



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

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

**DATE:** 28th MARCH 2022

**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 AND REEDLEY COMMITTEE 28th MARCH 2022

**Application Ref:** 21/0129/FUL

**Proposal:** Full: Erection of two B2 and B8 industrial units (450 sq.m.) and convert existing units into two units Use Class B2 and B8 (445 sq.m.)

**At** Coal Wharf Scotland Road Nelson

**On behalf of:** Pendle View Properties

**Date Registered:** 1/4/21

**Expiry Date:** 12:00:00 AM

**Case Officer:** NW

### **Site Description and Proposal**

The application site lies to the rear of a bakery and commercial units. In turn to the rear the Leeds and Liverpool Canal lies to the west. The site was until recently used by a building suppliers.

The access is via two existing businesses onto a yard area.

### **Relevant Planning History**

No relevant planning history.

### **Consultee Response**

**Highways:** Having considered the information submitted, the proposed development raises a number of highway safety concerns, which are unlikely can be mitigated satisfactorily. The Highway Development Control Section therefore objects to the development on highway safety grounds.

The introduction of two additional units is an over-intensification of the site. The applicant proposes mixed B2 and B8 uses, although at this stage the end users are unknown. The number of employees and number of vehicles generated by the site are also unknown.

Parking for a B2 use of this size (900sq m), and with medium accessibility, would require 17 – 19 parking spaces; 15 are proposed.

There is the potential for conflict between the different users, including deliveries. Whilst a delivery lay-by is shown on the Proposed Site Plan (Drawing No 2010/SK/01) a vehicle parked here would block the access to the business at the rear of 133 Scotland Road.

There is also the potential for conflict between vehicles going to/from the development site and those from the adjacent bakery, which use this side entrance.

As there could be up to four different site users there is the potential for conflict between large vehicles entering/leaving the site on Scotland Road. Large vehicles waiting on Scotland Road to access the site would restrict the width of the carriageway and the manoeuvring area for vehicles leaving.

A shared refuse area is shown on the proposed site plan. This is remote from Units 2 and 4. It would also be obstructed by vehicles parked in the two bays in front. In addition, a previous planning application for 133 Scotland Road (ref 20/0413/FUL) showed a shared refuse area within

the delivery lay-by. It is not clear whether the shared refuse area would include this business. Although, again, access would be blocked by vehicles parked in front.

Given the above safety concerns, the Highway Development Control Section objections to this application on highway safety grounds.

#### United Utilities United Utilities' Assets and Infrastructure – OBJECTION

The proposed layout is to construct a building over a large public sewer and associated easement and we may not permit building over it. We will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of Part H of the Building Regulations, for maintenance or replacement.

Prior to determination of the application, we ask that the applicant contacts our Developer Engineer at [wastewaterdeveloperservices@uuplc.co.uk](mailto:wastewaterdeveloperservices@uuplc.co.uk) to resolve this matter.

A modification of the site layout, or a diversion of the affected public sewer may be necessary. Please note that a lengthy lead in period may be required if a sewer diversion proves to be acceptable. All costs associated with sewer diversions must be borne by the applicant.

Lancashire Fire and Rescue: The development should meet building regulations standards, it should have access to an adequate water supply

### **Public Response**

Having viewed the Planning Documentation i have the following points to raise:

- we will require ongoing access to the rear of our bakery for maintenance
- we are concerned with the area designated lorry lay by, drawn at the side of the existing A&H carpets building. This area seems to be in the same place that has been previously designated refuse/bin storage area as seen on the plans.

20/0413/FUL which were approved in December 2020 for a change of use to Hot food take away restaurant. It cannot be used as two different things at the same time.

- the joint access road, Coal Wharf, is not in the best state of repair. It was repaired/resurfaced some time ago, and if memory serves me correctly, at the time A&H did not contribute to the cost which was shared between Oddie and Jewsons. What provision will be made for the maintenance/upkeep of this road if huge wagons are going to be making regular visits?

### **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 seeks to redevelop an existing builders yard with commercial units. The site is a commercial one and the addition of two further units would in terms of the principle of a development on the site.

The design of the units would fit in with the general form of the area which has a commercial theme to it. The units would fit into the general commercial design of the area and would not be visible from the main thoroughfare through the town.

The uses proposed would lead to noise in the locality from the activities. The surrounding land uses that exist are commercial and the development would not present a use that is dissimilar to the nature of the existing uses. There would therefore not be any unacceptable impacts on the amenity of adjoining land uses.

There is a main sewer that crosses the site. The development has been amended to alter the design of the building to accommodate the easement. Comments from the statutory undertakers are awaited on the amendments.

The main issue for this application is that of highway safety, particularly whether the site can be served with enough car parking spaces and the impact it would have on the existing users of the area.

There are two key issues for this application. First is whether there is sufficient parking and maneuvering space within the site to service the needs of the development. The floor area of the development would, when applying the adopted car parking standards, require 18 spaces to be provided. The proposal is for 13 spaces which is 5 below the recommended levels. There is however space for a further two car parking spaces to be provided whilst still maintaining the turning areas for larger vehicles. On balance the lack of two parking spaces would not be sufficient to warrant refusal of the application.

Concerns have however been raised about the development preventing the servicing of the existing businesses. When the builders yard was in operation there was no access to the rear of the premises. The full yard was used by the merchants. Even were there to have been some historic access to the site if that is not guaranteed by a private agreement then a planning application cannot be the mechanism to require that servicing. The servicing arrangements for the existing businesses will not alter with the application with that being via the existing arrangements.

The application is therefore acceptable in terms of highway safety.

The application has a small deficiency in parking spaces but is otherwise acceptable. Subject to satisfactory comments being received on the amended plans it is recommended that the application be approved.

## **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: 2010/SDK/06A, 2010/SK/07, 2010/SK01B and 2010/100.

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

3. The materials to be used externally on the development hereby authorized shall be as stated on the approved plans.

**Reason:** These materials are acceptable and will present a design appropriate to the area.

4. Prior to any use of any of the buildings hereby authorized the parking shown on the approved layout plans shall be provided in their entirety with an additional three spaces provided. The spaces shall be marked out on the ground and shall thereafter remain at all times solely for the parking of vehicles using the site.

