



REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND
REGULATORY SERVICES MANAGER

TO: NELSON, BRIERFIELD & REEDLEY COMMITTEE

DATE: 04th OCTOBER 2021

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO NELSON & BRIERFIELD COMMITTEE ON 04 OCTOBER 2021

Application Ref: 21/0265/FUL
Proposal: Full: Major: Erection of 10 No. semi-detached bungalows.
At: Site of Former 1 To 33, O'Hagan Court, Brierfield
On behalf of: Together Housing Limited
Date Registered: 16/04/2021
Expiry Date: 16/07/2021
Case Officer: Alex Cameron

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

Site Description and Proposal

The application site is an area of open grassed land which was previously the site of the O'Hagan Court. There are dwellings to the north and west, to the south is a medical centre and garage colony to the east is a former school site.

The proposed development is the erection of 10 semi-detached bungalows for affordable rent by Together Housing with vehicular access from Stanley Street.

Relevant Planning History

13/11/0532P - Demolition Determination: Demolition of block of 33 flats – Approved

Consultee Response

LCC Highways – The Highways Development Control Section makes the following comments, in addition to their response dated 18 May 2021.

The revised proposed site plan now shows the position of a culverted watercourse which passes through the site, from the access on Stanley Road. Plots 9 and 10 have been re-positioned to take this into account, including easements both sides of the line of the culvert.

Access

The access from Stanley Street has been widened to take into account the line of the above culvert. Works to widen the access within the adopted highway network would need to be carried out under a legal agreement (Section 278) 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, kerb radii, and buff coloured tactile paved, dropped pedestrian crossings on both sides of the access.

The footway from Stanley Street to the south of the access has not been extended into the site as previously requested.

Internal layout

As previously stated, where no internal footway is proposed a 0.5m paved service strip, locally widened to 1m for street lighting columns, should be provided. No landscaping areas nor parking spaces should be over the service strip.

The vehicle tracking plan (2191 Rev P2) for a refuse vehicle shows it overrunning the paved area outside Plot 6. The parking bays for Plot 6 should be moved further into the plot to provide a wider manoeuvring area at this pinch point in the estate.

Parking

The parking bays for Plots 7, 8, 9 and 10 should be extended to a minimum length of 11m, which should not include any part of the service strip.

The parking bays for Plots 8 and 9 also do not have the minimum 6m manoeuvring area required to enable vehicles to manoeuvre to and from the spaces. Vehicles parked outside Plot 7 would also restrict this manoeuvring area.

The following condition relating to the culvert should be applied to any formal planning approval granted, in addition to those submitted on 18 May 2021.

Condition

Prior to the start of any development a condition survey of the section of culvert that would be under the estate road should be carried out and submitted to the local planning authority for approval. Reason: In order to ensure that the development does not have a detrimental effect on the construction of the internal estate road and adopted highway network.

Environment Agency – We object to this application as it involves building over and within 8m of the culverted Main River, Hollin Mill Watercourse in addition to an unacceptable Flood Risk Assessment (FRA). As submitted we recommend that planning permission is refused and it is unlikely that we would grant a flood risk activity permit for this application.

The proposed development would also restrict essential maintenance and emergency access to the watercourse. The permanent retention of a continuous unobstructed area is an essential requirement for future maintenance, improvement works and to reduce the risk of flooding from ground level flows if the culvert were to block or surcharge.

The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the development's flood risks. In particular, the FRA fails to:

- take the impacts of climate change into account;
- consider how people will be kept safe from the identified flood hazards;
- consider how a range of flooding events (including extreme events) will affect people and property;
- consider the requirement for flood emergency planning including flood warning and evacuation of people for a range of flooding events up to and including the extreme event.

Lead Local Flood Authority – No objection subject to the following conditions: Flood Risk Assessment compliance, drainage scheme, surface water management, surface water operation and maintenance.

PBC Environmental Health – Please attach contaminated land and construction management conditions.

United Utilities – No objection subject to drainage condition and note relating to UU assets.

Lancashire Fire and Rescue Service – Comments related to access and building regulations.

LCC Schools Planning – No education contribution required.

Public Response

Press and site notices posted and nearest neighbours notified. No response.

Officer Comments

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 SDP2 sets out the roles each settlement category will play in future growth, Nelson & Brierfield are defined as a key service centre.

Policy SDP3 identifies housing distribution in the M65 corridor as 70% of the total.

