



REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND
REGULATORY SERVICES MANAGER

TO: NELSON, BRIERFIELD AND REEDLEY COMMITTEE

DATE: 1st NOVEMBER, 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 COMMITTEE 01 NOVEMBER 2021

Application Ref: 21/0275/FUL

Proposal: Full: Erection of porta-cabin and change of use for use as sandwich kiosk (Use Class E) and taxi booking office (SG).

At: Car Park Adjacent To The Ramp Leading To The Multi Storey Car Park, Netherfield Road, Nelson

On behalf of: Mr Mohammed Saeed

Date Registered: 09/08/2021

Expiry Date: 04/10/2021

Case Officer: Alex Cameron

Site Description and Proposal

The application site is a car park located adjacent to the former multi story car park on Netherfield Road, Nelson. The site is located outside of Nelson Town Centre and is designated as a protected car park.

The proposed development to site a portacabin on the land for use as a taxi booking office and sandwich kiosk with associated parking.

Relevant Planning History

None

Consultee Response

LCC Highways – Requested additional details in relation to parking and servicing arrangements.

Taxi Licencing - no objection.

Lancashire Constabulary – Advice in relation to Secure by Design.

Network Rail – Guidance in relation to works within the vicinity of the railway.

Nelson Town Council

Public Response

Adjoining neighbours notified: No response.

Officer Comments

Policy

Local Plan Part 1: Core Strategy

Policy ENV4 (Promoting Sustainable Travel) requires new development to have regard to potential impacts that may be caused on the highway network. Where residual cumulative impacts cannot be mitigated, permission should be refused.

Policy WRK4 (Retailing and Town Centres) states that applications for retail and main town centre uses, should identify sites or premises that are suitable, available and viable by following the sequential approach, which requires them to be located in order of priority:

1. Town and local shopping centres, where the development is appropriate in relation to the role and function of the centre.
2. Edge-of-centre locations, which are well connected to the existing centre and where the development is appropriate to the role and function of the centre.
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.

Replacement Pendle Local Plan

Policy 25 'Location of Service and Retail Development' of the Replacement Pendle Local Plan states that new retail and service uses, including taxi bases, should be located in the following order of priority:

1. Within the boundary of a defined town centre, local shopping centre or local shopping frontage.
2. On the edge the town centre allocated site (being Clayton Street, Nelson)
3. Within 300m of the boundary of a defined town centre.
4. Elsewhere with preference given to sites that are close to a town centre and have good transport links to the centre.

Policy 31 (Parking) states that new parking provision should be in line with the maximum car parking standards unless this would compromise highway safety.

Principle of the Development

Policy 25 of the RPLP requires that taxi bases are located in accordance with a sequential approach with town centres as the highest order of priority.

The purpose of this approach is to control the impact of how taxi uses generally operated in the past, with customers often visiting the premises to book and be collected by taxis. This is not now generally the case.

Taxi offices are not included as a main town centre use in the National Planning Policy Framework and the requirement for taxi offices to be within town centres as the first order of priority is out of date.

The land is designated as a protected car park within the Replacement Pendle Local Plan, however, the Council has taken the decision to allow the car park to be let for other uses.

This is a sustainable location for the proposed taxi base and therefore is acceptable.

The proposed sandwich kiosk is a retail use, which is a main town centre use, local and national policy prescribe that retail uses must be accommodated within town centres as the first order of preference.

No sequential assessment has been submitted with the applicant and there are clearly other available units / sites available within Nelson town centre that could accommodate such a use. The

sandwich kiosk would harm the vitality and viability of Nelson town centre contrary to policies WRK4, 25 and the guidance of the Framework.

Visual Amenity

The proposed portacabin would be visually acceptable, being softened and partially screened by the surrounding landscaping. The proposed development is therefore acceptable in terms of visual amenity in accordance with policy ENV2.

Amenity

The proposed development raised no unacceptable residential amenity impacts..

Highways

LCC Highways have requested additional information in relation to the car parking and servicing layout. This has been requested from the applicant, however, taking into account the scale of the use servicing is unlikely to raise highway safety issues and acceptable parking arrangements and taxi numbers can be controlled by condition. The proposed use is therefore acceptable in terms of parking and highway safety in accordance with policies 31 and ENV4.