**Reason:** In order to ensure the site is provided with an acceptable level of parking in the interests of highway safety.

5. No above ground development shall take place unless and until details of the foul and surface water arrangements for the site have been submitted and approved in writing by the local Planning authority. No unit shall be occupied unless that drainage has been installed and is working in full.

**Reason:** In order to prevent pollution and to ensure the site is served by adequate drainage.

**Application Ref:** 21/0129/FUL

**Proposal:** Full: Erection of two B2 and B8 industrial units (450 sq.m.) and convert existing units into two units Use Class B2 and B8 (445 sq.m.)

**At** Coal Wharf Scotland Road Nelson

**On behalf of:** Pendle View Properties

## REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE 28th MARCH 2022

**Application Ref:** 21/0747/HHO  
**Proposal:** Full: Erection of dormer windows to front and rear roofslopes  
**At:** 79 Bentley Street, Nelson  
**On behalf of:** Mr Saeed Chaudhary  
**Date Registered:** 10<sup>th</sup> September 2021  
**Expiry Date:** 5<sup>th</sup> November 2021  
**Case Officer:** Yvonne Smallwood

### Site Description and Proposal

The application site is a two storey stone terraced dwellinghouse, located within a residential area of Nelson.

The existing house is finished in stone with a slate roof and UPVC fenestration.

The proposal is for the erection of flat roof dormers to the front and rear roofslopes.

### Relevant Planning History

None relevant.

### Consultee Response

LCC Highways -

Bentley Street (U20059) is an unclassified, adopted road.

One extra parking space is required for this proposal.

Currently parking is on street, no traffic restrictions are in place. Further to a site visit to the property, parking on street was not full to capacity. I am of the opinion that the proposed development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site.

There is no objection to this proposal on highway grounds.

Nelson Town Council

### Public Response

Nearest neighbours notified by letter without response.

### Relevant Planning Policy

Pendle Local Plan Part 1: Core Strategy Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy ENV1 seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

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

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

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

#### National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

#### **Officer Comments**

##### Policy

The Design Principles SPD states that dormers should be set below the ridge line of the original roof by at least 0.2m, set in from the side elevation by 0.5m and from the rear elevation by 1m. Dormers should be faced in materials which match the existing roof coverings.

##### Design and Materials

The proposed rear dormer would be set in from the side elevations by 0.1m on each side and set back from the rear elevation by 1m. It would be level with the ridge line instead of being set lower by at least 0.2m. The rear dormer would not be set back 1m from rear wall and would result in a significantly disproportionate addition to the roof. The materials would be slates or tiles in grey. The roof would be rubber membrane EPDM and the windows would be UPVC. The materials for dormers should match existing. The proposed materials would match or be similar in appearance to those in the locality, so would comply with the guidance in the Design Principles SPD.

With regard to front dormers, the Design Principles SPD states that dormers on a front roof slope will not be acceptable unless they are a feature of other similar houses in the locality or the dormer would otherwise be appropriate in visual design terms. Bentley Street comprises of narrow, uniform, terraced properties, none of the houses on the row have front dormers. Therefore, front dormers are not a feature of similar houses in the locality. The proposed front dormer would be readily visible from a number of public vantage points on Bentley Street and Camden Street. Therefore it would result in a development which is detrimental to the character of the street scene and would not comply with the guidance in the Design Principles SPD.

As a result, the proposed development is not acceptable in relation to design or visual amenity and as such does not comply with Policies ENV1, ENV2 and the Design Principles SPD.

##### Residential Amenity

The proposed front dormer would face directly North West onto Bentley Street. The proposed rear dormer would face directly south east, to the rear elevation of properties on Romney Street, retaining an existing separation distance of 14m from the rear elevation of the closest neighbouring properties, which would be acceptable, as there are existing windows at the same distance and the dormer window would not have greater adverse impacts on amenity than existing.

The Design SPD states that regard must be given to existing street patterns and the existing interface distance between properties characteristic in the area. Given these are rows of compact terraced properties and the proposed rear dormer would not decrease the separation distance between them as existing, it would comply with the street patterns of the area and not have a

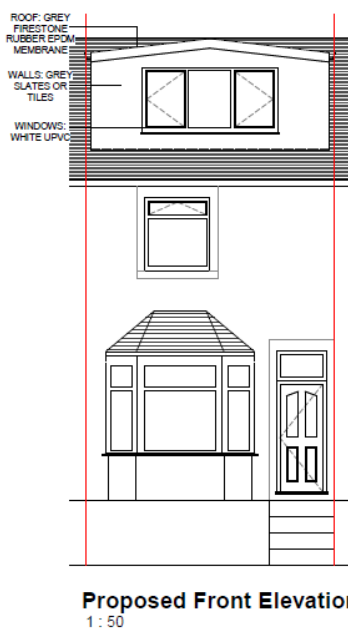
detrimental impact on residential amenity over and above the existing situation. Therefore, the proposed development is acceptable in terms of residential amenity in accordance with Policy ENV2 and the Design Principles SPD.

#### Highways

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

#### **RECOMMENDATION: Refuse**

The proposed front dormer would be an unsympathetic, unacceptable addition to this traditional terraced property and would result in unacceptable harm to the character and visual amenity of the area contrary to policy ENV2 and the guidance of the Design Principles SPD.



Following the Committee meeting 3<sup>rd</sup> January 2022, amended plans have been submitted with a pitched roof instead of a flat roof on 23<sup>rd</sup> February 2022.

Whilst having a pitched roof, which is preferable in terms of design, the dormer in the revised plan is wider than the previous plan. Dormers ideally should be set below the ridge line by at least 0.2m. The front wall of the dormer should be set back at least 1m from the front elevation and 0.5m from either side, to prevent it having an overbearing effect on the street scene and adjoining properties. Other than having a pitched roof the amended plan does not meet the other aspects relating to the ENV2 and Pendle Design Principles SPD.

**Application Ref:** 21/0747/HHO

**Proposal:** Full: Erection of dormer windows to front and rear roofslopes

**At:** 79 Bentley Street, Nelson

**On behalf of:** Mr Saeed Chaudhary



## REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE 28<sup>TH</sup> MARCH 2022

**Application Ref:** 21/0755/FUL

**Proposal:** Full: Change of use of land to extend residential curtilage and formation of a hardstanding for use as domestic car parking area (Retrospective).