Policy ENV1 of the Replacement Pendle Local Plan 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 of the Pendle Local Plan Part 1 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

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

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

Policy ENV7 (Water Management) states that the design of all new developments (Policy ENV2) must consider:

1. The potential flood risk to the proposed development site.
2. The risk the proposed development may pose to areas downslope / downstream.
3. The integrated, or off-site, use of Sustainable Drainage Systems (SuDS) to help reduce surface water run-off from the development.
4. The availability of an adequate water supply and disposal infrastructure.

Policy LIV1 (Housing Provision and Delivery) states that until such time that the Council adopts the Pendle Local Plan Part 2: Site Allocations and Development Policies sustainable sites outside but close to a Settlement Boundary, which make a positive contribution to the five year supply of housing land will be supported.

Policy LIV4 (Affordable Housing) sets targets and thresholds for affordable housing provision. For the M65 Corridor this is 0%.

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

Replacement Pendle Local Plan

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

National Planning Policy Framework

National Planning Policy Framework (The Framework)

Paragraph 11 of the Framework states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (including where a local planning authority cannot demonstrate a five year supply of deliverable housing sites), granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (including policies relating to designated heritage assets); or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Principle of the Development

The site is located in a sustainable location adjacent to the settlement of Brierfield with access to essential services, facilities and public transport within walking distance.

The proposed development would contribute towards the delivery of the Council's required housing provision and is acceptable in principle in accordance with policies SDP2 and LIV1.

Whilst the proposal is for affordable housing the threshold for affordable housing in this location is 0% and there is no necessity to restrict the proposed dwellings to being affordable units.

Visual Amenity

The design the proposed housing would be in keeping with the adjacent bungalows in terms of form and layout and would be acceptable in terms of design and materials. The proposed development is acceptable in terms of visual amenity in accordance with policies ENV2 and LIV5.

Residential Amenity

West facing windows of the proposed bungalows would face the habitable room windows in the front of the adjacent properties. Whilst some separation distances would be marginally below 21m, taking into account that those windows are to the front, with pedestrian access to other properties running between, this would not result in an unacceptable loss of privacy.

The proposed development would not result in any overbearing impacts, unacceptable loss of light or privacy to any adjacent property and would provide an adequate level of privacy and acceptable living environment for the occupants of the proposed dwelling.

The proposed development is therefore acceptable in terms of residential amenity in accordance with policies ENV5 and LIV5.

Open Space and Landscaping

Policy LIV5 requires that provision for public open space and/or green infrastructure is made in all new housing developments. Taking into account the scale and nature of the development and that the site was previously a housing site of significantly higher density, the areas of green space within the proposed development are sufficient in accordance with policy LIV5.

Ecology

There are no features within or adjacent to the site that would indicate that it is likely to act as habitat for protected species or of other ecological value, the landscaping and gardens would result in a net ecological gain.

Drainage and Flood Risk

Concerns have been raised by the Environment Agency in relation to the acceptability of the Flood Risk assessment and the impact of the development on a culvert running under the site.

Discussions are ongoing with the Environment Agency in relation to that. This is a technical matter and it is recommended that the approval of the application be delegated subject to the EA's objection being resolved.

Highways

The development is acceptable in principle in terms of highway safety and the impact on the highway network. There are some remaining issues in relation to the internal manoeuvring and parking layout, which are also potentially impacted by layout changes in response to the EA's comments. Subject to those being resolved the proposed development is acceptable in highway terms.

Conclusion

It is recommended that the approval of the application, and any conditions necessary, be delegated to the Planning, Economic Development and Regulatory Services Manager subject to the resolution of the concerns raised by the Environment Agency and an acceptable internal highway and parking layout.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development accords with Local Planning Policy and 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: Delegate Grant Consent

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: TBC

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

3. Prior to the commencement of above ground works involved in the erection of the external walls of the development hereby approved samples of the materials of the external walls and roofs of the development shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: To allow the Local Planning Authority to control the external appearance of the development in the interest of visual amenity.

4. The window openings shall be set back from the external face of the wall. The depth of reveal shall be at least 70mm.

Reason: To ensure the continuation of a satisfactory appearance to the development.