RECOMMENDATION: Refuse

For the following reasons:

1. The applicant has failed to demonstrate that there is no suitable alternative site available within Nelson town centre for the proposed retail use, the development would therefore be detrimental to the vitality and viability of the town centre contrary to policy 25 of the Replacement Pendle Local Plan and WRK4 of the Local Plan Part 1: Core Strategy and section 7 of the National Planning Policy Framework.

Application Ref: 21/0275/FUL

Proposal: Full: Erection of porta-cabin and change of use for use as sandwich kiosk (Use Class E) and taxi booking office (SG).

At: Car Park Adjacent To The Ramp Leading To The Multi Storey Car Park, Netherfield Road, Nelson

On behalf of: Mr Mohammed Saeed

REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE 1st NOVEMBER, 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 the revised Noise Assessment to be assessed. Discussions are taking place with the Noise Consultant and PBC Environmental Health with appropriate mitigation measures being considered. An update on these issues 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.

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, and 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:

1. 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 COMMITTEE ON 01st NOVEMBER 2021

Application Ref: 21/0567/FUL

Proposal: Full: Change of use of existing agricultural building and adjacent land for use as farm school, car parking and associated works (Retrospective).

At: Field Number 9971, Greenhead Lane, Brierfield

On behalf of: The Nest Farm School

Date Registered: 05/07/2021

Expiry Date: 30/08/2021

Case Officer: Alex Cameron

Site Description and Proposal

The application site an agricultural building and adjacent agricultural bale pad located within the Green Belt to the south west of Greenhead Lane. To the north east of the site in the adjoining field is an allotment site, to the north west is the boundary with the grounds of Greenhead Manor beyond lined with a belt of trees to the south are agricultural fields.

This is a retrospective application for the change of use of the building and land from agricultural to use as a children's farm school with associated car parking.

Relevant Planning History

13/15/0333P - Full: Erection of a multi-purpose agricultural building for use by tenant farmer, landowner and allotment holders (Retrospective). Approved.

17/0091/FUL - Full: Erection of an agricultural livestock building. Approved.

Consultee Response

LCC Highways – I note this is a retrospective application. I have looked through our complaints data and there are no reports of complaints or collisions recorded at this location. Sessions provided for up to 12 children 1.5 to 2-hour sessions. 2 full time staff. 12 parking spaces provided for this usage.

Access

With reference to Design and accesses statement submitted (Ref: MITC/01-June 2021), 2.2

Access –The existing access from Greenhead Lane is to be used.

Before the access is used for vehicular purposes, it shall be appropriately paved in tarmac, concrete, block pavements, or other approved materials. Reason: To prevent loose surface material from being carried onto the public highway thus causing a potential source of danger to other road users.

A car parking space to be 2.5m x 5.0m. a minimum of 6 metres is required to enable cars to reverse out of a car parking space.

Mobility parking spaces (3.0m x 5.0m) shall be provided at a minimum level of 1 per 10 car parking spaces. 1.2m hatched area required both sides of space (only one side if at open end of row) and normally 1 metre hatched area behind.

As this site is used by both (adults and children) pedestrians (both In out signs should be placed at entrances and exits, pedestrian walkways should be clearly lined, An amended drawing should be provided to show this.

Servicing

The applicant should confirm that the car parking layout does not hinder the refuse collection and service delivery vehicles from accessing the site. The amended layout should not result in service vehicles using the public highway Greenhead Lane to park whilst loading/unloading goods.

A swept path is required for an agricultural vehicle (the largest vehicle in use on the site) for entering and leaving on to the highway, Greenhead Lane.

Recommend that the following conditions are applied to any formal planning approval granted: Turning, construction management, car park surfacing and marking out, maximum of 12 children.

Lancashire Fire & Rescue – Comments relating to building regulations access and turning requirements.

Cadent Gas - object to the proposal as it has the potential to impact gas apparatus.

Health and Safety Executive – Object. The risk of harm to people at the proposed development site is such that HSE's advice is that there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case.

Public Response

A site notice has been posted and nearest neighbours notified – Numerous responses received in support of the application and the benefits the use offers children.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

ENV2 (Achieving Quality in Design and Conservation) All new development should viably seek to deliver the highest possible standards of design, in form and sustainability. Developments should maintain the openness of the Green Belt.

ENV4 (Promoting Sustainable Travel) states that developments should minimise the need to travel by ensuring they are developed in appropriate locations close to existing or proposed services.