**At:** Waterside Bungalow, Montford Road, Brierfield

**On behalf of:** Mr Qessar Qayum

**Date Registered:** 27<sup>th</sup> September 2021

**Expiry Date:** 8<sup>th</sup> March 2022

**Case Officer:** Yvonne Smallwood

### Site Description and Proposal

The application site is an area of grassland to the north of Waterside Bungalow. There is a small grass verge to the edge of Montford Road. The site is within a Green Belt designated area in the Open Countryside.

The application seeks retrospective planning permission to increase the bungalow's domestic car parking capacity to 8 vehicles. The bungalow has a garage. There is parking capacity for 3 vehicles

### Relevant Planning History

None

### Consultee Response

Highways LCC –  
No objections

TPO Environment Office

Natural England

Coal Authority-

The application site lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered on site, this should be reported immediately to the Coal Authority on 0800 288 4242.

Further information is also available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

Environment Agency

PBC Engineering

PBC Public Rights of Way

Reedley Hallows Parish Council

### Public Response

Site notice placed and nearest neighbours notified by letter with one response:

There is no need for a large plot of land for residential parking. There is a garage, two parking places in front of that and a circle which can park three cars. How many live at the house and can drive?

## **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 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 (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. Developments should maintain the openness of the Green Belt.

Development in the Open Countryside (SPG).

Replacement Pendle Local Plan

Saved Policy 31 sets out the maximum parking standards for development.

National Planning Policy Framework

The Framework sets out the overall policy framework for planning in England. It sets out that there are 3 overall objectives to sustainable development environmental, social and economic aspects.

11. Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;

b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas<sup>6</sup>, unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area<sup>7</sup>; 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.

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<sup>8</sup>, 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<sup>7</sup>; 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

The Framework re-emphasises the law in indicating that the starting point for assessing development is the development plan.

There is a presumption in favour of sustainable development as set out in paragraph 11. Applications that conform to the development plan should be approved. Where policies are out of date development should be approved unless the policies in the Framework provide a clear reason for refusing (the policies which apply are set out in footnote 6) or any adverse impacts of approving would significantly and demonstrably outweigh the benefits. This is commonly referred to as “the tilted balance”.

### **Green Belt**

The Framework states:

**137.** The government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

**138.** Green Belt serves 5 purposes:

- (a) to check the unrestricted sprawl of large built-up areas;
- (b) to prevent neighbouring towns merging into one another;
- (c) to assist in safeguarding the countryside from encroachment;
- (d) to preserve the setting and special character of historic towns; and
- (e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

**147.** Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

**148.** When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The provision of the car parking area would be an engineering operation. The land use would also be a change of use to a residential use. These can be appropriate development provided that they do no impact on the openness of the green belt.

Here the open land would extend beyond the curtilage of the existing building. It is intended to be used for parking of vehicles. These would clearly alter the character of the area and lead to a loss of openness on land that currently has no man made features on it and would be visible in the green belt. The development would therefore adversely affect the openness and as such would be inappropriate development harmful to the green belt.

### **Open Countryside**

Development in the Open Countryside should be sympathetic and in proportion and be in keeping with the setting. The development would be an incongruous element in the landscape and would change the character of the area adversely.

### **Design and Materials**

The proposed retrospective development seeks to replace 120m of grassland with hardcore. The Design Principles SPD states that it is important that adequate space is provided for parking, however large amounts of hard surfacing such as concrete are not attractive and stone or brick would be preferable. The size of the car park is larger than necessary and the material is unattractive, therefore this development is contrary to ENV2 and the Design Principles SPD.

### **Amenity**

The bungalow has existing car parking space to accord with the Saved Policy 31 Parking Standards. There is existing capacity to park 3 vehicles. The application does not present a justifiable reason to increase the parking capacity to 8 vehicles.

This development would have an adverse impact on the visual amenity of the area, as it is in an area of designated Green Belt in the Open Countryside. The car park would be on Montford Road, which public footpath 13-16-FP67 runs along.

The car park itself is unattractive in appearance and would harm the Open Countryside and Green Belt aspect of the locality. Were vehicles to be parked on it there would no longer be an open aspect. There are no very special circumstances that would benefit the public to justify this development, therefore it is contrary to the Framework Policy.

### ***RECOMMENDATION: Refuse***

1. The application site is within Green Belt and the proposed development would adversely affect the openness of the Green Belt and would thus be inappropriate development. There are no very special circumstances to justify approving inappropriate development. The development is thus contrary to Policies ENV1 and ENV2 of the Local Plan Part 1: Core Strategy and section 13 of the National Planning Policy Framework.
2. The proposed development would cause unacceptable harm to the character and visual amenity of the area, contrary to Policy ENV2 of the Local Plan Part 1: Core Strategy.

**Application Ref:** 21/0755/FUL

**Proposal:** Full: Change of use of land to extend residential curtilage and formation of a hardstanding for use as domestic car parking area (Retrospective).

**At:** Waterside Bungalow, Montford Road, Brierfield

**On behalf of:** Mr Qessar Qayum

## REPORT TO NELSON, BRIERFIELD & REEDLEY AREA COMMITTEE 28<sup>th</sup> MARCH 2022

**Application Ref:** 21/0816/HHO

**Proposal:** Full: Formation of new vehicular access from Walton Lane (Reg 3).

**At:** Cemetery Lodge, Walton Lane, Nelson

**On behalf of:** Pendle Borough Council

**Date Registered:** 08/02/2022

**Expiry Date:** 05/04/2022

**Case Officer:** Laura Barnes

### Site Description and Proposal

The application site comprises the lodge adjacent to Nelson Cemetery, which is owned by Pendle Borough Council. It is a two storey detached building, with the red edge on the Location Plan indicating land to the east of the building.

The applicant is seeking planning permission for the creation of a driveway and vehicular access off Walton Lane to provide the dwelling with off-street car parking.

### Relevant Planning History

None Relevant

### Consultee Response

#### LCC Highways

I have viewed the plans and highway related documents and visited the site in August last year as part of a pre-application discussion. I have the following comments to make.

#### Summary

There is no objection to the proposal.

