



REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND
REGULATORY SERVICES MANAGER

TO: NELSON, BRIERFIELD AND REEDLEY COMMITTEE

DATE: 6th JUNE 2022

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE ON 07 JUNE 2022

Application Ref: 22/0047/TDC

Proposal: Technical Details Consent: Erection of 4 detached dwellings (Permission in Principle 20/0524/PIP).

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

On behalf of: MA Holdings NW Ltd

Date Registered: 02/01/2022

Expiry Date: 24/02/2022

Case Officer: Alex Cameron

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

Site Description and Proposal

The application site is open land to the east of Nelson Golf Club within the open countryside adjacent to the settlement boundary of Nelson and is designated as Open Space.

This an application for Technical Details Consent following the approval of Permission in Principal on the site. The proposal was initially for six detached houses however that has been reduced to four following the receipt of amended plans.

Relevant Planning History

20/0524/PIP - Permission in Principle: Erection of up to 6 No. dwelling houses. Appeal Allowed

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 – Requested additional clarification on the determination of the Permission in Principle.

Nelson Town Council

Public Response

Site notice posted and nearest neighbours notified. Numerous responses have been received objecting on the following grounds:

- The proposal is of poor design and inappropriate scale, would not be in keeping with the area and would harm the landscape character and visual amenity of the area.
- The development should be of bungalows.
- The proposal fails to reinforce the existing green infrastructure of the site.
- The development would result in the loss of open space.
- The proposal fails to maintain or improve public rights of way.
- Overshadowing, overbearing impacts and loss of privacy.
- Impact on the operation of Nelson Golf Club.
- Impact on the open countryside.
- Impact of the Green Belt.
- Brownfield sites should be prioritised.
- Harm to wildlife including protected species.
- Loss of site and highway trees.
- Adverse highway safety impact.
- Risk from former coal mining works.

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 principle of the development of the site for up to 6 dwellings has been established by the existing Permission in Principle and cannot be considered in this application.

Residential Amenity

Concerns were raised in relation to the impact of the proximity of dwellings to Rockwood, in particular the dwelling proposed at the back of the site.

Due to the distances involved that plot would not have resulted in an unacceptable residential amenity impact, however, it has been removed in the amended plans.

Plot 1 would be adjacent to 419 Kings Causeway sited at an angle to it. Although this would potentially allow a partial view over the garden of that property, taking into account the angle of view it would not result in an unacceptable loss of privacy.

The proposed development would not result in and unacceptable residential amenity impacts and is therefore acceptable in terms of residential amenity in accordance with policies ENV2 and LIV5.

Visual Amenity

The original proposal included a plot to the rear of the site on raised land, which would have resulted in unacceptable visual amenity impacts. That plot has been removed in the amended plans and the proposed dwellings are limited to the lower front part of the site.

The proposed development would result in development where there previously was none, however, the principle of the acceptability of a residential development of up to six dwellings on this land has been established by the Permission in Principle. The proposed dwellings are of contemporary design with feature glazed gable windows to the front. The surrounding housing is of varying design and form. The scale and design of the proposed development would be in keeping with that context and is of an acceptable design. The proposed development is acceptable in terms of design and visual amenity impact in accordance with policies ENV1, ENV2 and LIV5.

Trees

The development would result in the loss of some trees along the frontage of Halifax Road and trees have been cleared from the site to make way for the development. In order to ensure that the benefits of those trees in terms of visual amenity and biodiversity are retained it is necessary to require a further landscaping scheme for their replacement within the site as a condition.

Highways

The original plans have been amended to limit the number of accesses to one. Subject to the removal of the highway trees, which is acceptable subject to adequate replacement within the site with two trees for each removed, the proposed single access is acceptable in terms of visibility and would not result in any unacceptable highway safety impacts. An adequate level of car parking is proposed for each dwelling.

Although LCC Highways have given verbal confirmation of having no objection on the above basis, their recommended conditions have not yet been received at this time.

Coal Risk

The front part of the site adjacent to Halifax Road falls within the Coal Authority High Risk Area. The proposed dwellings do not appear to fall within that area but the access, parking and garage does. The Coal authority sought clarification on the appeal decision but have not responded since that was provided. They have been requested to confirm whether they have any further comments.