ENV5 (Pollution and Unstable Land) states that new development should not be sited close to utility infrastructure assets of other potentially incompatible uses.

SDP2 (Spatial Development Principles) states that proposals for new development should be located within a settlement boundary unless it is permitted by exceptions identified in the Framework or allowed by other Development Plan policies.

SUP3 (Education and Training) States that facilities and services for education should be in locations that are conveniently accessible to users, including by walking and cycling.

National Planning Policy Framework

Paragraph 87 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. New buildings in the Green Belt are regarded as inappropriate unless they meet one of the exceptions specified in paragraphs 149-150.

Principle of the development

The application site is located in the Green Belt approximately 950m from the settlement boundary and 1.3km from the nearest bus stops. This is an unsustainable location for the proposed use which would require children and staff to use private motor vehicles to access the site. This is therefore an unacceptable location for the use contrary to policies SDP2, SUP2 and ENV4

Green Belt Impact

The National Planning Policy sets out a number of exceptions where development is not inappropriate within the Green Belt. Educational developments are not one of those exceptions. There is an exception for the changes of use provided that the openness of the Green Belt is preserved. However, this development would involve changing the use of the bale pad to a car park, that change of use would not preserve the openness of the Green Belt and therefore the proposed development does not meet that exception.

The proposed use is therefore inappropriate development within the Green Belt, which is by definition harmful to it. Furthermore, the use of the bale pad as a car park would result in harm to the openness of the Green Belt visible from the public right of way running through the site.

The proposed buildings would adjoin an existing building of similar construction, with a condition for adequate landscaping, the collective visual impact of the buildings would be acceptable. The proposed development is therefore contrary to policy ENV2 and the guidance of the Framework.

Public Safety

There is a Major Accident Hazard gas pipeline running under the site. Both Cadent Gas and the Health and Safety Executive have objected to the application on the basis that the site is within the risk zone of that pipeline and the proposed children's education use is not appropriate. Whilst the building itself does not lie within Cadent's 15m easement of the pipeline, parking is outdoor an outdoor petting area are located in that area. Furthermore, the HSE consultation zone extends beyond the 15m easement and does include the building. The use is incompatible with this location in close proximity to a Major Accident Hazard gas pipeline contrary to policy ENV5.

Amenity

The site is a sufficient distance from nearby dwellings to ensure that the use would not result in any unacceptable residential amenity impact. The proposed development is therefore in accordance with policy ENV2.

Highways

With conditions to ensure that adequate parking and turning provision and limit child numbers proposed development is acceptable in terms of highways safety, however, as detailed about the

lack of accessibility of the location would result in an unacceptable reliance on private motor vehicles to access the site contrary to policy ENV4.

RECOMMENDATION: Refuse

For the following reasons:

1. The proposed change of use is inappropriate development within the Green Belt and would cause harm to the openness of the Green Belt contrary to policy ENV2 of the Pendle Local Plan Part 1: Core strategy and paragraphs 147-150 of the National Planning Policy Framework.
2. The site is located in an unsustainable out of settlement location not adequately accessible by walking or public transport and would therefore lead to an unacceptable increase in jornies by private motor vehicle contrary to policies ENV4, SDP2 and SUP3 of the Pendle Local Plan Part 1: Core Strategy.
3. Due to the proximity to a Major Accident Hazard gas pipeline the proposed educational use would result in an unacceptable risk to the safety of pupils and staff contrary to policy ENV5 of the Pendle Local Plan Part 1: Core Strategy.

ENFORCEMENT RECOMMENDATION:

To serve an Enforcement Notice requiring the educational use to cease within three months.

Application Ref: 21/0567/FUL

Proposal: Full: Change of use of existing agricultural building and adjacent land for use as farm school, car parking and associated works (Retrospective).

At: Field Number 9971, Greenhead Lane, Brierfield

On behalf of: The Nest Farm School

REPORT TO NELSON & BRIERFIELD COMMITTEE ON 01st NOVEMBER 2021

Application Ref: 21/0573/HHO

Proposal: Full: Demolition of existing garage and erection of front porch, part single and two storey extension to rear, two storey side extension, extension of vehicular access and retaining wall (Re-Submission).