Lancashire County Council acting as the Highway Authority does not raise an objection regarding the proposed development and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

#### Advice

Walton Lane is unclassified with a 20mph speed limit and physical traffic calming measures. We have no speed data on our system however I would expect speed compliance in the vicinity of the site to be reasonably high as there is a junction table located at the Greenfield Road junction approx. 50m to the west of the site.

The visibility splay for emerging drivers would be X2m set back from the edge of carriageway by Y25m in both directions to the nearside kerb along Walton Lane. This is achievable within the extents of the adopted highway although there are highway trees within the visibility splay. We would not support the removal of a healthy highway tree and in this case, we would not deem it necessary to remove the trees due to the wide spacing, low vehicle speeds on Walton Lane and close proximity of a speed table which ensures speed compliance for the most part.

The new driveway is positioned to the mid-point between the trees – T1 and T2 numbered on the site plan and is of sufficient distance from the trees, approximately 5m either side, to cause no damage, our vehicle crossing code suggests a minimum distance of 2.5m from a highway tree is required.

The vehicle crossing must be constructed by Lancashire County Council (see informative note).

I note that the internal car parking area is to be laid in a porous bound material for and provides space for the vehicles to turn and exit Walton Lane in forward gear. This is necessary for highway safety reasons.

#### Condition

1. Prior to the first use of the driveway, the vehicle crossing shall be constructed to LCC specification (see informative note).

#### Informative note

1. 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>

## Highways

The Highways Authority have reviewed the application from a highway safety point of view and they have not raised any objection. The applicant intends to retain the highway trees as part of this application, this would not adversely impact upon the visibility splay required for the vehicular access. As such, there is no highway safety issue and the proposal is acceptable in this regard.

In terms of the parking area itself, this is to be laid out in a bound porous material which would prevent loose chippings / gravel from being dragged onto the road resulting in a highway safety danger. The intention is for two off-street car parking spaces to be provided, with sufficient turning area so that vehicles could manoeuvre to get out of the driveway in a forward gear. The Cemetery Lodge is a three bedroom dwelling, as such two off-street car parking spaces is sufficient vehicular parking, in accordance with Policy 31 of the Replacement Pendle Local Plan.

## Design

The proposed driveway is to measure 5m in width at its widest point directly adjacent to Walton Lane, with the driveway itself being 3m wide. The length of the driveway is 17m, measured from the back of the footpath on Walton Lane. This length would provide sufficient space for vehicles to enter and exit the driveway in a forward gear whilst having sufficient manoeuvring space to turn around within the site.

The proposed materials for the driveway are permeable block pavers or a similar bound porous material. The proposed material is acceptable in this location and would not be out of keeping with the surrounding materials.

There is to be a new fence erected either side of the driveway, where the existing fence would be removed, in order to create the driveway. The new fence either side of the driveway is to be

constructed of concrete post and base panels with close boarded timber panels, with a maximum height of 1m above ground level.

In terms of design, the proposed development is acceptable.

## **Neighbouring Amenity**

The proposed development would result in an opening being created on Walton Lane where there is currently a close boarded fence. Directly opposite the proposed access are residential dwellings to the opposite side of Walton Lane. However, the proposal does not involve moving any windows or doors closer to neighbouring properties and would not result in any unacceptable adverse impacts upon neighbouring amenity.

## **Trees**

In relation to trees, the applicant has submitted an arboricultural assessment which sets out how each of the trees would be affected by the proposed development. A summary of the impact upon the trees is set out below for clarity:

- T1 = remains in place
- T2 = Remains in place but may need to be reviewed in the future
- T3 = Remains in place and requires tree protection fencing for the root protection area
- T4 = Remains in place and requires tree protection fencing for the root protection area
- T5 = Remains in place and requires tree protection fencing for the root protection area
- T6 = Remains in place and requires tree protection fencing for the root protection area
- T7 = To be removed

The reason that T7 is to be removed is due to the condition of it and the proximity of the canopy to the roof of the building, Cemetery Lodge, itself. The tree has the potential to grow much larger and as a result would impact upon the building in future.

The arboricultural report submitted with the application indicates that tree protection fencing is required, particularly in relation to T3, T4, T5 and T6 (along the eastern boundary of the application site) to ensure that the Root Protection Areas are not damaged as a result of the proposed development. This is something which can be controlled by planning condition.

In terms of the highway verge trees, LCC Highways would not support the removal of a healthy highway tree and in this case. It is not necessary to remove the trees due to the wide spacing, low vehicle speeds on Walton Lane and close proximity of a speed table which ensures speed compliance for the most part. The new driveway is positioned to the mid-point between the trees – T1 and T2 numbered on the site plan and is of sufficient distance from the trees, approximately 5m either side, to cause no damage, Lancashire County Council vehicle crossing code suggests a minimum distance of 2.5m from a highway tree is required. As such, there is no need to remove the trees which are in the highway verge on Walton Lane.

## **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 development is acceptable in highways terms and would not harm the wider natural or built environment. 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:

- Site Location and Proposed Vehicular Access Plan A21-72 01'a', received on 10/03/2022
- Bowland Tree Consultancy, Arboricultural Impact Assessment, received on 11/02/2022

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

3. Prior to the first use of the driveway, the vehicle crossing shall be constructed to LCC specification (see informative note).

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

4. The development hereby approved shall be carried out in strict accordance with the arboricultural development report, received on 11<sup>th</sup> February 2022

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

5. 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 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>

**Application Ref: 21/0816/HHO**

**Proposal:** Full: Formation of new vehicular access from Walton Lane (Reg 3).

**At:** Cemetery Lodge, Walton Lane, Nelson

**On behalf of:** Pendle Borough Council

## **REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE ON 28 MARCH 2022**

**Application Ref:** 21/0817/OUT

**Proposal:** Outline: Erection of one dwelling house (Access only).

**At:** Land to the South of Rockwood Lodge, Halifax Road, Nelson

**On behalf of:** Mr Muhammed Younis Karim

**Date Registered:** 08/10/2021

**Expiry Date:** 03/02/2022

**Case Officer:** Alex Cameron

This application was deferred from the previous Committee meeting for further highway details to be submitted.

### **Site Description and Proposal**

The application site is open land to the east of Nelson Golf Club within the open countryside approximately 300m from the settlement boundary of Nelson and is designated as Open Space. The site is accessed from Halifax Road via an existing access to the golf club. Public Footpath No.25 runs to the west of the site, No.23 to the south and No.68a to the east.

