of the hill.

Bays 15 – 18 and 20, 21 should be a minimum of 2.6m wide as they are adjacent to areas of landscaping. This potentially could reduce the width of the bays if not maintained properly.

Disabled parking bays 27-29 are laid out wrong, with the hatching at the front of the bays, over the footway/pedestrian access to Building 1. We have presumed that this is an error, as these bays were laid out correctly on the site layout plan for the previous application.

There is no pedestrian route from the flats to the cycle store between parking bays 21 and 22.

Internal layout

Taking into account the above comments regarding the layout of the disabled parking bays, if these are laid out correctly the footway in front of Building 1 will be of sufficient width to provide pedestrian access and also act as the service strip.

As the internal road would remain private the developer should provide details of the proposed arrangements for the future management and maintenance of the road, and footways. These should include the establishment of a private management and maintenance company.

Public Right of Way

A Public Right of Way - Public Footpath 20 (Brierfield) - passes adjacent to the southern boundary of the development site. This Public Right of Way must not be obstructed during any proposed development. Furthermore, no excavation/construction works should affect the structural integrity of land supporting this Public Right of Way. The proposed retaining walls/structures should be included in the same management and maintenance arrangements as the internal road and footways to ensure that these are maintained adequately.

Conditions and notes should be attached to any grant of permission relating to site access of off-site highway works, full engineering, drainage, street lighting and constructional details, future management and maintenance, visibility splays, estate road construction, access construction, car parking, cycle storage and electric charging points.

LCC Education

An education contribution is not required at this stage in regards to this development.

United Utilities

Drainage

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

We request conditions are attached to any subsequent approval to reflect the approach detailed above.

Management and Maintenance of Sustainable Drainage Systems

Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact.

We therefore recommend the Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development.

Water Supply

For larger premises or developments of more than one property, including multiple connections, where additional infrastructure is required, a water network behaviour/demand modelling exercise would be required to determine the network reinforcements required to support the proposed development. With this in mind we recommend the applicant contacts us at the earliest opportunity.

Our standard conditions document includes details of trees and shrubbery suitable for planting in the vicinity of a water main. The applicant should consult this document to ensure their landscaping proposals meet with the advice provided in the document.

We also recommend the use of root barriers to afford additional protection to the water main.

The applicant should be instructed to lay their own private pipe, to United Utilities standards, back to the existing main. If this should involve passing through third party land United Utilities must receive a solicitor's letter confirming an easement, prior to connection.

Although water supply in the area is compliant with current regulatory standards, we recommend the applicant provides water storage of 24 hours capacity to guarantee an adequate and constant supply.

LCC Lead Local Flood Authority

No objections subject to appropriate conditions.

Coal Authority

The Coal Authority is a non-departmental public body sponsored by the Department of Business, Energy & Industrial Strategy. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

The Coal Authority Response: **Material Consideration**

As you are aware the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority records indicate that a thick coal seam outcrops at or close to the surface of the site which may have been worked in the past and historic unrecorded underground coal mining is likely to have taken place beneath the site at shallow depth.

Unfortunately the applicant does not appear to have submitted a Coal Mining Risk Assessment to accompany this latest planning application. However, the Coal Authority notes the planning history on site insofar as a Coal Mining Risk Assessment (or equivalent) (September 2019, prepared by Worms Eye) being previously provided.

That report identifies that there is one shallow coal seam beneath the site, the 'Yard Bottoms (China)'. It advances to indicate that the geological memoir suggests this is a thin seam, too thin or inferior to be worked, and therefore not a risk.

Furthermore, the report also suggests this is below about 7 metres of rock (15 times the seam thickness) below the nearest proposed building. This being sufficient rock cover to minimise the risks to the proposed building, according to the report, which subsequently attributes a **negligible risk** to the proposed buildings.

Bearing in mind the location of the proposed buildings on the latest submission being very similar to that previously proposed, the above conclusion remains relevant.

The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system and meets the requirements of NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has **no objection** to the proposed development. However, further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building regulations application.

NHS Contribution

Planning application 20/0596/FUL, Marsden Cross, 30 Higher Reedley Road, Brierfield Lancashire BB9 5HA is seeking to secure permission for the construction of **12** flats. These dwellings will support a population increase of **12** residents (assuming an average of 1.0 people per dwelling) all of whom will need to access health services.

It follows that without the provision of additional facilities and services it will not be possible to accommodate the health impact of the development within the existing provision which is available.

Whilst the Trust will, in due course, be able to obtain funding to meet the needs of the population which arises from the development, this funding will not be in place for approximately three years. Once in place, the funding will not be provided retrospectively, and as such the impact on the Trust for the initial period will not be met from any alternative source of funding.

We therefore request a contribution for this development in the sum of **£8,904.00** a breakdown for which you will find at Appendix 2.

It is therefore concluded that the request complies with relevant planning policies and is necessary to make the development acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development.

We would request such a contribution should be paid to the Council under the terms of the s.106 agreement, and should then be paid to the Trust. We would ask that any contribution be paid in full prior to first occupation of the development to allow for the necessary service provision to be in place to meet the demand which will arise as soon as the development is occupied.

PBC Countryside Access Officer

Public footpath 20 runs along the southern boundary of the site at the top of a retaining wall 3-4 metres high including a 1m high parapet wall. The footpath has been temporarily closed since 2008 following the partial collapse of the parapet wall. It is intended that the footpath will eventually be repaired but the funding to carry out the work required has not previously been available. The work would require that substantial parts of the retaining wall are taken down and rebuilt.

The proposed development is set back from the retaining wall in question.

LCC Countryside Access Officer has raised the same issues but suggest that the proposed development would interfere with access to the retaining all part of which is in need of extensive repair. The development would be overlooked by the PROW and could be subject to anti-social behaviour from materials being used to be thrown onto properties. LCC requests that part of the

footpath is diverted between the eastern boundary and Higher Reedley Road through the development and linking with the footpath at the rear east end. The collapsed section could then be extinguished under the Highways Act.