At: 30 Walverden Road, Nelson

On behalf of: Mrs A Mehmood

Date Registered: 08/07/2021

Expiry Date: 02/09/2021

Case Officer: Laura Barnes

Site Description and Proposal

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

The proposal is for the demolition of the existing detached garage and erection of a front entrance porch, part single and part two storey extension to the rear, two storey side extension, extension of vehicular access and associated retaining wall.

Relevant Planning History

21/0001/HHO: Full: Demolition of existing garage and erection of front porch, part single and two storey extension to rear, two storey side extension, basement garden store, extension of vehicular access and retaining wall.

Approved with conditions

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, subject to the following comments being noted, and condition and note being applied to any formal planning approval granted.

The formation of a new dropped vehicular crossing from Walverden Road would need to be carried out under an agreement (Section 184) with Lancashire County Council, as the highway authority. Prior to first use, the proposed driveway should be surfaced in bound porous material to prevent loose surface material from being carried onto the adopted highway, where it could pose a hazard to other users.

The following note and condition should be applied to any formal planning approval, if the local planning authority is minded to approve the application.

Condition

The proposed development should not be brought into use unless and until the parking area shown on the approved plans has been constructed, laid out and surfaced in bound porous materials. The parking area shall thereafter always remain available for the parking of domestic vehicles associated with the dwelling. Reason: In order to ensure satisfactory levels of off-street parking are achieved within the site to prevent parking on the highway to the detriment of highway safety.

Note

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

Environment Officer

There is an existing retaining wall which runs in close proximity to the tree, which is protected. The proposed retaining wall is to follow the same line as the existing and provided porous material is laid to the driveway, along with a condition for no-dig installation this would not cause an adverse impact upon the tree.

Public Response

Nearest neighbours have been notified by letter, three letters of objection have been received, which raise the following issues:

- Concern over the addition of a workshop / garage to the plans
- Disturbance to local residents from the proposed garage
- Loss of parking to existing dwellings at No. 22 and 24 Walverden Road
- Question why the retaining wall runs along the inside of the application site boundary, not directly on it
- Impact upon trees and loss of wildlife using existing copse of trees
- Address on the application form does not exist
- Impact upon neighbouring amenity

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

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 two storey side extension is set back from the front elevation and down from the ridge, with a pitched roof. Although the width of the proposed side extension is greater than half the width of the existing dwelling at 5m, the neighbouring development to the other half of the semi-detached dwelling has set a precedent for this. As such, the proposed development would assist in balancing up the two halves of the semi, so that they match and are balanced when viewed as a whole.

The proposed two storey rear element of the extension has a pitched roof, in accordance with the Design Principles SPD, whilst the single storey element has a flat roof. The application also includes a pitched roof two storey element above the ground floor extension, this is to accommodate an additional bathroom. The proposed materials are render with a sandstone plinth, to match the neighbouring dwelling. The roof is to be covered with slate and the windows are to be UPVC. These materials are all to match the neighbouring dwelling which forms the other 'half' of the semi-detached dwelling and are considered appropriate in this location.

The porch to the front of the dwelling is to have a pitched roof and be constructed of matching materials to the rest of the proposed development.

The design and materials of this development are acceptable in this location and as such comply with Policies ENV2 and the Design Principles SPD.

Residential Amenity

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

In this case, the neighbouring dwelling does have a single storey extension to the rear on the shared boundary, as well as a two storey extension to the rear to the far boundary. However, the applicant has chosen to observe the 1m off-set from the boundary at the first floor level.

The Design Principles SPD advises single storey rear extensions located on, or immediately adjacent to, the party boundary with a neighbouring property will normally be acceptable if it does not project more than 4m from the rear elevation of the existing dwellinghouse. The proposed extension is to project 4.5m at the ground floor level. However, in this case it is noted that the neighbour already has a single storey extension to the rear, which means that the proposed extension does not breach the 45 degree rule. Similarly, there is no breach of the 45 degree rule to the first floor, where there is a pitched roof extension to accommodate a bathroom. There is an offset between the side of the first floor extension and the boundary of 1.2m. There are no windows from the first floor projection which face in the direction of the neighbouring dwelling, as such there would be no unacceptable loss of privacy in this regard.