Other Issues

Concerns have been raised that the operation of neighbouring golf course may be affected by the presence of the residential development in terms of the risk from golf balls. Specific concerns were raised in relation to plot 6, which has now been removed from the proposal, however, The golf club has maintained its concerns following the removal of plot 6. Although the dwellings themselves would not be within the 80m safety zone detailed in the club's response, the garden areas would partially be, albeit at the outer limits of that. To ensure that this development does not unacceptably impact upon the viability of the golf club it is necessary to attach a condition for a scheme of mitigation measures to protect the gardens from golf balls if necessary.

Conclusion

It is recommended that the approval of the application and any conditions necessary is delegated to the Planning, Economic Development and Regulatory Services Manager subject to LCC Highway and the Coal Authorities final comments and no objection from those consultees.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate

otherwise. The proposed development accords with the Local Plan and National Planning Policy Framework. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Delegate Grant Consent

Subject to the following conditions:

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

Reason: In order to comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (As Amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 01, 03D, 06A, 08A, 09, 10A, 16.

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

3. Prior to the commencement of above ground works involved in the erection of the external walls of the development samples of all the external materials to be used in the construction of the dwellings roof, walls, colour and finish of the windows and doors of the development hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter at all times be carried out in strict accordance with the approved materials and details.

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

4. Prior to the commencement of development, a scheme of foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

5. Prior to the occupation of the first dwelling an assessment of the risk from golf balls and a scheme of any mitigation measures necessary to address that risk shall have been submitted to and approved in writing by the Local Planning Authority. The mitigation measures may include, but not be limited to, catch fencing and/or restriction of the extent of domestic garden areas. The scheme shall be fully implemented prior to the occupation of the dwellings hereby approved and maintained at all times thereafter.

Reason: To mitigate risk from flying golf balls to residents and protect the viability of the adjacent golf club.

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE

Application Ref: 22/0051/FUL

Proposal: Full: Change of use from shop car park (Use Class E) to car sales, the siting of a portacabin building and erection of a 2.4m high fence along the East and South boundaries.

At: Global Food Nelson, Railway Street, Nelson

On behalf of: Mr Basharat Chaudhrey

Date Registered: 22/02/2022

Expiry Date: 19/04/2022

Case Officer: Laura Barnes

Site Description and Proposal

The application site is a former public house which was converted to a shop, it has land to the rear which is surrounded on three sides by properties on Berkeley Close and Berkeley Street.

The proposal is to change of part of the car parking area to the rear of the shop to a car sales lot, which is to have a portacabin as an office on site, along with a 2.4m high fence to secure the area and separate it from the shop car park.

Relevant Planning History

13/07/0502P: Full: Attach canopy to front (4.2m x 3.7m)
Approved with conditions

13/10/0530P: Full: Retain roller shutters to windows and doors (10 in total).
Refused

13/11/0026P: Full: Retain roller shutters to windows and doors and erect fascia to front (Re-Submission).
Refused

13/13/0399C1: Approval of Details Reserved by Condition: Discharge of Condition 3 of Planning Permission 13/13/0399P (Style and colour of roller shutters).
Conditions Partially Discharged

13/13/0399P: Full: Erection of new boundary wall/railings to front elevation, erection of new canopy with shutters to front and retention of existing roller shutters to all elevations.
Approved with conditions

13/13/0540P: Full: Change of use of first floor from residential (C3) to childrens educational after school club (D1).
Refused

13/92/0010P: formation of bottle store and creation of 2 windows in south east elevation
Approved with conditions

Consultee Response

LCC Highways

Initial comments (22.03.2022):

Additional information is requested before final comments are provided to show adequate car parking and servicing space for Global Food and the proposed Car Sales.

Advice

Global Food Shop

The existing Global Food shop would require a parking provision of 16 spaces using the A1 (food) ratio 1:22 for a highly sustainable site using a floor area of 345sqm (I have approximated this floor area using the submitted plan).