Lancs Fire Rescue

The scheme should fully meet all the requirements of Building Regulations Approved document B, Part B5 'Access and facilities for the Fire Service'

PBC Environmental Health

Brierfield Town Council

4. Public Response

Site and press notices posted and nearest neighbours notified by letter. Four responses received raising the following issues:

- Unhappy about the size looming over our property;
- Building work still not completed;
- Noise and vibration is an issue;
- The existing plan is not accurate as the two three storey blocks are now 99% complete; and
- Concerns over the stone wall and previous collapses to this.

5. Officer Comments

Policy

Policy SDP1 requires the decision maker to take a positive approach in favour of sustainable development as set out in the National Planning Policy Framework (the Framework).

Policy SDP3 sets out the location of new housing in the Borough in conjunction with SDP2 and LIV1.

ENV1 (Protecting and Enhancing Our Natural and Historic Environments) requires development to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

ENV2 (Achieving Quality in Design and Conservation) states that all new development should seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving heritage assets.

ENV4 seeks to promote sustainable travel as well as development impacts and accessibility and travel plans for major developments to mitigate any negative impacts.

ENV5 (Pollution and Unstable Land) seeks to minimise air, water, noise, odour and light pollution and address the risks arising from contaminated land, unstable land and hazardous substances.

ENV7 (Water Management) does not allow development where it would be at risk of flooding and appropriate flood alleviation measures will be provided and/or would increase the risk of flooding elsewhere. The proposals compliance with this policy is addressed in the flooding and drainage section.

Policy LIV1 sets out the requirement for housing to be delivered over the plan period. This policy allows for non-allocated sites within the Settlement Boundary as well as sustainable sites outside but close to a Settlement Boundary.

Policy LIV3 encourages the support and provision of a range of residential accommodation.

Policy LIV4 sets out the targets and thresholds to contribute towards the provision of affordable housing. No affordable units are required for this site.

Policy LIV5 (Designing Better Places to Live) requires all new housing to be designed and built in a sustainable way. New development should make the most efficient use of land and be built at a density appropriate to its location taking account of townscape and landscape character. Provision for open space and/or green infrastructure should be made in all new housing developments.

Replacement Pendle Local Plan

The following saved policies also apply:

Policy 31 'Parking' requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP.

National Planning Policy Framework

The Framework expects that Councils meet their full objectively assessed housing needs and to annually update their supply of specific deliverable sites to meet a five year supply. Where there has been persistent under delivery a 20% buffer needs to be added to the 5 year supply.

The Framework states that good design is a key aspect of sustainable development and is indivisible from good planning. Design is to contribute positively to making places better for people. To accomplish this development is to establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live and responding to local character and history. Design quality should be considered throughout the evolution and assessment of individual proposals.

Para 136 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 character and quality of an area and the way it functions. If a development is poor in design it should be refused.

1. Principle of Development

This site is previously developed land which lies within Brierfield and its settlement boundary.

Brierfield as part of Nelson is a Key Service Centre in the M65 Corridor which is an area identified in policy SDP2 to play a supporting role and accommodate levels of new development to serve a localised catchment area.

This proposal is for a total of twelve two bed apartments located within the settlement boundary in a sustainable location. The principle of housing on this site was established by a previous permission which included the conversion of the former public house to ten one bed apartments and an outline permission for erection of two pairs of semi-detached dwellinghouses on land to the rear of the public house.

At the present time Pendle has a 5 year supply of housing land therefore this proposal would help to contribute towards this.

2. Impact on Residential Amenity

The proposed scheme comprises of two blocks of six new build two bedroom apartments. The new build units would be sited to the rear of the existing building with access and parking of the existing car park to the east.

Policy ENV2 of the Local Plan states that good design should be informed by, and reflect the history and development of a place and meet high standard of design, being innovative to obtain the best design solution and using materials appropriate to its setting.

In terms of privacy distances the proposed blocks of apartments have been positioned to the eastern part of the site to the rear of the former public house. A retaining wall structure is proposed along the side boundary of No. 5 Woodlea Gardens and the side boundary of No. 32 Higher Reedley Road.

The rear elevations of the plots would be within 12m of the side boundary with No. 5 which has a conservatory extension to the side.

The front elevation of the block nearest to no. 6 Woodlea Gardens would be approximately 33m distant which is acceptable,

The blocks of apartments would have a maximum height of 11.127m with an eaves height of 8.05m the buildings will be set down by 2.5m this reduces the height to an acceptable 8.6m/55m. and results in an acceptable built form from the perspective of the properties on Woodlea Gardens and Higher Reedley Road.

The rear elevations of block 1 would be 11.4m from the side gable of no. 32 Higher Reedley Road separated by the existing Public Footpath and a retaining wall structure. The proposed layout indicates some tree planting along this elevation which would help to screen the development to some extent. The agent has confirmed that these windows would all be obscurely glazed and therefore no undue loss of privacy would occur on this aspect.

Subject to the submission of an adequate landscaping scheme the proposal would have limited impact on the amenity of adjacent properties.

The development would therefore comply with the amenity standards set out in the Council's Design Supplementary Planning Document.

Therefore, the proposed development is acceptable in terms of potential impact on residential amenity in accordance with Policies ENV2 and LIV5 subject to appropriate conditions.

3. Design and Layout

Policy ENV2 seeks to deliver the highest possible standards of design, in form and sustainability, whilst enhancing and conserving the heritage assets.

The layout plan indicates some green areas within the site around the parking bays; however, details of proposed planting has not been submitted and this is an important element of this scheme as much of the former landscaping and bowling green have been removed to facilitate the development. The majority of trees and shrubs on the boundaries are on neighbouring land.

Given the amount of built form, car parking and bin stores this does reduce the amount of useable green space and how effective this can be as part the development.