The proposed development has two first floor windows serving ensuite bathrooms. To the ground floor there is to be one small WC window and a set of patio doors along with two full height windows to the family room. It is noted that there are two existing windows in the gable of the cottages to the south of the application site. However, the cottages are set forward closer to the road than the application dwelling is. As such, although the proposed windows would be closer to the neighbouring dwelling than the existing ones the off-set positioning of the plots means that there would be no unacceptable neighbouring amenity issue. To the front elevation there are to be two additional windows, one to each floor. They are no closer to Walverden Road than the existing dwelling, due to the set-back from the front elevation. As such, they would not cause any greater harm to neighbouring amenity than currently exists. To the rear, the proposed extension is to have three windows to the first floor, serving a bedroom, a snug and a bathroom. To the ground floor, the proposed extension is to have two sets of patio doors to the study and dining room, and two windows serving a utility room and the kitchen. This would not cause an unacceptable amenity issue with the neighbouring dwelling as the proposed windows are in line with the rear elevation.

In terms of the side windows to the ground floor, this would not have an unacceptable impact upon the neighbouring rear gardens to the cottages to the south of the application site. This is because the application dwelling is set back within the plot further than the cottages, so the side windows would look towards the back street rather than directly into the gardens. It is noted that the boundary treatment forms a large tree and mature shrubs which would also assist in screening any intervisibility between the properties. In addition there is a change in levels between the backstreet to the cottages and the application site, hence the need for the retaining wall. The retaining wall is to be built so that it offers a screen of 2m in height from the floor level of the family room where the full height windows are proposed.

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

Highways

The proposed development would result in an increase in the number of bedrooms to five, increasing the need for off-street parking, in accordance with Policy 31 of the Replacement Local Plan. The proposed development involves the extension of a retaining wall and creation of three parking spaces. This is an improvement on the current situation which has no off-street parking. However, it is also important to consider the existing bus stop to ensure there is no highway safety issue with this. The applicant has chosen to change the position of the entrance to their parking area, so it is closer to the adjoining neighbour boundary and further from the bus stop. The Highways Authority have reviewed the revised plans and are satisfied that there would be no danger to highway safety.

Trees

There is a sycamore mature tree on the front boundary of the site, closest to Walverden Road. Part of it is within the ownership of Pendle Borough Council and the other part is within the ownership of the applicant. It is the subject of a Tree Preservation Order. The applicant has provided an arboricultural impact assessment in relation to the proposed development, they have also moved the location of the driveway entrance away from the tree roots and closer to the adjoining neighbouring boundary. The Council's tree officer has reviewed the amended plans alongside the arboricultural impact assessment and is satisfied that there would be little to no impact upon the tree from the proposed development. As such, the proposal accords with Policy ENV1.

Other Matters

Less than a 1m strip of land to the rear garden falls within the boundary of the Edge End Conservation Area. As such, the proposals have been treated as though they are adjacent to the Conservation Area. There would be no impact upon the Conservation Area from the proposed development.

Reason for Decision

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

RECOMMENDATION: Approve

Subject to the following conditions:

1. The proposed development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan, Block Plan & Existing Elevation & Floor Plans Ref: 2063/01
 - Proposed Elevation & Floor Plans Ref: 2063/02 Rev B

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

3. All the external materials shall be as stated on the approved plans and application form. There shall be no variation without the prior consent 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.

4. The proposed development should not be brought into use unless and until the parking area shown on the approved plan 2063/02 Rev B has been constructed, laid out and surfaced in bound porous materials. The parking area shall thereafter always remain available for the parking of domestic vehicles associated with the dwelling.

Reason: In the interest of highway safety in order to ensure satisfactory levels of off-street parking are achieved within the site and to prevent loose surface material from being carried onto the public highway.

5. The development hereby approved shall be carried out in strict accordance with the arboricultural development report, prepared by Iain Tavendale Arboricultural Consultant, dated 9th February 2021

Reason: To protect the trees in the interest of the amenity of the area.

6. Unless approved in writing by the Local Planning Authority no ground clearance, demolition, or construction work shall commence until protective fencing, to BS 5837 : 2005 at least 1.25 metres high securely mounted on timber posts firmly driven into the ground has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land, and no work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. The fencing shall be located at least 1.00 metre beyond the protected area detailed in BS 5837. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction.

Reason: To prevent trees from being damaged during building works.

Informative

1. Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

It is the responsibility of the applicant to contact Cadent Gas prior to any works commencing on site. As you will appreciate we are unable to provide specific guidance based on the information provided. It is therefore essential that the applicant should contact Cadent Gas at the earliest convenience providing detailed site plans, method statements and risk assessments. Correspondence should be forwarded to the above address and marked for the attention of 'The Plant Protection Team'. This will enable us to provide the relevant documentation for safe working in the vicinity of our pipeline, and to arrange appropriate site supervision.