5. No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

- The parking of vehicles of site operatives and visitors
- The loading and unloading of plant and materials
- The storage of plant and materials used in constructing the development
- The erection and maintenance of security hoarding
- Wheel washing facilities
- Measures to control the emission of dust and dirt during construction
- A scheme for recycling/disposing of waste resulting from demolition and construction works
- Details of working hours
- Routing of delivery vehicles to/from site
- Construction site noise and vibration
- Restriction of burning onsite

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

6. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption 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.

7. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been

submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the users of the highway and the visual amenities of the locality.

8. The new estate road between the site and Stanley Street shall be constructed in accordance with Lancashire County Council's Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.

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

9. No part of the development hereby approved shall be occupied until all the highway works have been constructed and completed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

Reason: To ensure that all highways works are constructed to an acceptable standard in the interest of highway safety.

10. The proposed development should not be brought into use unless and until the parking areas shown on the approved plans has been constructed, laid out and surfaced in bound porous materials. The parking areas shall thereafter always remain available for the parking of domestic vehicles associated with the dwellings.

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

11. Prior to the occupation of any approved dwelling an electric vehicle charging point shall be installed.

Reason: To ensure that the development provides the infrastructure for forms of sustainable transport.

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

Reason: To ensure that the development provides the infrastructure for forms of sustainable transport.

13. Prior to the start of any development a condition survey of the section of culvert that would be under the estate road should be carried out and submitted to the local planning authority for approval.

Reason: In order to ensure that the development does not have a detrimental effect on the construction of the internal estate road and adopted highway network.

14. The development shall not commence unless and until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a. the exact location and species of all existing trees and other planting to be retained;

- b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
- c. an outline specification for ground preparation;
- d. all proposed boundary treatments with supporting elevations and construction details;
- e. all proposed hard landscape elements and pavings, including layout, materials and colours;
- f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

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

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

15. The development shall not be commenced unless and until 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 has been submitted to and approved in writing by the Local Planning Authority. 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.

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

Notes:

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. 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 developeras@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.

Application Ref: 21/0265/FUL

Proposal: Full: Major: Erection of 10 No. semi-detached bungalows.

At: Site Of Former 1 To 33, O'Hagan Court, Brierfield

On behalf of: Together Housing Limited

REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE 4th OCTOBER, 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

This application was deferred from the last meeting to allow for a revised Noise Assessment to be submitted. Discussions have taken place with the Agent and EH and additional mitigation measures are being considered. Details of these have yet to be received and any update will be provided to the meeting.

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;
- There is nationwide awareness to protect residential areas from encroachment impacting on physical and mental wellbeing; and
- There is not sufficient room for vehicles to be worked on within the building and who would monitor the shutters?

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 4TH OCTOBER

Application Ref: 21/0419/HHO
Proposal: Full: Erection of dormer window to the front.
At 65 Barkerhouse Road Nelson Lancashire
On behalf of: Mr Mohammad Basharat
Date Registered: 18.05.2021
Expiry Date: 13.07.2021
Case Officer: Yvonne Smallwood

Site Description and Proposal

The application site is an end terraced residential property located within the settlement boundary of Nelson in a residential area.

Barkerhouse Road comprises predominantly narrow, terraced properties.

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

Relevant Planning History

13/10/0400P – Change of use on ground floor from hair dressers (A1) to residential use (C3) – Approved with conditions.

Consultee Response

Nelson Town Council

Public Response

Nearest neighbours notified by letter. One response received raising no objections.

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

The main issues to consider in this application are impact on the streetscene/ amenity and design and materials.

Design and Materials

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

There are currently no dormers in the terraced block, therefore it would be incongruous and out of keeping with its surroundings. Consequently it would be visually obtrusive and would disrupt the visual 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.

The front wall of a dormer should be set back at least 1m from the front elevation and 0.5m from the side. The proposed dormer would be set 0.6m from the side and 0.8m from the front. A dormer should be at least 0.2m below the ridge line of the existing property. The proposed dormer would be in line with the base of the chimney. This proposal would not be acceptable with regard to 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.

Highways LCC

The proposed development would not result in any unacceptable on street parking or highway safety impact.

RECOMMENDATION: Refuse

Dormers to the front roof slope are not a feature of this locality and are therefore unacceptable. Therefore proposed front dormer would look incongruous and would be an unsympathetic, unacceptable addition to this traditional terraced dwelling and would result in unacceptable harm to

the character and visual amenity of the area contrary to policy ENV2 and the guidance on the Design Principles SPD.

Application Ref: 21/0419/HHO

Proposal: Full: Erection of dormer window to the front.