The proposed layout provides limited scope for any effective landscaping this needs to be improved and provide for adequate soft landscaping/screening between the rear elevation and the southern boundary and moving the bin store from the front of the site near the highway to the rear of the building in order to allow some significant soft landscaping to the front of the proposed parking areas.

In terms of materials the palette proposed is natural stone with concrete roof tiles to match the external materials of the former public house which is acceptable subject to samples being submitted for approval. No details of windows, doors and bin stores have been submitted or boundary treatments. These can be controlled by condition.

Therefore subject to appropriate materials being submitted and approved this is acceptable.

As submitted the proposed scheme includes the provision of some green space within the site. The amount of built form and the limited potential for landscaping opportunities can be improved and the agent has been requested to make some minor changes which would result in an adequate layout with the public house and two new built blocks of apartments together with car parking spaces and bin stores this would accord with policy LIV5 subject to an appropriate landscaping scheme.

4. Contamination

Policy ENV5 addresses pollution which includes contamination and noise. It does not allow for new development where it would be at risk of potential noise nuisance and new development should not be sited close to potentially incompatible uses.

The potential risk for contamination has not been investigated and therefore an assessment has been requested as per policy ENV5.

An appropriate condition requiring a contamination study to be carried out can be attached to any grant of permission.

5. Land Stability

Policy ENV5 also addresses structural stability a detailed report has been submitted pollution which assesses the retaining wall and the stability issue satisfactory and therefore meets the requirements of policy ENV5.

6. Flooding and Drainage

Policy ENV7 addresses water management, which includes flood risk and surface water run-off. It does not allow for new development where it would be at risk of flooding and appropriate flood alleviation measures will be provided and/or would increase the risk of flooding elsewhere.

Sufficient details of the drainage scheme have been submitted and subject to appropriate conditions this can be achieved.

This meets the guidance set out in the Planning Practice Guidance and the requirements of policy ENV7 of the Pendle Local Plan Part 1: Core Strategy and therefore is acceptable.

7. Highways and Public Rights of Way

No objections have been raised with regards to the capacity of the existing road to accommodate additional traffic as a result of this development.

The development will comprise of 12 no. two bed apartments. Therefore a total of 24 on plot parking spaces are required. The proposal includes 24 parking spaces within the site with 4 disabled spaces. These are sufficient provision for the development and should be clearly allocated to each unit.

Only three charging points are proposed which is not sufficient and this can be controlled by condition.

As a result, no objections are raised on highway grounds and the site accords with policy 31 in terms of parking requirements subject to appropriate conditions and some minor changes to the scheme.

8. Contributions

Education

An assessment of the proposal by Lancashire County Council Education Authority, taking into account all approved applications within the local area, concluded that no contribution would be sought at this stage.

Health Authority Contribution Request

Planning legislation allows for conditions to be placed on developments to make them acceptable. It also provides for the possibility of payments being made through section 106 agreements for infrastructure affected by a development. The law surrounding this is as follows:

Section 106 of the 1990 Act provides as follows:

(1) Any person interested in land in the area of a local planning authority may, by agreement or otherwise, enter into an obligation (referred to in this section and sections 106A and 106C as “a planning obligation”), enforceable to the extent mentioned in subsection (3)—

- (a) restricting the development or use of the land in any specified way;
- (b) requiring specified operations or activities to be carried out in, on, under or over the land;
- (c) requiring the land to be used in any specified way; or
- (d) requiring a sum or sums to be paid to the authority (or, in a case where section 2E applies, to the Greater London Authority) on a specified date or dates or periodically.

(2) A planning obligation may—

- (a) be unconditional or subject to conditions;
- (b) impose any restriction or requirement mentioned in subsection (1) (a) to (c) either indefinitely or for such period or periods as may be specified; and
- (c) if it requires a sum or sums to be paid, require the payment of a specified amount or an amount determined in accordance with the instrument by which the obligation is entered into and, if it requires the payment of periodical sums, require them to be paid indefinitely or for a specified period....”

The relevant parts of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (“the CIL Regulations”) are as follows:

(1) This regulation applies where a relevant determination is made which results in planning permission being granted for development.

(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

Section 216(1) of the Planning Act 2008 together with Regulation 59 of the CIL Regulations requires charging authorities to apply CIL payments to “supporting development by funding the provision, improvement, replacement, operation or maintenance of infrastructure”.

Section 216(2) defines “infrastructure” as follows:

“infrastructure” includes—

- (a) roads and other transport facilities,
- (b) flood defences,
- (c) schools and other educational facilities,
- (d) medical facilities,
- (e) sporting and recreational facilities, and
- (f) open spaces”

The request for contributions for health care services does in my view overall fit into a category of infrastructure that could, if necessary to make the development acceptable, fall within a category of infrastructure that can be funded through a section 106 agreement. However that does not mean to say that the contribution being requested meets the tests set out in the CIL Regulations detailed above.

Case law is clear that planning permissions cannot be bought or sold hence any sum to be paid to a planning authority must be for a planning purpose which should in some way be connected with the land in which the developer is interested.

The issue for Committee is whether the funding has a direct connection to the development and whether this would be fairly and reasonably related in scale and kind to the development.

Robust evidence is required to support a request for a contribution. In London for example a model has been produced which attempts to provide robust and up to date evidence on the need for a contribution. The model is referred to as the HUDU model. This looks at the specific circumstances of each development in its own location reflecting the population characteristics of the area.

The evidence supplied with this request does not in my view go far enough to support the view that the impacts of the individual development is directly related to healthcare deficiencies. A flat rate is applied to all developments which will inevitably result in some developers over providing and some underproviding. The model does not factor in demographic modelling of the area and does not for example look at any percentage of the population that may move into the developments and that they are already resident in the area thus not increasing the demand on services.

Whilst more accurate evidence could be provided were the model to be finessed as it stands it is not sufficiently robust to prove the level of contribution fairly reflects the impact the development would have on acute services.