This is an outline application for access only for the erection of one dwelling.

### **Relevant Planning History**

None

### **Consultee Response**

LCC Highways – Having considered the information submitted, together with site observations, the application raises highway safety concerns, which it is unlikely can be mitigated satisfactorily. Therefore, the Highway Development Control Section raises an objection on highway safety grounds as adequate visibility from the site access cannot be provided.

Halifax Road is subject to a maximum speed limit of 40mph along the frontage of the site. For a road with a speed limit of 40mph a Stopping Sight Distance (or visibility splay) of 120m should be provided. Given the orientation of the site access, the topography of Halifax Road (particularly to the North of the access) and the trees within the verges (particularly to the South of the access) adequate visibility splays cannot be achieved.

Given the site's distance from local amenities and facilities, including public transport, there would be a reliance on the use of private motor vehicles. Whilst the proposed development may be for one dwelling only adequate visibility splays would still need to be provided. It has been noted that a collision resulting in serious injury has been recorded during the last five years approximately 140m to the South of the site access.

Consideration has been given to the possible re-location of the site access to the South of the existing one. However, there would still be issues with providing the necessary visibility splays with the topography of the road and trees within the verges. The highway authority considers that

adequate visibility splays cannot be provided from the site and so raises an objection on highway safety grounds.

Additional details have been submitted by the applicant in relation to access visibility. LCC highways have responded maintaining their objection on the following grounds:

Lack of speed data to support visibility splays shorter than 120m.

The highway report states that a visibility splay of 120m to the left (North) of the access to intersect with the nearside kerb cannot be achieved. An alternative visibility splay of 120m measured to the running lane (just beyond the carriageway centre line) is proposed. This would only be considered as a possible alternative where there are physical measures preventing vehicles from overtaking. There are no such measures on this stretch of Halifax Road.

Restricted visibility caused by trees within the visibility splays, particularly to the south. Additionally, Halifax Road is an advisory cycle route and cyclists, or even motorcyclists, approaching from the South would be obscured by the line of trees.

Vehicles exiting or entering the site would need to do so at an angle to the adopted highway. Vehicles approaching from the South would need to swing out onto the opposite side of the carriageway to manoeuvre into the site. Vehicles exiting the site and turning left onto Halifax Road would also need to swing round out of the site to be able to wait at right angles to Halifax Road, which may then take them over third party land. Vehicles approaching from the North would also enter the site at an angle, necessitating crossing the centre line and being on the wrong side of the carriageway.

United Utilities – No objection subject to drainage condition.

Coal Authority – No objection subject to a note.

Nelson Town Council

## **Public Response**

Site notice posted and nearest neighbours notified. A response has been received objecting on the following grounds:

- The proposed access & residential development is planned to be built on a green field site.
- Despite many objections, planning has recently been approved for adjacent green field land to the north of Rockwood for 5 detached houses, and this additional development is, once again, totally out of place in one of the few remaining beautiful open countryside areas of Brierfield & Nelson.
- We cannot allow even more green field land to be lost forever, and it would, quite frankly, be absolutely unforgivable if planning approval is granted.
- The land is not owned by the golf club, it was sold many years ago to a third party.
- The access road to the golf club is not owned by the applicant and the applicant has no permission to use it.
- The application is for a second access point to the Public Highway at Halifax Road situated immediately adjacent to that of the club.

## **Officer Comments**

### **Policy**

#### Local Plan Part 1: Core Strategy

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

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

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.

LIV5 (Designing Better Places to Live) requires that layout and types of development reflect the site and the surroundings, to meet borough-wide requirements for housing stock.

The following saved Replacement Pendle Local Plan policies also apply:

Policy 31 'Parking' which is a saved Policy within the Replacement Pendle Local Plan requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP.

### **Principle of the Development**

The site is 300m from the settlement of Nelson and with close proximity of bus stops, it is in a sustainable location within walking distance of links to shops, services. The principle of housing is acceptable.

### **Open Space**

The application site is identified within the Pendle Open Space Audit 2019 as designated for Outdoor Sports, as part of Nelson Golf Club.

The application site is one of 8 outdoor sports sites within the Reedley ward. OS064 is a 42ha site which covers all of Nelson Golf Course. The application site forms a very small portion of this, in the north eastern corner of the course. Compared to the rest of the golf course this section is not maintained or manicured to the same standards and is not part of the main course. It is overgrown and partitioned from the main course by a dense hedgerow and public footpath. As a result, the loss of this small piece of open space, would not compromise the outdoor sports provision of the golf club.

The 2019 OSA places a low priority on increasing the provision of outdoor sports space within Reedley and taking into account the above the social benefits of providing a dwelling would outweigh the loss of this surplus area of open space.

### **Residential Amenity**

The site is a sufficient distance from nearby dwellings to ensure that it would not result in and unacceptable residential amenity impacts.

The proposed development is therefore acceptable in terms of residential amenity in accordance with policies ENV2 and LIV5.

## **Visual Amenity**

In principle a dwelling could be accommodated on the site without unacceptable impacts upon the character and visual amenity of the area.

## **Highways**

There are lines of trees within the highway verge either side of the access which restrict visibility from and to the access and the road bends to the north further restricting visibility. The access visibility is substandard for this 40mph road.

Questions were raised at the previous Committee meeting in relation to the level of use of the existing access to the golf club. I have discussed this with the management of the golf club and they confirmed that it is used to gain access to the practice ground car park. The level of use is not consistent and weather dependent, in general the car park the car park may have 2 to 3 cars parked on it at any time but may be used on a weekly basis in the summer for access for teaching of groups of up to 12.

The proposed dwelling would be in addition to this relatively low and inconsistent level traffic. In addition, the existing access junction/track is not part of the application site or within the ownership of the applicant, only a small triangular area to the side linking to the highway is. The development would involve either accessing the existing junction at an angle, potentially requiring vehicles to cross third party land to manoeuvre into and out of the site, or forming a new access from the highway separate from the existing access. The potential for conflict between traffic related to the golf club use and that related to the proposed development would also result in potential highway safety issues.