At 65 Barkerhouse Road Nelson Lancashire

On behalf of: Mr Mohammad Basharat

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 04 OCTOBER 2021

Application Ref: 21/0502/HHO

Proposal: Full: Landscaping and earth works to create four terraces in rear garden (part retrospective).

At 454 Kings Causeway Brierfield Nelson

On behalf of: Mr Usman Saeed

Date Registered: 10th June 2021

Expiry Date: 5th August 2021

Case Officer: Alex Cameron

This application has been brought before Committee as more than two objections have been received.

Site Description and Proposal

The application site is a detached property in a residential area located in the settlement of Brierfield. The property is built on a hillside with the rear garden sloping down towards Marsden Height Close which lies to the north of the site.

The proposed development, which is largely complete, is the formation of stepped terracing to the rear garden, comprising a patio to the rear of the house and three stepped terraces covering the full length and width of the rear garden. The original levels of the land appear to have sloped down both from north to south and from east to west, the formation of the terraces involved excavating on the east side by up to approximately 2m and building a concrete block retaining wall of up to 3m high on the west side. A 2m fence has been erected to the north boundary and 1.2m fencing is proposed along the west side of the development.

Relevant Planning History

20/0567/HHO – Full: Erection of a two storey side extension and roof lift – Approved with Conditions, 5th February 2021.

Consultee Response

Brierfield Town Council

Public Response

The issue of a structural survey has been raised with the agent.

Nearest neighbours notified by letter. Five responses received objecting on the following grounds:

- The appearance of the terracing is unsightly
- The topography of the land had been raised to an unacceptable height (estimated 1.3m)
- Unacceptably high structures and fencing
- Poor drainage, surface water ingress
- Trees removed affecting appearance and the soak away of water
- Tree roots could disturb the boundary wall

- Destruction of habitat for birds and small mammals
- Land slippage, collapse, erosion and subsidence concerns
- Lack of privacy
- Visibility of the work from a public road
- Clay and cement entering neighbour's garden
- Surveyors report suggested regarding the safety of the land and drainage
- Loss of View

Relevant Planning Policy

Officer Comments

Policy

Policy ENV2 of the Pendle Local Plan Part 1 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Policy ENV5 (Pollution and Unstable Land) states that new development will be required to address the risks arising from unstable land.

Residential Amenity

A number of concerns have been raised in relation to loss of privacy resulting from the terracing.

The rear elevations of properties immediately to the rear on Marsden Height Close are 8-13m from the rear boundary. The lowest level of the decking has a 2m fence to the rear which would preserve privacy from that level but the levels above that would have views into the upper floor habitable room windows of those properties. The terrace also has views over the rear garden of and back to habitable room windows in the rear of No. 452 Kings Causeway.

However, due to the raised and sloping levels of the land as it previously existed there would have been potential for clear views of those windows from the garden. That impact may have previously been mitigated by trees and shrubs but they could have been removed without permission. Furthermore, raised platforms could have been erected under permitted development rights with similar impacts to the terracing on views of the rear of Marsden Height Close north and No. 452. Taking these factors into account the terracing would not result in any unacceptable additional privacy impact over the potential fallback position.

Concerns have also been raised regarding the overbearing impacts and loss of light resulting from the development.

The land level to the rear boundary has been raised by up to 1.3m at its western side. There is a significant difference in levels between the rear boundary and the rear of properties on Marsden Height Close, which are built on a split level into the hillside with a difference in levels of approximately 4m between their rear garden level and the previously existing level of the rear boundary of the site. The raising of the land will have some additional impact upon the rear of those properties, particularly given its orientation to the south.

The design principles SPD advises that blank two story elevations of extension should be a minimum of 12m from facing habitable room windows in adjacent properties. Although this is not directly applicable to this circumstance, the overall impact would be similar to a two storey elevation.

The rear boundary is more than 12m from the rear of Nos. 9 and 11 and whilst it is within 12m of No.13 it is offset, rather than directly to the rear of that property.

In relation to No.452 the retaining wall is up to 3m above the previously existing ground level, with a 1.2m fence proposed on top of that. However, the highest points are towards the end of the garden, well away from the dwelling. The part of the development closest to the dwelling would be approximately at the previously existing level.

An outbuilding of similar scale would typically be acceptable in such a position and under permitted development rights an outbuilding of up to 2.5m in height could be erected on the boundary, with the 'height' measured from the highest part of the ground level next to the building.