This is an important issue that will arise in other developments in the Borough. In order to get an independent view on this we have obtained Counsel’s opinion on this. That advice is legally privileged but supports the view that the evidence is not sufficiently robust to be able to support a requirement for the contribution requested.

Committee are therefore recommended not to require a contribution as the evidence is not robust enough to confirm that the funding is directly enough related to the development and is fairly and reasonably related in scale and kind to the development.

9. Summary

The proposed scheme is acceptable in terms on impact on residential amenity, design and materials, drainage, landscaping and highway issues subject to some minor changes in the layout and appropriate conditions.

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 layout, design and materials and would not adversely impact on amenity, ground stability or highway safety subject to appropriate conditions.

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:

REEDLEY/01 Dwg 00, Dwg 01, Dwg 02, Dwg 05, Dwg 06A, Dwg 06B, Dwg 08A, Dwg 09A.

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

3. Prior to first occupation of development of the applicant shall have submitted to and have agreed in writing by the Local Planning Authority a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site. The method statement shall detail how:-

a) an investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority; and

b) A comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority.

All agreed remediation measures shall thereafter be carried out in accordance with the approved implementation timetable under the supervision of a geotechnical professional and shall be completed in full accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

In addition, prior to commencing construction of any building, the developer shall first submit to and obtain written approval from the Local Planning Authority a report to confirm that all the agreed remediation measures have been carried out fully in accordance with the agreed details, providing results of the verification programme of post-remediation sampling and monitoring and including future monitoring proposals for the site.

Advisory Notes:

(i) Where land identified as having the potential to be contaminated is undergoing redevelopment, a copy of the leaflet entitled 'Information for Developers on the investigation and remediation of potentially contaminated sites' will be available to applicants/developers from the Council's Contaminated Land Officer. The leaflet will be sent to the developer by request.

(ii) Three copies of all contaminated land reports should be sent to the Local Planning Authority.

(iii) This condition is required to be fully complied with before development is commenced. Failure to comply with the condition prior to commencement of work may result in legal action being taken.

Reason: In order to protect the health of the occupants of the new development and/or in order to prevent contamination of the controlled waters.

4. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

5. No further work shall take place unless and until final details of the design and implementation of an appropriate surface water drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include:

a) A final surface water drainage layout plan; appropriately labelled to include all pipe/structure references, dimensions, design levels, finished floor levels and external ground levels (in AOD); b) A full set of flow calculations for the surface water drainage network. The calculations must show the full network design criteria, pipeline schedules and simulation outputs for the 1 in 1 year, 1 in 30 year and 1 in 100 year return period, plus a 30% allowance for climate change. The calculations must also demonstrate that the post development surface water run-off rate shall not exceed 5l/s. c) A final site plan showing all on-site surface water catchment areas, i.e. areas that will contribute to the proposed surface water drainage network; d) Confirmation of how surface water will be managed within the non-drained areas of the site, i.e. gardens and public open space. e) A final site plan showing all overland flow routes and flood water exceedance routes, both on and off site; f) Details of any measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses; and g) Details of an appropriate management and maintenance plan for the surface water drainage network over the lifetime of the development.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To ensure that the proposed development can be adequately drained; to ensure that there is no flood risk on or off the site resulting from the proposed development; to ensure that water quality is not detrimentally impacted by the development proposal and to ensure that appropriate maintenance mechanisms are put in place for the lifetime of the development.

6. No further works shall take place unless and until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the local planning authority.

Reason: To ensure that the construction phase(s) of development does not pose an undue flood risk on site or elsewhere and to ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies.

7. No further work shall take place unless and until a scheme for the construction of the site access and off-site works of highway improvement shall have been submitted to and approved in writing by the Local Planning Authority.

Works should include, but not be exclusive to, the construction of the access to an appropriate standard, including a minimum width of 4.5m, 6m radius kerbs, and buff coloured, tactile paved dropped pedestrian crossings.

Thereafter, no part of the development (or phase) hereby approved shall be occupied until the approved scheme has been constructed and completed in accordance with the details agreed.

Reason: To satisfy the Local Planning Authority that details of the highway scheme/works are acceptable before work commences.

8. No further works shall take place unless and until full engineering, drainage, street lighting and constructional details to adoptable standards (to Lancashire County Council's specification) of the internal road have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the internal road is constructed to an acceptable standard in the interest of highway safety.

10. Prior to occupation details of the proposed arrangements for future management and maintenance of the proposed road and retaining structure within the development have been submitted to and approved by the local planning authority. The internal road shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and maintenance company has been established.

Reason: To ensure that the internal road serving the development is completed and thereafter maintained to an acceptable standard in the interest of residential/highway safety.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall (more than 0.9m high), fence, hedge, tree, shrub or other device. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed access from the continuation of the nearer edge of the carriageway of Higher Reedley Road to points measured 43m in each direction along the nearer edge of the carriageway of Higher Reedley Road, from the centre line of the access, and shall be constructed and maintained at footway level in accordance with a scheme to be agreed by the Local Planning Authority.

Reason: To ensure adequate visibility at the site access.

12. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and the vehicular turning space shall be laid out and be available for use before the development is brought into use and maintained thereafter.

Reason: Vehicles reversing to and from the highway are a hazard to other road users.

13. The estate road shall be laid out, surfaced, sealed and completed in its entirety prior to occupation of the first unit.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

14. Prior to first occupation of any residential unit the estate road shall be completed to at least base course level and in accordance with the agreed details.

Reason: To ensure that the internal road is constructed to an acceptable standard in the interest of highway safety.

15. Prior to first occupation of any residential unit and before the site access is used for vehicular purposes, that part of the access extending from the adopted highway boundary for a minimum distance of 6m into the site shall be appropriately paved in bound porous material.

Reason: In the interest of highway safety to prevent loose surface material from being carried on to the public highway.

16. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and the vehicular turning space shall be laid out and be available for use before the development is brought into use and maintained thereafter.