For ALL other works/enquiries it is essential that you contact our Plant Protection Team on 0800 688 588 at the earliest available opportunity prior to ANY work commencing on site. This will ensure that the Operations Engineer responsible for this area is informed of your potential works and is able to make the necessary arrangements to provide appropriate supervision.

Plant Protection Team, 3rd Party Enquiries, Cadent Gas Block 1 floor 2 Brick Kiln Street Hinckley Leicestershire LE10 ONA.

2. This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 (Vehicle crossings over footways and verges) Lancashire County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works. Therefore, before any works can start, the applicant must complete the online quotation form found on Lancashire County Council's website using the A-Z search facility for vehicular crossings at <http://www.lancashire.gov.uk/roads-parking-and-travel/roads/vehicle-crossings.aspx>
3. Before proceeding with the scheme preparation the Developer should consult with Lancashire County Council for detailed requirements relating to land arrangements, design, assessment, construction and maintenance of all existing or new highway structures included in, or affected by, the proposed scheme. For this purpose the term highway structure shall include:
 - Any retaining wall supporting the highway (including and supporting land which provides support to the highway).

Application Ref: 21/0573/HHO

Proposal: Full: Demolition of existing garage and erection of front porch, part single and two storey extension to rear, two storey side extension, extension of vehicular access and retaining wall (Re-Submission).

At: 30 Walverden Road, Nelson

On behalf of: Mrs A Mehmood

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE 1ST NOVEMBER 2021

Application Ref: 21/0632/HHO

Proposal: Full: Erection of porch to front elevation, erection of single storey extension to rear and creation of roof terrace above

At: 88 Charles Street, Nelson

On behalf of: Mrs Safeena Aslam

Date Registered: 29/07/2021

Expiry Date: 23/09/2021

Case Officer: Laura Barnes

Site Description and Proposal

The application site are two, two storey terraced dwellings which have been made into one, to form a larger dwelling. It is located within a residential area, within the settlement boundary for Nelson.

The proposal is for the erection of a single storey flat roof extension to the rear, which is to have a roof terrace on top. The single storey rear extension is to have a projection of 4.1m out from the rear wall of the dwelling. The proposed porch extension to the front elevation is to project 1.5m out from the front elevation, with a width of 2.3m. The proposed porch is to be at first floor level with an open structure to the ground floor. It is to be constructed of block and render, to match the existing dwelling.

At the time of the site visit, the single storey rear extension was under construction.

Relevant Planning History

20/0402/HHO: Full: Erection of single storey rear extension, porch to front elevation and external alterations to form one property.
Approved with conditions

Consultee Response

LCC Highways
No objection

Public Response

Nearest neighbours have been notified 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 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 porch to the front of the dwelling is to have a pitched roof and be constructed of matching materials to the existing dwelling. The porch is to be portico style, having an open structure to the ground floor, supported by masonry pillars. Forward projections are not usually supported, in accordance with the Design Principles SPD. The proposed structure would be out of character with the front of the building and would cause harm to the wider visual amenity. As such, it does not accord with paragraph 134 of the Framework, Policy ENV2 of the Local Plan: Part 1 Core Strategy of the Design Principles SPD.

To the rear, the single storey flat roof extension was under construction at the time of the site visit. Previously, permission has been granted for a single storey rear extension with a projection of 4.8m. This application seeks permission to construct an extension projecting out by 4.1m from the existing rear wall of the dwelling and to use the roof of the extension as a terrace, with a balustrade and privacy screen being added. Whilst the single storey extension serves the whole combined dwelling (No. 86 and 88), the roof terrace is only above the area immediately to the rear of No. 88.

The design and materials of this development are acceptable in this location and as such comply with Policies ENV2 and the Design Principles SPD.

Residential Amenity

The Design Principles SPD advises single storey rear extensions located on, or immediately adjacent to, the party boundary with a neighbouring property will normally be acceptable if it does not project more than 4m from the rear elevation of the existing dwellinghouse. The proposed extension is to project 4.1m. Previously at the same application site, permission has been granted for an extension which had a projection of 4.8m. It is understood that upon construction of the single storey extension, drains running through the rear garden were discovered, as such the extension has been scaled back to ensure there is no conflict with the drains.