Such developments would have a similar or potentially greater impact in terms of scale to this terracing.

Taking these factors into account the development would not result in any overbearing impacts or unacceptable loss of light to any adjacent property.

The development is therefore acceptable in terms of residential amenity in accordance with policy ENV2.

Design and Materials

The development is located to the rear of the property, there are glimpsed views of the rear boundary between properties on Marsden Height Close but there are no prominent public views of the development. Private views, such as those from neighbours' windows and gardens are not protected in the same way as public visual amenity.

Concerns have been raised regarding the removal of planting, however, in a domestic garden such as this, with no designation or protected trees, there is no restriction on the removal of trees and other vegetation. There are also permitted development rights available to hard surface rear gardens without the need for planning permission and to erect structures on up to half of the curtilage area.

Taking these factors into account the proposed development is acceptable in terms of visual amenity in accordance with Policy ENV2.

Drainage

Concerns have also been raised in relation to drainage. Taking into account the fallback position that the rear garden could be hard surfaced within the and for a planning application it would not be reasonable or necessary to ensure that specific provision for drainage is made or conditioned.

Land Stability

Concerns have been raised in relation to land stability. The terracing is built on steeply sloping land with substantial retaining walls. Although the National Planning Policy Framework makes it clear that it is the developer / landowner's responsibility to ensure that their development is not affected by land stability issues, it and Policy ENV5 do also require that potential land stability issues are taken into account in determining planning applications. In most cases for householder developments this is ensured through the Building Regulations process, however, this development would not require Building Regulations approval.

Therefore a structural survey has been requested from the application, this is being prepared. This is a technical matter that can be appropriately assessed by officers and therefore it is advised the approval of the application is delegated subject to the receipt of an acceptable structural survey demonstrating that the development is structurally stable.

Summary

The terracing is acceptable in terms of visual amenity and residential amenity, a structural survey is awaited to demonstrate that there are no unacceptable potential land stability issues resulting from the development, it is recommended that the approval of the application be delegated to the Planning, Economic Development and Regulatory Services Manager subject to the receipt of an acceptable structural survey.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Delegate Grant Consent

Subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 204-PL102A

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

2. All materials used in the proposed development shall be as stated on the application form and approved drawings and shall not be varied without the prior written permission of the Local Planning Authority.

Reason: These materials are appropriate to the locality and in order to allow the Local Planning Authority to control the external appearance of the development.

Application Ref: 21/0502/HHO

Proposal: Full: Landscaping and earth works to create four terraces in rear garden (part retrospective).

At 454 Kings Causeway Brierfield Nelson

On behalf of: Mr Usman Saeed

REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE 4th OCTOBER, 2021

Application Ref: 21/0532/HHO

Proposal: Full: Erection of a two storey side extension, single storey rear extension, erection of replacement porch and balcony above the single storey rear extension.

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

This application was deferred from the last meeting to allow for amended plans to be submitted. These have not been received. Any update will be reported to the meeting.

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 a full width balcony to the first floor rear elevation.

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. This would result in a large flat roofed extension which is now proposed to be utilised as a balcony and measures 5m x 10.3m this would be quite prominent in the streetscene.

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.

The proposed balcony extends 5m x 10.3m over the flat roofed single storey rear extension. A 1.8m high obscure glass screen is proposed to the north west side boundary with a lower screen rear (north east) and side (south east) boundaries.

The proposed balcony would be sited to the south east of No. 39 1m from the side boundary and 2m from the side gable of that property.

It is accepted that the proposed screen will reduce the potential for overlooking to some degree, however a glazed screen would not be sufficient to overcome the harm to the amenity of the occupiers of No. 39. The proposed balcony extends 5 metres from the rear of the property for the full width of the rear extension at 10.3m. The resulting 50 sq.m. would mean that the balcony is likely to be used more regularly for outside activities particularly in the summer months and

evenings. The regular use of this external space above normal ground floor level is likely to result in the perception of overlooking and increase noise and activity for the occupiers of No. 39 Lowthwaite Drive.

The erection of a screen along the edge of the balcony will in effect create an unacceptable impact to the rear of the No. 39 as it would be sited 1m from the side boundary and enclose the rear garden of No. 39 for the majority of its length with a total height of 4.9m. This would result in some loss of light to the rear garden of this property, with overshadowing likely particularly during the morning. The proximity of the development together with the existing house, will result in unacceptable impact for the occupiers of No 39. The proposed balcony is therefore unacceptable in amenity terms.