Reason: Vehicles reversing to and from the highway are a hazard to other road users.

17. Prior to first occupation of any residential unit the car parking areas shall be surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas laid out in accordance with the approved plan.

Reason: To allow for the effective use of the parking areas.

18. Prior to first occupation of any residential unit cycle storage facilities shall be provided in accordance with a scheme to be approved in writing by the Local Planning Authority.

Reason: To allow for the effective use of the parking areas and the promotion of sustainable forms of transport.

19. Prior to first occupation a scheme for electric vehicle charging points shall be submitted and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the occupation of the first residential unit.

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

20. Prior to first occupation samples of the materials and details of the obscure glazing to be fitted shall be submitted to and approved in writing by the Local Planning Authority. These materials and levels of obscurity shall thereafter remain in effect unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory finish to the development.

21. The windows and doors shall be set back by at least 75mm.

Reason: To ensure an acceptable form of development.

22. Before a dwelling unit is occupied waste containers shall be provided in the bin/cycle storage areas on each plot.

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

Notes

1. The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as the Highway Authority prior to the start of

any development. For the avoidance of doubt works shall include, but not be exclusive to, the construction of the access to an appropriate standard, including a minimum width of 4.5m, 6m radius kerbs, and buff coloured, tactile paved dropped pedestrian crossings; the construction of a new section of footway to an appropriate standard, including surfacing, kerbing and tying into the existing footway network. The applicant should be advised to contact the county council for further information by telephoning the Development Support Section (Area East) on 0300 123 6780 or by email on developer@lancashire.gov.uk , in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.

2. The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act. The development may affect the setting of Public Footpath 20 (Brierfield).

Application Ref: 21/0455/FUL

Proposal: Full: Major: Erection of two buildings to provide for 12 no. flats with parking, access and associated works (re-submission).

At: 30 Higher Reedley Road, Brierfield

On behalf of: Reedley Properties Ltd.

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE 6TH SEPTEMBER 2021

Application Ref: 21/0484/HHO

Proposal: Full: Erection of a single storey rear extension and 2.7m high close boarded fence to north east boundary.

At: 106 Regent Street, Nelson

On behalf of: Miss Emma Croft

Date Registered: 7th June 2021

Expiry Date: 2nd August 2021

Case Officer: Laura Barnes

Site Description and Proposal

The application site relates to a semi-detached dwellinghouse sited within the settlement boundary of Nelson.

The proposal is for a single storey rear extension to the rear, the extension would comprise of two ground floor bedrooms and shower room, to be constructed of brick and render, it is to have a flat GRP roof with white PVC windows and doors.

The proposed extension is to have a stepped footprint, ranging from 7.8m to 11m in length with a maximum width of 5.5m. The proposed extension is to have a flat roof measuring 2.8m in height.

The application also seeks permission for a 2.7m high close boarded fence along the side boundary with No. 108 Regent Street, Nelson.

Relevant Planning History

13/14/0176N: Permitted Development Notification (Proposed Large Home Extension): Erection of single storey extension to rear (Length 6m, eaves height 2.55m, overall height 2.8m) - Prior Approval Not Required.

16/0810/HHO: Full: Erection of part two storey, part single storey rear extension – Refused.

17/0307/HHO: Full: Two storey extension to the rear with part single storey (Re-Submission) – Refused.

18/0767/LHE: Permitted Development Notification (Larger Home Extension): Erection of single storey extension to rear (Length 6m, Overall Flat Roof Height 2.8m) - Prior Approval Not Required.

Consultee Response

LCC Highways

There is an increase of two bedrooms with this proposal (Ref: Layout plan – Proposed rear single storey extension 3.6.21).

There is no mention of existing number of bedrooms in this property. A 4 bedroom dwelling should include off road parking provision equivalent to the recommendations set out in the 'Car and

Parking and Access Standards'. In addition the layout (size) should also conform to these standards. 3 parking spaces are required for a 4 bedroomed and 2 parking spaces for a 2/3 bedroom residential dwelling.

Further to a visit to the site there was clearly a parking problem within the vicinity of proposal. The property had a H bar marking outside the access, there were speed humps on Regent Street and there was also considerable on street parking.

An investigation of the 5 year accident record shows 5 collisions have occurred on Regent Street.

A parking plan is required to show how the required parking spaces required for this proposal can be achieved within the curtilage of the property.

If these can be achieved there is no objection on highway grounds.

Should the application be approved a condition relating to parking areas should be attached.

Public Response

Nearest neighbours notified by letter without response.

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.

The Design Principles Supplementary Planning Document (SPD) applies to extensions and sets out the aspects required for good design.

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.

Design and Materials

The Design Principles SPD advises that single storey rear extensions should be constructed in materials and style to match the existing dwellinghouse. Pitched roof elements are preferred and forward projections would only be supported if they are appropriate to the dwellings design.

The single storey extension is to extend to the rear boundary of the plot by a maximum of 11m. This would be disproportionate to the existing dwelling and although located to the rear which in some cases is acceptable, the large expanse of flat roof would amount to poor design, contrary to paragraph 134 of the National Planning Policy Framework.

The proposed development is to be constructed of brick and render, with a flat rubber roof and UPVC windows and doors.

Overall, the design of the proposed extension is of a poor design and does not comply with paragraph 134 of the Framework or Policies ENV2 and the Design Principles SPD.

Impact on Residential Amenity

The proposed single storey extension is to project out with a stepped rear elevation. The shortest part of the extension is set in by 0.6m from the adjoining dwelling (No. 108 Regent Street). However, the projection at this point of 7.8m would significantly breach the 45 degree angle (by 5m) with the ground floor neighbouring windows which are sited 1m from the boundary and serve a habitable room.

As such, this would result in an unacceptable loss of light and an overbearing impact on the adjoining dwellinghouse.