There is no viable alternative access point that would address the highway safety impact. The trees are on highway land outside of the applicant's control and there is no proposal for their removal / replacement or indication that their removal would be agreed to by LCC. The proposed development would therefore result in an unacceptable highway safety impact contrary to policy ENV4 and section 9 of the Framework.

Following the previous Committee meeting the applicant has been given the opportunity to submit further details, such as a traffic speed survey to justify reduced visibility splays, although these may not be able to fully address the concerns. Any additional information received will be reported to Committee, however, it is recommended that the application is refused.

## **RECOMMENDATION: Refuse**

Subject to the following conditions:

1. The proposed access is has substandard visibility and the increase in traffic resulting from the proposed development would result in an unacceptable highway safety impact contrary to policy ENV4 of the Local Plan Part 1: Core Strategy and section 9 of the National Planning Policy Framework.

**Application Ref: 21/0817/OUT**

**Proposal:** Outline: Erection of one dwelling house (Access only).

**At:** Land To The South Of Rockwood Lodge, Halifax Road, Nelson

**On behalf of:** Mr Muhammed Younis Karim

## **REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE 28<sup>th</sup> MARCH 2022**

### **Application Ref: 21/0820/HHO**

Proposal: Full: Erection of a part two and part single storey rear extension.  
At: 170 Regent Street, Nelson

On Behalf of: Mr Balal Hussain Anwar

Date Registered: 11 October 2021

Expiry Date: 6 December 2021

Case Officer: Kathryn Hughes

This application has been brought before Members at the request of a Councillor.

### **Site Description and Proposal**

The application site is a semi-detached dwelling located in the settlement of Nelson. The site is within a residential area and is finished with a brick plinth and render and concrete roof tiles.

The proposed development is to erect a part two and part single storey extension to the rear elevation with the two storey element measuring approximately 4.5m x 4m x 6.8m to pitch (5m to eaves) with the single storey element measuring 2.56m x 2.56m x 3m high with flat roof. Part of the two storey element also

The proposed extension would have render finish and concrete roof tiles to match the existing.

### **Planning History**

None.

### **Consultee Response**

LCC Highways – No objection but as the number of bedrooms increases from 3 to 4 then 3 parking spaces should be provided.

Nelson Town Council

### **Public Response**

Nearest neighbours notified by letter without response.

### **Officer Comments**

The main considerations for this application are impact on residential amenity, design and materials and highway issues.

#### **1. Policy**

Policy ENV2 (Achieving Quality in Design) identifies the need to protect and enhance the 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 the siting and design of development should be in scale, context and harmony with the wider locality.

Other policies and guidance's are also relevant:

- Saved Replacement Local Plan Policy 31 (Parking) sets out appropriate parking standards for developments;
- The Design Principles Supplementary Planning Document (SPD) applies to domestic developments and sets out the aspects required for good design in relation to neighbouring properties and the street scene.

## **2. Residential Amenity**

The Design Principles SPD states that rear extensions should be designed to avoid having an overbearing impact, or cause loss of light or privacy for neighbours. This extension would project out by 4.5m at ground floor along the side boundary with no. 168

The adjoining property to the south west no. 168 has patio windows to the ground floor and a first floor bedroom window to the rear elevation. The patio windows are sited less than 0.5m from the side boundary and would be clearly impacted by this proposal. The first floor window is sited further away at 1m but the two storey elements would clearly be visible and affect the outlook from that window.

Other nearby properties are sited further away and would not have a direct impact from this proposal.

The proposed extension would appear overbearing and result in an unacceptable impact on the windows of the adjoining property without adequate separation between the dwellings being provided to reduce any adverse impacts.

This proposal therefore fails to accord with Policy ENV2 and the guidance of the Design Principles SPD.

## **3. Design and Materials**

The Design Principles SPD requires extensions to protect neighbouring properties and not overshadow or have an overbearing impact.

Two storey rear extensions will only be acceptable if they do not breach the 45 degree rule and in addition the first floor should be set in from the boundary by a minimum of 1m.

In this case the proposed rear extension projects out 4.5m at ground floor and 2m at first floor along the boundary line with the 4.5m projection set in by 2.5m. The adjoining property to the south west no. 168 has patio windows to the ground floor and a first floor bedroom window to the rear elevation.

The proposed extension would therefore breach the 45 degrees and have an adverse impact on the rear windows of the neighbouring property.

The two storey element sited adjacent to the side boundary with no. 168 would have a flat roof which is not an appropriate design feature for a two storey extension and is contrary to the Design Principles in this respect and would be poor design.

Although the materials can be controlled by appropriate conditions the proposed development would be not acceptable in design terms and therefore fails to accord with Policy ENV2, the guidance of the Design Principles SPD and Paragraph 134 of the NPPF which relates to design.

#### **4. Highways**

The proposal would result in an increase in the number of bedrooms and therefore additional parking requirements need to be considered. The site has ample parking provision for a dwelling of this size and accords with Replacement Pendle Local Plan policy 31.

#### **5. Summary**

The proposed rear extension would result in acceptable impacts on residential amenity due to the scale and design of the proposed extension which fails to accord with policy ENV2, the guidance of the Design Principles SPD and paragraph 134 of the National Planning Policy Framework.

### **RECOMMENDATION: Refuse**

On the following grounds:

1. The proposed two storey rear extension would result in acceptable impacts on residential amenity due to the scale and design of the proposed extension in close proximity to rear habitable windows and the flat roofed projection which constitutes poor design and fails to accord with policy ENV2, the guidance of the Design Principles SPD and paragraph 134 of the National Planning Policy Framework.

#### **Application Ref: 21/0820/HHO**

Proposal: Full: Erection of a part two and part single storey rear extension.

At: 170 Regent Street, Nelson

On Behalf of: Mr Balal Hussain Anwar

Date Registered: 11 October 2021



## REPORT TO NELSON, BRIERFIELD AND REELDEY COMMITTEE 28<sup>th</sup> MARCH 2022

**Application Ref:** 22/0014/HHO  
**Proposal:** Full: Erection of a two storey rear extension (Re-Submisison).  
**At:** 24 Reedyford Road, Nelson  
**On behalf of:** Mr Wakas M Begum  
**Date Registered:** 03/01/2022  
**Expiry Date:** 28/02/2022  
**Case Officer:** Laura Barnes

This application has been deferred from the Nelson, Brierfield & Reedley Committee in February 2022, in order that the agent is given the opportunity to prepare amended plans. The agent has been contacted and amended plans are awaited. An update will be provided to committee on the status of the amended plans.