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 reasons:

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.
2. The scale, form, and location of the proposed balcony would have an unacceptable impact on the amenity of the occupiers No. 39 Lowthwaite Drive due to perceptive overlooking and overbearing impact taking into account the positioning and form of No. 41 with the rear garden of No. 39. The effects caused by the proposed balcony on No. 39 Lowthwaite Drive are contrary to Policy ENV2 of the Pendle Core Strategy and guidelines contained within the Pendle Design Principles SPD.

Application Ref: 21/0532/HHO

Proposal: Full: Erection of a two storey side extension, single storey rear extension, erection of replacement porch and balcony above the single storey rear extension.

At: 41 Lowthwaite Drive, Nelson

On behalf of: Miss Sobia Mahmood

REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE 4th OCTOBER, 2021

Application Ref: 21/0545/HHO

Proposal: Full: Insertion of dormers to front and rear roofslopes

At 27 Hartley Street Nelson Lancashire

On behalf of: Mr M Gafar

Date Registered: 28.06.2021

Expiry Date: 23.08.2021

Case Officer: Yvonne Smallwood

Site Description and Proposal

The proposal site is a mid terraced residential property located within the settlement of Nelson. The dwelling is a stone house with UPVC windows to the front. To the rear of the house there is scaffolding. The downstairs window is glazed and the two upstairs windows appear to be boarded up.

The proposed site has a substation opposite on Hartley Street and a row of houses to the North. There is a narrow road to the rear of the application site parallel with a park and children's play area to the West of Unity Hall Community Centre.

The proposed development would be the insertion of a dormer to the front and rear roofslopes

Relevant Planning History

None

Consultee Response

Highways LCC

No objections, however the following comments were made:

27 Hartley St is situated on a row of terraced properties, with no off-street parking available. There are no parking restrictions in place on Hartley Street or on the surrounding streets.

Whilst 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, there was a large amount of residential parking on Hartley Street and it was full to capacity. However, parking in the surrounding area was not. There was capacity on Thomas Street, capacity for parking on the other side of the proposal and there is availability of short stay parking on Railway St, Nelson (Limited waiting from a point 70m south of the centre line of Bradshaw St for a distance of 25m in a southerly direction).

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.

National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system. The Design Principles Supplementary Planning Document (SPD) applies to extensions and sets out the aspects required for good design.

Officer Comments

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. This policy is linked to the guidance set out in the Design Principle SPD.

The Design Principles 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.

Design

The Design Principles SPD states that a dormer should be set below the original ridge line of the roof by at least 0.2m. The proposed dormers are acceptable in regard to this. The front wall of a dormer should be set back at least 1m from the front elevation and at least 0.5m from either side. The proposed dormer is only set back by circa 0.3m from the front wall and circa 0.2m from the either side. The dormers would therefore not be acceptable in terms of the SPD guidance.

There are currently no front dormers in the terraced block. The simple roofscapes result in a uniform and harmonious character and appearance to the frontage of the buildings on Hartley Street. The front dormer would not respect the simple and 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.

RECOMMENDATION: Refuse

For the following reason:

1. 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 of the Local Plan Part 1: Core Strategy and the guidance of the Design Principles SPD.

Application Ref: 21/0545/HHO

Proposal: Full: Insertion of dormers to front and rear roofslopes

At 27 Hartley Street Nelson Lancashire

On behalf of: Mr M Gafar

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE 4TH OCTOBER 2021

Application Ref: 21/0569/HHO

Proposal: Full: Erection of part single storey part two storey extension to the side and Juliet balcony to the front (Re-Submission).

At: 1 Roundwood Avenue, Reedley

On behalf of: Mr Zia Aslam

Date Registered: 06/07/2021

Expiry Date: 31/08/2021

Case Officer: Laura Barnes

This application has been called in by a Councillor

Site Description and Proposal

The application site is a detached two storey dwelling, sited amongst dwellings of varying scale and design, with bungalows and two storey detached dwellings dominating this residential area. The property is located within the defined settlement boundary of Brierfield.

The proposal involves erecting a part two storey, part single storey side extension to accommodate an additional bedroom to the first floor and a double garage to the ground floor. The proposed first floor is set back from the front elevation of the dwelling by 450mm and is to have a Juliet balcony to the first floor level.