Furthermore, there is a window proposed to the side elevation of the proposed extension which would look towards the rear garden of No. 108 Regent Street. Although it is noted that a 2.7m high fence is proposed along the boundary between the neighbours. The occupants of the proposed extension would not be able to see over the fence, due to its height but this would restrict light into the window and represents poor design. The fence in itself would result in a loss of light to the neighbours given its position upon the boundary and height. This in itself would warrant a reason for refusal due to the overbearing impact it would have upon the neighbouring dwelling.

In terms of the impact upon No. 104, the proposed extension is to be sited 2m from the shared boundary between the properties. Although it is acknowledged that No. 104 is not sited right up to the shared boundary. However, the proposed extension is so great in length that this would also breach the 45 degree angle with the ground floor rear windows to the neighbouring dwelling (by 6.5m). There is one obscure glazed ground floor window, in addition to the door, to the side elevation of No. 104 which is closest to the proposed extension. However, this does not serve a habitable room (ground floor WC) and as such would not need the same level of protection as the ground floor habitable room window to the rear elevation.

The proposal therefore fails to accord with Policy ENV2 of the Local Plan: Core Strategy and the Design Principles SPD.

Highways

The proposed development would result in the increase of two bedrooms. The property will have a minimum of four bedrooms and would therefore require three off-street parking spaces.

There is one existing off-street car parking space and as such the proposal would be deficient by two car parking spaces. This is acceptable and would not duly impact on highway safety.

RECOMMENDATION: Refuse

Due to the following reasons:

1.By virtue of height, proximity to habitable room windows and projection from the rear elevations the proposed development would result in unacceptable impacts upon the adjoining dwellinghouses (Nos.104 &108 Regent Street) resulting in a loss of light and an overbearing impact, contrary to Policy ENV2 of the Local Plan Part 1: Core Strategy and the guidance of the Design Principles Supplementary Planning Document.

Application Ref: 21/0484/HHO

Proposal: Full: Erection of a single storey rear extension and 2.7m high close boarded fence to north east boundary.

At: 106 Regent Street, Nelson

On behalf of: Miss Emma Croft

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE 6th SEPTEMBER 2021

Application Ref: 21/0489/HHO
Proposal: Full: Insertion of dormer to front roof slope
At: 45 Every Street Nelson Lancashire
On behalf of: Mr Mubasher Aziz
Date Registered: 3rd June 2021
Expiry Date: 29th July 2021
Case Officer: Yvonne Smallwood

Site Description and Proposal

The proposed development is a mid terraced house located within the settlement of Nelson. The property has shop frontage but no signage. The adjoining property to the North East of the property is a shop and a residential terraced property lies to the South West.

The existing house is finished in stone with a mixture of timber and UPVC fenestration.

The proposal is to rerect a dormer to the front roof slope.

Relevant Planning History

13/92/0529P – New shop front - Approved with Conditions

13/00/0667P – Alterations to shop front - Approved with Conditions

Consultee Response

LCC Highways - With reference to Layout & elevation plans (Existing and Proposed 3.6.21) submitted, there is no objection to this proposal on highway grounds, as there isn't a change in number of bedrooms with this proposed extension, therefore there is no additional parking spaces required with this proposal.

Nelson Town Council

Public Response

Nearest neighbours notified by letter without response.

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.

The Design Principles Supplementary Planning Document (SPD) applies to extensions and sets out the aspects required for good design.

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.

Officer Comments

Design and Materials

The Design SPD states that in general, dormers on the front roof slope will not be acceptable unless they are a feature of other similar houses in the locality (e.g. where at least 25% of properties have front dormers in the terrace block or street frontage) or the dormer would otherwise be appropriate in visual design terms.

At present there are no front dormers in this terraced block. The simple roofscapes result in a uniform and harmonious character and appearance to the frontage of the buildings on Every Street.

The front dormer would not respect the simple and mainly unaltered roofscapes in the street and which provide the visual context for the scheme. It would be incongruous and out of keeping with its surroundings. Consequently, it would be visibly obtrusive and it would disrupt the harmony of the street scene.

The proposed front dormer would cause unacceptable harm to the character and visual amenity of the area contrary to policy ENV2 and the guidance of the Design Principles SPD.

Amenity

The proposed dormer window would not result in a greater impact than existing upper floor windows and therefore would not result in an unacceptable reduction in privacy or other residential amenity impact. The proposed dormer window is acceptable in terms of residential amenity.

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, subject to compliance with planning

conditions. 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: Refusal

On the following grounds:

The proposed front dormer would be an unsympathetic, unacceptable addition to this traditional terraced property 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.

Application Ref: 21/0489/HHO

Proposal: Full: Insertion of dormer to front roof slope

At: 45 Every Street Nelson Lancashire

On behalf of: Mr Mubasher Aziz

Application Ref: 21/0501/HHO
Proposal: Full: Single storey rear extension
At 29 Mansfield Grove, Brierfield, Nelson
On behalf of: Sumera Banaras
Date Registered: 14th June 2021
Expiry Date: 9th August 2021
Case Officer: Yvonne Smallwood

Site Description and Proposal

The application site is a semi-detached house in a residential area within the settlement of Brierfield.

The proposal is for the erection of a single storey rear extension at 5m in length.

Relevant Planning History

No relevant planning history.

Consultee Response

Brierfield Town Council – no response.

Environment Agency - no response.

Public Response

Nearest neighbours notified by letter without response.

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.

The Design Principles Supplementary Planning Document (SPD) applies to extensions and sets out the aspects required for good design.

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.

Officer Comments

Design and Materials

The Design Principles SPD contains guidance stating that a single storey extension projecting more than 4m from the rear of the existing dwelling should not breach a 45° line, Pitched roofs are preferable in design terms, however flat roofs are acceptable in order to protect light amenity for neighbours.

The extension is flat roofed and will be built to match or complement the existing property. There are other similar developments surrounding and the design would fit comfortably within those other designs. The materials would be cream coloured render block. The roof finish would be single ply membrane and the windows UPVC. The materials would be acceptable for the locality.