The proposed single storey rear extension is to have a window and set of bi-folding doors to the rear elevation, overlooking the garden of the application site. There are no windows to the side elevations. It is noted that the side elevation windows to No. 90 have been blocked up, with the exception of two small first floor windows, which are obscure glazed. To the roof of the proposed

extension, the application seeks permission to use part of the space as a roof terrace. Due to the position of No. 90 Charles Street (being set back further in the plot than the application site), the proposed extension is to sit in a similar position to the rear elevation of the neighbouring dwelling. As such, it would not be possible to stand on the roof terrace and gain a view into the neighbouring dwelling, by looking back towards the property. To the side closest to No. 84, there is to be a privacy screen measuring 1.8m in height, this would prevent any unacceptable overlooking of No. 84. As such, the proposed roof terrace would not cause any unacceptable neighbouring amenity issues.

In relation to the proposed porch, this is at the first floor level and is to have a window to the front elevation. Whilst it would be closer to adjacent properties than the existing front elevation windows, the projection is 1.5m, which would not cause an unacceptable neighbouring amenity issue for the neighbours opposite.

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

Highways

Due to the properties No. 86 and 88 already being knocked into one dwelling as part of a previous planning application, there is no increase in the number of bedrooms with this application. As such, there is no need for additional off-street car parking. LCC Highways have not objected to the proposed development. The proposal accords with Policy 31 of the Pendle Replacement Local Plan.

RECOMMENDATION: REFUSE

For the following reason:

1. By virtue of the proposed design, the first floor porch would result in an alien feature to the front elevation of the dwelling, causing harm to the character of the original building and the wider visual amenity of the area, contrary to Policy ENV2 of the Local Plan: Part 1 Core Strategy, paragraph 134 of the Framework and the Design Principles SPD.

Application Ref: 21/0632/HHO

Proposal: Full: Erection of porch to front elevation, erection of single storey extension to rear and creation of roof terrace above

At: 88 Charles Street, Nelson

On behalf of: Mrs Safeena Aslam

REPORT TO NELSON & BRIERFIELD COMMITTEE ON 01st NOVEMBER 2021

Application Ref: 21/0674/HHO
Proposal: Full: Erection of two storey rear extension and alterations to porch.
At 129 - 131 Regent Street Nelson Lancashire
On behalf of: Mr Mohammed Sakib
Date Registered: 17.08.2021
Expiry Date: 10/12/2021
Case Officer: Neil Watson

Site Description and Proposal

The application is brought to Committee as the applicant is a Councillor.

The application is to alter the scheme at the front of the house to provide a pitched roof over the entrance porch in lieu of a flat roof.

To the rear extensions are sought at first floor above the flat roofed approved extensions.

Relevant Planning History

19/0934/LHE 129 Regent Street - Approved
19/0936/LHE 131 Regent Street - Approved
20/0209/HHO Extension between two houses and two storey rear extension. Approved.

Consultee Response

Highways: Regent Street (U19965) is an adopted, urban, single 2 way road with a 20mph speed limit. An investigation of the 5 year accident record shows 2 collisions have occurred in the vicinity of the proposal. One collision of serious severity (2018) involving a pedestrian injury and vehicle o/s 117 Regent St. One collision of slight severity (2018) involving 2 vehicles Reedyford Rd/Regent Street. With a further 7 collisions recorded on Reedyford Road, Nelson.

A parking plan is submitted (ref: Parking plan proposed (8370400), showing 4 parking spaces proposed. A car parking space to be 2.5m x 5.0m. The application should comply with the parking and access standards adopted by Pendle Borough Council. Under these standards four+ bedroom residential development should provide three parking spaces; this must be achievable within the curtilage of their property.

Parish/Town Council: No comments received.

Public Response

The applicant has already set up the foundations and half the building around the back. So clearly, he knows that this planning proposal will go through. Nobody would risk presumably thousands of pounds to something that has a risk of being rejected. So, I'll ask, is there any point in making a complaint/opposing view. Is this just protocol?