The proposed extension would project 8m out from the existing side elevation of the original dwelling and have a depth of 7.3m.

Relevant Planning History

13/10/0532P – Full: Demolition of existing attached garage and erect domestic two storey extension with balcony to front elevation.

Approved with conditions

17/12/2010

13/12/0050P - Full: Demolition of existing attached garage and erection of two storey extension to the side with balcony to the front elevation.

Approved with conditions

16/04/2012

13/12/0050M1 - Non-Material Amendment: Amend Planning Permission 13/12/0050P to move the rear wall of the extension back 300mm.

Approved with conditions

09/10/2012

13/13/0181P - Full: Erection of single storey extension to rear (North).

Approved with conditions

17/07/2013

21/0137/HHO: Full: Erection of two storey side extension, including integral garage with bedroom above and balcony to the front.

Refused

Consultee Response

LCC Highways

There is no objection to this proposal, but I would recommend the following:

Condition

- The parking areas must be constructed of a bound porous material and created before first occupation up until the lifetime of the dwelling existing in its proposed state. Reason: To ensure that satisfactory parking is provided before the dwelling hereby permitted becomes operative.

Public Response

1 letter of objection has been received, following a notification to the nearest neighbours. This raises the following issues:

- Car parking issues
- Disturbance during the construction phase

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 proposed extension is to project a total of 8m out from the side elevation of the dwelling. The two storey element is to project 5m from the existing side elevation. With a two storey side

extension on a corner plot, the Design Principles SPD sets out that proposed development should respect the building line of the adjacent street, so as not to over dominate it. Hallwood Close has an established building line, which the proposed extension breaches by 2m.

For a single storey side extension on a corner plot, the SPD recommends leaving a gap of at least 2m between the site boundary and the side elevation of the proposed extension. The proposed development is to be 1m from the boundary with Hallwood Close. This represents poor design, contrary to paragraph 134 of the National Planning policy Framework.

At 5.9m in height and with a footprint of over 54m², on the side elevation of the existing dwelling, the proposed garage is not subservient to the main dwelling. Moreover, its position at the corner of Roundwood Avenue and Hallwood Close would create an undesirable entrance to the street and adversely affect the character of the wider visual area.

The proposed extension is to be constructed of matching brickwork, and Marley interlocking tiles to match the existing dwelling.

Due to its scale and massing, the proposed development conflicts with Policy ENV2 of the Local Plan: Part 1 Core Strategy and the Design Principles SPD.

Residential Amenity

The Design Principles SPD states that proposed development should not have an unduly adverse impact upon neighbouring amenity. The proposed development is to have a Juliet balcony to the first floor, to the front elevation, overlooking Roundwood Avenue. The proposed balcony is to be sited 23m from the closest neighbouring dwelling opposite (No. 2 Roundwood Avenue) and 17m from the front garden at No. 2. Given the presence of the existing balcony the proposed extension would not cause any greater amenity issue than at present.

To the front elevation there is to be a Juliet balcony. To the ground floor there is to be a large garage door to each of the garages. To the side elevation there are no proposed windows, this elevation is blank. To the rear, there are to be a set of patio doors to the ground floor and two windows to the first floor. The proposed extension would not cause an unacceptable impact upon neighbouring properties, in accordance with Policy ENV2 of the Local Plan: Part 1 Core Strategy.

Highways

Representations have been received from the occupant of the neighbouring dwelling in relation to the impact which the proposed garage would have upon on-street parking. The proposed development has a sufficient amount of off-street car parking, in relation to the number of bedrooms. The Highways Authority have not objected to the proposed development. As such, the proposed development accords with Policy 31 of the Replacement Local Plan.

RECOMMENDATION: Refuse

For the following reason:

1. By virtue of its scale and massing, the proposed part single storey and part two storey side extension, would have an unacceptable impact upon the character of the original dwelling and upon the wider visual amenity of the street scene, contrary to Policy ENV2 of the Local Plan: Part 1 Core Strategy, the Design Principles SPD and paragraph 134 of the National Planning Policy Framework.

Application Ref: 21/0569/HHO

Proposal: Full: Erection of part single storey part two storey extension to the side and Juliet balcony to the front (Re-Submission).

At: 1 Roundwood Avenue, Reedley

On behalf of: Mr Zia Aslam

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 27th September, 2021