### Site Description and Proposal

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

The proposal is for a two storey extension to the rear of the dwelling to provide an additional bedroom to the first floor and a sitting room to the ground floor. The proposed extension is to be finished in render with a slate roof or interlocking roof tiles.

### Relevant Planning History

21/0760/HHO - Full: Erection of a two storey rear extension.  
Refused  
17/12/2021

### Consultee Response

#### LCC Highways

Having considered the information submitted, the above proposal raises no highway concerns. Therefore, the Highway Development Control Section would raise no objection to the proposal on highway safety grounds.

### Public Response

Date of publicity expiry: 01/03/2022

Nearest neighbours have been notified by letter, one response received objecting to the application, raising the following issues:

- Invasion of personal garden space with an eyesore extension
- Loss of daylight
- Overbearing effect

## **Officer Comments**

### **Policy**

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

Policy SDP1 (Presumption in Favour of Sustainable Development) takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy ENV2 (Achieving Quality in Design and Conservation) identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

#### Replacement Pendle Local Plan

Saved Policy 31 sets out the maximum parking standards for development.

#### National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies of the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

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

### **Design**

The Design Principles SPD advises that two storey extensions should be subordinate to the existing dwelling and should have a pitched roof.

The extension is to have a pitched roof, it would be set down from the ridge height of the original dwelling, making it subordinate. The proposed extension is to project out 4.3m from the rear wall and be 5.3m in width. The extension is to be finished with a through colour render and have matching roof tiles to the existing dwelling.

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 windows should normally be limited to rear facing, to avoid neighbour amenity issues. There is a proposed ground floor side window serving the sitting room, facing towards No. 26 Reedyford Road. There is a change in levels between the application site and the neighbour at No. 26 with the application site taking an elevated position. The boundary treatment is a brick wall (approx. 1m in height) with a 1.8m high close boarded fence on top of it. There is an existing single storey extension to the rear of No. 26 which accommodates a lounge. There is a side elevation window facing towards the application site and there are no other sources of light serving this room. The proposed lounge window to the side elevation of the proposed extension would result in a direct overlooking issue with the neighbouring property, there would be a separation distance of just 4m between the proposed and existing windows. However, given the

boundary treatment and the ability to control the proposed window with obscure glazing, this issue could be mitigated. Whilst the potential privacy issue could be mitigated, the proposal at two storey in height, given the difference in levels, adjacent to a ground floor lounge window which is the only source of light serving the room, would result in an unacceptable overbearing effect.

The Design Principles SPD advises that rear extensions will be acceptable only where they do not breach the 45 degree rule. The proposed extension is set away from the shared boundary (with No. 22) by 0.9m. However, there is a window to the neighbouring dwelling (No. 22) which is 0.3m from the shared boundary and serves a habitable kitchen / dining area. The proposed extension would breach the 45 degree angle by 2.5m, resulting in an overbearing impact upon the neighbouring dwelling. It is noted that there are other sources of light to the neighbouring kitchen / dining room including a second window to the rear elevation and a door to the side elevation. The neighbour at No. 22 also has a first floor window, serving a bedroom, to the rear elevation. Although this is central in the rear elevation, rather than being very close to the shared boundary as with the kitchen / dining room windows, the window would also be impacted to an unacceptable degree by the overbearing impact of the proposed two storey extension.

At two storey in height, the proposed extension would result in an unacceptable overbearing impact upon the neighbouring dwelling, contrary to Policy ENV2 of the Local Plan: Part 1 Core Strategy.

Therefore, the proposed development conflicts with Policy ENV2 and the Design Principles SPD.

## **Highways**

The proposed development would result in an increase in the number of bedrooms serving the dwelling. The Highways Authority have not objected to the proposals. The proposal would not result in an unacceptable impact upon highway safety.

## **Summary**

Although the proposed development does include some amendments from the original scheme which was refused, it does not go far enough to address the original reason for refusal. As such, the proposed development would still result in an unacceptable neighbouring amenity impact.

## **RECOMMENDATION: Delegate refusal**

For the following reason:

By virtue of its scale and massing, coupled with the difference in ground levels between the application site and neighbouring property at No. 26 Reedyford Road, the proposed extension would result in an unacceptable overbearing effect upon both No. 22 and No. 26 Reedyford Road, contrary to Policy ENV2 of the Local Plan: Part 1 Core Strategy, the National Planning Policy Framework and the Design Principles SPD.

**Application Ref:** 22/0014/HHO

**Proposal:** Full: Erection of a two storey rear extension (Re-Submission).

**At:** 24 Reedyford Road, Nelson

**On behalf of:** Mr Wakas M Begum

## REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE 28<sup>TH</sup> MARCH 2022

**Application Ref:** 22/0069/HHO

**Proposal:** Full: Insert dormer windows to front and rear roof slopes.

**At:** 68 Fleet Street, Nelson

**On Behalf of:** Mr Abdul Ghani

**Date Registered:** 4<sup>th</sup> February 2022

**Expiry Date:** 1<sup>st</sup> April 2022

**Case Officer:** Yvonne Smallwood

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

The application site is a mid-terraced dwelling located in the settlement of Nelson. It is surrounded by similar properties to all sides. The house has natural stone elevations, a slate roof, timber windows and a walled yard to the rear.

The proposed development is the insertion of roof dormers to the front and rear roofslopes. The rear dormer would have a depth of circa 4.1m, a width of circa 4.4m with a flat roof. The front dormer would have a depth of circa 3.8m, a width of circa 4.4m with a flat roof.

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

None

### ***Consultee Response***

LCC Highways –

The existing property is currently a four bedroomed terrace dwelling. The proposal would increase the number of bedrooms from four to five. The dwelling is sited within an area of terraced housing where there is a high demand for on-road parking. However, it is also located within acceptable walking distances of local amenities and facilities, including public transport, which may reduce the reliance on the use of private vehicles. Therefore, the Highway Development Control Section would raise no objection to the proposal on highway grounds

### **Public Response**

The nearest neighbours have been notified by letter with no response.