Impact on Amenity

Number 31 to the East extends beyond the rear of the house. This means that the extension proposed would not extend significantly beyond the rear of number 31. The relationship between the two would be acceptable.

The window on the side of number 31 is obscured glass serving a bathroom. The proposed extension would not cause any adverse impacts in relation to the privacy of number 31.

To the west number 27 is a residential semi attached to the application site. It has a window in the elevation immediately adjacent to the site where the proposed extension would be serving a dining room kitchen. The Design SPD guides that where there are extensions that are adjacent to windows of neighbours that either a 4m depth would be appropriate or an increase on that where a line drawn at 45 degrees would not be obstructed by the proposed extension.

The boundary line between number 27 and number 29 is not 90 degrees, it is splayed, so the boundary for number 27 lies at approximately 100 degrees and number 29 approximately 80 degrees. The proposed extension would be sited on the side boundary at a length of 5m. Even taking this splay into consideration the 45 degree line from the window in number 27 would still be breached. This is not acceptable.

The proposed extension would be sited on the side boundary and would due to its length and proximity be imposing and result in an overbearing development that would adversely impact on the living environment of the occupants of number 27.

That would be poor design and therefore would not be acceptable in policy terms.

There would be no windows on the adjoining side. There would be a central window of the proposed extension facing towards number 31. This would be obscured glass. This would not cause any adverse impacts.

Summary

The design and materials for the proposed development would be acceptable in terms of policy for the locality. There would be no adverse impacts on number 31 in terms of amenity. The amenity impacts on number 27 are not acceptable as the development would result in a loss of light, having a detrimental effect on their living conditions. This would be poor design and is contrary to policy ENV2 of Pendle Local Plan Part 1: Core Strategy and Para 134 of The Framework.

RECOMMENDATION: Refuse

The proposed development would due to its scale and massing would provide for an overbearing development which would be detrimental to the living conditions of the occupants of the adjoining house (No. 27 Mansfield Grove). This would be poor design contrary to policy ENV2 of Pendle Local Plan Part 1: Core Strategy and Para 134 of the National Planning Policy Framework.

Application Ref: 21/0501/HHO

Proposal: Full: Single storey rear extension

At 29 Mansfield Grove, Brierfield, Nelson

On behalf of: Sumera Banaras

REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE 6TH SEPTEMBER, 2021

Application Ref: 21/0532/HHO

Proposal: Full: Erection of a two storey side extension, single storey rear extension, erection of replacement porch and insertion of Juliet balconies to the rear.

At: 41 Lowthwaite Drive, Nelson

On behalf of: Miss Sobia Mahmood

Date Registered: 21st June 2021

Expiry Date: 16th August 2021

Case Officer: Kathryn Hughes

Site Description and Proposal

The application site is a two storey dwelling located within the settlement boundary of Nelson, in an existing residential area. The application site occupies a corner plot. To the west No. 39 Lowthwaite Drive sits forward of the site with the side elevation and rear garden of No. 41 adjacent to the rear garden of No. 39.

Off road parking for the site is located to the rear of the property and consists of a single garage and parking space.

The applicant seeks for the erection of a two storey side extension, a single storey rear extension, replacement porch to the front and Juliet balconies to the first floor rear.

The proposed two storey side extension measures 4.5m wide with a depth to match the existing house. The single storey rear has a depth of 4m and runs the width of the existing and proposed two storey side extension. The porch to the front would measure 3.1m x 2.38m

The proposed development is to be constructed of materials to match that used in the construction of the existing dwelling.

Relevant Planning History

21/0267/HHO: Full: Erection of a two storey side extension, single storey rear extension, erection of replacement porch, and formation of drive to house frontage – Refused 18th May, 2021.

Consultee Response

LCC Highways - Having considered the information submitted, the Highway Development Control Section does not have any objections in principle regarding the proposed development at the above location, subject to the following comments being noted.

This application is a revised submission of a previous one (ref 21/0267/HHO), which included the creation of two off-road parking spaces and dropped vehicle crossing at the front of the dwelling.

This application was refused, with one of the reasons for refusal being on highway safety grounds relating to the creation of the off-road parking at the front.

The current scheme has removed the off-road parking at the front of the dwelling, retaining the existing off-road parking area to the rear.

As stated in response to the previous application, the Highway Development Control Section considers that currently there is only one-off road parking space as the single, detached garage shown on the plans is sub-standard in size and cannot be counted as a parking space. To count as one parking space a single garage should have minimum internal dimensions of 6 x 3m, which would also provide secure storage for at least two cycles. Or 5.6m x 3m, where secure, covered storage for a minimum of two cycles is provided elsewhere within the curtilage.

There is adequate space to the front or rear of the existing garage to extend it, or replace with an adequately sized one. A minimum distance of 6m should be provided in front of a garage where an up and over door is installed. Where a roller shutter style door is fitted this length can be reduced to a minimum length of 5.6m to allow the door to be opened whilst a vehicle is parked in front.

Alternatively, the existing drive could be widened to provide two side by side spaces. This would need to be a minimum of 5.6m wide, to provide shared vehicle and pedestrian access, and a minimum of 5.6m long to prevent vehicles from overhanging the footway. Any amended hardstanding would need to be surfaced in a bound porous material to prevent loose material from being carried onto the adopted highway.

Any alterations to the existing dropped vehicle crossing would need to be carried out under a legal agreement (Section 184) with Lancashire County Council, as the highway authority. Recommendations in the borough council's Car & Cycle Parking Standards are that three parking spaces should be provided for a dwelling with four and above bedrooms, although this is a maximum level. The Highway Development Support Section would consider a reduction in this level where two adequately sized spaces to the rear of the property are provided, where there is already a vehicle crossing and where vehicular movements are already established. A revised plan should be provided.