Every opposing point I have, had been said in the past for the prior planning proposal. And it seems like you should know this as the guidance notes at the end clearly identify my previous

comments. Them being:

- 1) The property will look nothing like the surrounding houses.
- 2) The proposal will devalue my property's value
- 3) The proposal affects my garden
- 4) Mr Mohammed gets what he wants

What can I exactly say that will oppose the proposal? I can't comment on the person, my property, how it affects me etc. I tried to change my roof to a light metal sheet build - you opposed this because it will change the streets view. So please tell me, how on earth does connecting two separate semi-detached building not change the street view?

He gets what he wants, he is the chairman. There is no point complaining, everyone listens to him" And it seems to be the case really, especially when he built his own back extension before getting planning permission. So, I'll ask you once more, will my opinion change anything or will the applicant get what he wants.

Relevant Planning Policy

Pendle Local Plan Part 1: Core Strategy Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Policy ENV1 seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum. Policy ENV2 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings. Saved Policy 31 of the Replacement Pendle Local Plan sets out the maximum parking standards for development. National Planning Policy Framework The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system. The Design Principles Supplementary Planning Document (SPD) applies to extensions and sets out the aspects required for good design.

Officer Comments

The application is to erect extensions at first floor above the existing flat roofed extensions. The two properties are being combined into a single house. This does not constitute development under section 55 of the Town & Country Planning Act 1990.

Planning permission has been sought and granted for the extensions which are now being built on site. These comprise of flat roofed rear extensions that are 6m in length. These were approved separately for both 129 and 131 Regent Street under the larger homes legislation incorporated into the Town & Country Planning (General Permitted Development) Order 2015 ("GDPO"). The legislation here automatically grants consents where there are no objections.

The application proposes a minor design change to the front elevation. The alteration of a flat roof to a pitched roof works acceptably in the street scene.

The rear of the site is heavily screened with public sport pitches beyond. Without the screening the site would be open to general views but as it is these are limited by the vegetation.

The design of the extensions do not marry in with other properties in the area but there are few properties with rear extensions. The flat roofed extensions approved and partially built at ground floor would not be prominent in the street scene to the rear. The first floor extensions propose two pitched roofs that are an appropriate design solution for the area. The materials proposed are brick as opposed to the rendering of other properties. A condition requiring approval of external materials should be added to any permission granted.

The relationship with the neighbour's either side needs to be assessed for impacts on amenity and living environment. The dominant feature to each of the houses either side of the application site are the flat roofed extensions. These would not comply with the guidance in the Council's adopted Design Guide as they would be longer than the 4m the guide indicates is generally acceptable. The ground floor windows would also have the 45 degree line interrupted by the new extensions which in normal circumstances would mean that the living environment would be adversely affected.

However the GDPO has allowed them lawfully. The situation is therefore that the living environment of the occupants of the dwellings either side is already adversely affected.

The first floor extensions here have been designed to not break the 45 degree guide for an acceptable relationship with the adjacent dwellings. Both sides are set back from the sides of the walls on the ground floor extensions. The relationship with the neighbouring properties is therefore acceptable and would not lead to any diminution of their living environment and living conditions.

There are two windows to bathrooms at the first floor that would face the neighbour's. These would lead to overlooking were they not to be obscured. The application indicated obscure glazing and that should be conditioned.

Four parking spaces are proposed to be provided to the front. This would provide adequate off street parking for the development which has 6 bedrooms.

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 housing 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: 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: Elevations 1, Elevations 2, Ground Floor Plan, First Floor Plan, Parking, Roof Plans.

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

3. No windows other than the ones shown on the approved drawings on the side elevations of the extension hereby approved shall at any time be inserted in the side elevations. The approved windows in the side elevations shall at all times be glazed with obscure glass at level 5. The windows shall not be able to be opened in a way that negates the obscure glazing.

Reason: In order to protect the privacy of the occupants of the adjoining dwellings.

4. Prior to the first use of the extensions hereby permitted the four parking spaces shown on the approved parking plan shall be provided, surfaced in a bound material and be made available for exclusive use of the occupants of the dwelling. They shall thereafter at all times be retained for such use.

Reason: In order to provide adequate off street parking in the interests of highway safety.

5. Prior to the commencement of development samples of the materials to be used in the construction of the development hereby permitted (notwithstanding any details shown on previously submitted plan(s) and specification) shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development in the interest of visual amenity of the area.

Application Ref: 21/0674/HHO

Proposal: Full: Erection of two storey rear extension and alterations to porch.

At 129 - 131 Regent Street Nelson Lancashire

On behalf of: Mr Mohammed Saqib

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 15th October 2021