### **Officer Comments**

#### **Policy**

ENV2 (Achieving Quality in Design) identifies the need to protect and enhance the 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 the siting and design of development should be in scale, context and harmony with the wider locality.

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

Saved Replacement Local Plan Policy 31 (Parking) sets out appropriate parking standards for developments.

#### **National Planning Policy Framework**

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

The principle policy relating to this development proposal is Policy ENV2 of the Pendle Local Plan requiring good design. The adopted Design Principles SPD provides further clarity on what is an acceptable design in relation to neighbouring properties and the street scene.

#### **Design and Materials**

The Design Principles SPD states that the style, design and scale of domestic developments should respect the existing character of the location. Roof dormers should be designed to be in keeping with the dwelling and their volume does not dominate the roofslope. Such developments are only acceptable where there are existing dormers in 25% of other similar properties in the locality. The materials used for cladding and fenestration should match the existing dwellinghouse. The proposed materials would be grey UPVC weather boarding, white spar chippings hot-bonded to built-up grey elastometric roofing felt with white UPVC windows. The materials would not match existing and would therefore not accord with Policy ENV2 and the Design Principles SPD.

The rear dormer would be clearly seen from a number of public vantage points. The surrounding area is exclusively characterised by traditional terraced dwellings located on to or immediately adjacent to the public footway. The application site and the properties within this row have an attractive uniformity with walled front terraces and stone chimney stacks. The untouched slope of the slate roof and stone chimneys are an essential part of the visual harmony of the front of the terrace. This appearance is of importance accounting for the uniformity of the row within the wider street scene and the traditional character of terraced rows in general context of mill town townscapes.

The proposed front dormer window would be of a modern 'box' style'. It would cover the majority of the roof slope rising up to just below the ridge height and would appear as a dominant feature. Its bulk and scale would be out of keeping and seen as an incongruous addition within the terrace, being immediately visible from public vantage points along both Fleet Street and Rook Street. The proposal to erect a front dormer here would be inharmonious in relation to the terraced row and would fail to improve the character and quality of the area. Therefore, the proposed development would represent poor design which would be detrimental of the visual amenity of the location thereby failing to comply with Policy ENV2, the guidance of the Design Principles SPD.

### **Amenity**

The proposal would have no overbearing impacts on the immediate neighbours. Bedroom windows are proposed to the front and rear within the dormers. However, the house has existing main habitable room windows in those elevations and the distances involved are characteristic of other dwellings in the area. The proposal would therefore have no unacceptable impacts on privacy and would therefore be acceptable in relation to residential amenity.

### **Summary**

The proposal seeks to insert roof dormers to the front and rear roofslopes. The development would have no detrimental impacts on residential amenity or the road network. However, front dormers are not existing and regular features of terraced houses in the locality. The proposal therefore represents poor design and fails to accord with Policy ENV2 and the guidance of the Design Principles SPD.

### ***RECOMMENDATION: Refuse***

The siting of a front roof dormer on this dwelling would be detrimental to the streetscene and harmful to the visual amenity of the location and would fail to improve the character and quality of the area thereby failing to accord with Policy ENV2 of the Pendle Borough Council Local Plan and the guidance of the Pendle Design Principles Supplementary Planning Document.

**Application Ref:** 22/0069/HHO

**Proposal:** Full: Insert dormer windows to front and rear roof slopes.

**At:** 68 Fleet Street, Nelson

**On Behalf of:** Mr Abdul Ghani

**Application Ref:** 22/0096/HHO

**Proposal:** Full: Insertion of dormer window to the front roofslope.

**At:** 10 Newport Street, Nelson

**On behalf of:** Mr M Arshad

**Date Registered:** 14<sup>th</sup> February 2022

**Expiry Date:** 11<sup>th</sup> April 2022

**Case Officer:** Yvonne Smallwood

### **Site Description and Proposal**

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

The proposal is for a flat roof dormer to the front roof slope, to create an additional bedroom in the roof space. There is an existing flat roof dormer to the rear.

### **Relevant Planning History**

18/0024/HHO - Full: Erection of roof dormers on front and rear roof slopes, Withdrawn 10.01.2018

### **Consultee Response**

LCC Highways –

The application proposes an increase in number of bedrooms. There is no objection in principle to this proposed development, however, 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. This could potentially result in an addition loss of amenity and conflict for existing residents.

Nelson Town Council

### **Public Response**

Nearest neighbours notified – no response received.

### **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) 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 (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.

Bradley Area Action Plan

Pendle Council has prepared the Bradley AAP because a large part of this inner urban ward close to Nelson town centre was identified as a priority area for regeneration and investment under the Government's Housing Market Renewal (HMR) programme. Its role is to support the regeneration of the area.

### **Design**

The Design Principles SPD advises care should be exercised to ensure that their design is in keeping with the dwelling and that they do not overlook neighbouring property. Dormers should not be so large as to dominate the roof slope resulting in a property which appears unbalanced.

The proposal is for a flat roof extension which dominates the entire front roof slope of the dwelling which has a harmful effect upon the character and appearance of the original dwelling. This also has a wider effect on the street scene in a terraced row with fewer than 25% of dwellings having dormers. The proposed dormer materials would be grey hanging tiles or slates, grey rubber EPDM and UPVC.

The design and materials of this development are unacceptable in this location and as such conflict with Policies ENV1, ENV2 and the Design Principles SPD.

### **Residential Amenity**

The proposed dormer is to have one window to the front elevation. There are no windows to the side elevations. The proposed dormer is not directly opposite the properties at the opposite side of Newport Street, as such it is not anticipated that the dormer windows would create any overlooking issue with neighbouring properties.

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 increase the number of bedrooms to the dwelling which would potentially increase the need for parking. No objection was raised by highways, however concerns were expressed regarding the cumulative effect of the increasing numbers of terraced homes being extended to increase bedroom space without providing any additional parking facilities.



**RECOMMENDATION: Refuse**

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

**Application Ref:** 22/0096/HHO

**Proposal:** Full: Insertion of dormer window to the front roofslope.

**At:** 10 Newport Street, Nelson

**On behalf of:** Mr M Arshad

**LIST OF BACKGROUND PAPERS**

Planning Applications

**NW/MP**

**Date: 02nd February 2022**