To ensure that an adequate level of off-road parking is provided and retained this will need to be controlled by condition, if the local planning authority is minded to approve this application. Any alterations to the existing dropped vehicle crossing will also need to be made under an agreement (Section 184) with Lancashire County Council, as the highway authority. A suitably worded condition and note should be applied to any formal planning approval granted.

Nelson Town Council

Public Response

Nearest neighbours notified by letter without response.

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 relating to parking requirements for new development.

Design Principles SPD

The Design Principles Supplementary Planning Document (SPD) applies to extensions and sets out the aspects required for good design.

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.

Paragraph 126 of the Framework confirms that good design is a key aspect of sustainable development. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

Paragraph 134 of the Framework highlights that development that is not well designed should be refused especially where it fails to reflect local design policies and government guidance on design and take into account any local design guidance or supplementary planning documents.

Design

The Design Principles SPD advises principles and guidelines for householder extensions.

The proposed plans propose to erect a two storey side extension, single storey rear extension and replacement porch to the front of the dwelling.

The Design Principles SPD advises that two storey side extensions should be read as an extension to the original dwelling, subservient in form and appearance to avoid dominating the existing building usually this would take the form of two storey extensions being set back by at least 1m from the frontage and the roof lowered. This is not proposed here.

The Design Principles SPD also advises for corner plots the width of the extension should not be more than half the width of the existing dwelling, the established building line on both streets must be respected or where no clear line is established set within 3m from the boundary. The extension should not interfere with visibility for drivers.

The site is quite prominent in views along the road from the north, being open and at the top of rising slope within the streetscene. However, it is contained within a residential area of similar houstypes and extensions.

The proposed two storey extension will align to the front and rear elevations of the existing house, and extend 4.5m from the gable to within 1m of the side boundary to the east. The two storey extension would feature a hipped roof, perpendicular to the existing roof. No increase in overall height of the house is proposed.

The proposed side extension results in a near doubling of the existing frontage of the house, and is not off set in scale or form in comparison to the original dwelling. This results in a more prominent and dominant extension which is out of scale and character with the original built form. The development would, however, be significant in terms of the plot size and its location at a prominent corner.

As this is a detached property in a corner plot this would not result in a terracing effect.

No. 41 is set back quite significantly from No.39 Lowthwaite Drive which would not be adversely affected by the proposed two storey extension to the east. The development would, however, be significant in terms of the plot size and its location at a prominent corner.

The proposed two storey extension would exceed the half the width of the existing house which is contrary to the guidance set within the Design Principles SPD. With no reduction in height or set back from the frontage to reduce its prominence to any acceptable degree this element would fail to accord with the Design Principles SPD.

Corner plots generally have a more spacious plot but are however, constrained by two building lines both to the front and side. The proposed two storey side extension would breach the building line to the side. However, this is not a reason for refusal in itself and the remainder the the Design SPD needs to be considered

The proposed side extension goes beyond this established building line quite significantly (the existing side elevation of the house being aligned to this building line), and would be highly visible given the prominence of the dwelling as currently viewed. Taking this into account, the two-storey side extension as proposed is unacceptable in design terms.

The proposed single storey rear extension will extend 4 metres outward from the rear elevation of the original house and the width of the existing house including the proposed two storey extension. The single storey extension would be less than 1m from the side boundary with No. 39 (to the west over 2m from the side elevation. Whilst this would result in a large flat roofed extension is it screened to some degree by the existing boundary fence. This is acceptable.

The proposed porch projects 2.38m and would be 3.1m wide. It replaces an existing porch which is closer to the western elevation of the building as present. The porch features a hipped roof and full length feature windows to both side elevations. The impact of this on the streetscene is acceptable given that the porch is in portion with the existing house and would be set back from the highway.

The proposed materials would match the existing dwelling with white render, brickwork and concrete tiles.

No changes to the proposed boundary treatments are proposed.

The design of the two storey side extension therefore is not acceptable and fails to accord with policy ENV2 of the Pendle Local Plan Part1: Core Strategy and the Design Principle SPD in terms of its size on this prominent corner plot.

Residential Amenity

The proposed single storey rear extension and porch to the frontage do not raise any issues relating to residential amenity.

There is sufficient distance between the site and No's. 40 - 44 Lowthwaite Drive on the opposite side of the highway to the south east to ensure no undue impact on amenity for these properties.

The side elevation of No. 43 Lowthwaite Drive faces the rear of the site. No habitable windows are within this elevation. Whilst the two storey side extension extends beyond the established building line, the proposal is a sufficient distance away not to affect habitable rooms within the front elevation of No. 43 Lowthwaite Drive.

The proposed porch, two storey side extension and rear single storey extension would not impact on No. 39 Lowthwaite Drive in terms of amenity.

Highways

At present there are 3 bedrooms and the proposal would increase this to four. The requirements under saved policy 31 would be for 3 off-street spaces and whilst there is an existing single garage and parking space to the rear which provides space for parking. Whilst the existing garage is considered too small to count as an off-street parking space provision it would not be reasonable to require further parking in this case as the previous application for two spaces to the front of the property raised highway concerns.

The proposed two storey side extension would not result in any further impact on highway safety in terms of visibility than at present and the existing car parking provision is considered to be acceptable in this case.

RECOMMENDATION: Refuse

For the following reason:

1. By virtue of its scale, massing and positioning within the plot and relative to the wider streetscene and built environment, the proposed two storey extension will have an unacceptable impact upon the visual amenity of the surrounding area and character and appearance of the existing dwelling and amount to a poor design contrary to Policy ENV2 of the Pendle Core Strategy, the Design Principles SPD and Paragraph 134 of the National Planning Policy Framework.

Application Ref: 21/0532/HHO

Proposal: Full: Erection of a two storey side extension, single storey rear extension, erection of replacement porch and insertion of Juliet balconies to the rear.

At: 41 Lowthwaite Drive, Nelson

On behalf of: Miss Sobia Mahmood

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 13th August 2021