In addition to car parking, a service area is required to allow a delivery vehicle to enter and leave Railway Street in forward gear.

An amended drawing is requested to show a suitable customer car parking provision and service area. As this is an existing business it would be acceptable for the owner to submit evidence to show the peak demand for customer car parking and the size of vehicle used to deliver goods to the site.

Car Sales

Subject to a suitable level of car parking and servicing being provided on site for Global Foods, the car sales business could be acceptable. A swept path analysis should be submitted, for the appropriate size of car delivery vehicle, which should demonstrate that the vehicle can enter and leave Railway Street in forward gear.

A number of car parking spaces should be allocated within the site for staff and customers. I would recommend five spaces. Please amend the drawing to show this.

Conclusion

Additional information is requested before final comments are provided.

Final comments:

Further to my previous comments dated 22nd March 2022, I have the following comments to make to the further information submitted which includes a parking layout 'Proposed plan – AB094 dated 25/01/2022' and operational statement.

Advice

Global Food Shop

An operational statement is submitted to confirm the existing customer demand can be accommodated within the car park which has 13 spaces. This is a small shortfall on the Pendle Borough Council maximum car parking standard however it is considered acceptable.

The service vehicle requires 3 spaces within the car park to be coned off whilst the service vehicles loads. This is acceptable and can be managed during quieter periods.

Car Sales

The parking drawing shows 4 customer car parking spaces and 2 staff spaces. This is acceptable.

Conclusion

There is no objection to the proposal. Should the application be approved the following conditions are requested.

1. The car parking and turning areas shown on the approved plan 'Proposed plan – AB094 dated 25/01/2022' shall be marked out and maintained thereafter for the purposes of the development hereby approved and the adjoining Food Store for as long as they are trading.

Reason: To ensure adequate car parking and services are provided.

2. The area marked 'turning area for larger vehicles' on the drawing 'Proposed plan – AB094 dated 25/01/2022' shall be kept free of vehicles or any other external storage whilst the development hereby approved is trading.

Reason: To ensure that there are adequate turning areas for large vehicles.

Environmental Health

Concerns have been raised over the potential for washing and valeting vehicles on the site, particularly with the close proximity to residential properties.

Public Response

Two letters of objection and a petition with 37 signatures on has been received, raising the following issues:

- Unauthorised business taking place on the site including crashed cars and a sales area
- Highway safety concerns given the proximity of a school, mosque, bus route and on street residential parking
- Floor lighting associated with car sales / security
- Proposed operating hours are unreasonable
- Goods being delivered to the shop have to park on Railway Street, causing congestion because the back part of the car park is full of scrap cars
- The existing scrap cars on site attract antisocial behaviour

Officer Comments

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.

Principle of Development

The application site is located within the settlement boundary of Nelson. This application is a change of use of the land which is currently a car park for the shop on Railway Street to a car sales area. The applicant has confirmed that no valeting or washing of vehicles would take place on the site. As such, it is primarily a retail use in that cars would be arranged on a forecourt for sale, so that customers could view the vehicle before purchasing it. The application includes the siting of a porta cabin office and fencing to secure the compound. The principle of development in this location is acceptable, subject to compliance with policies relating to design and neighbouring amenity.

Design

The proposed development includes two external alterations to the existing car park, that being a 2.4m high perimeter fence and the siting of a porta cabin to provide an on-site office for the business. The porta cabin details indicate that it would be positioned to the rear of the existing building but visible up the driveway access from Railway Street. The building would be painted grey in colour. Details of the proposed finish of the office itself can be secured by condition in the interests of visual amenity.

The proposed site plan indicates that the car sales area is to be positioned to the rear of the building with a portion of the land to the side of the existing shop being retained as car parking for the shop itself. The land to be used as the area for the forecourt is to be secured by 2.4m high fencing. Details of this fencing can be secured by condition.

Impact on Residential Amenity

The applicant has requested to open the premises from 8am to 10pm on Mondays to Fridays, Saturdays and Bank Holidays. The applicant has also submitted a statement indicating that vehicles would not be washed or valeted on site, reducing any potential impact upon nearby neighbouring dwellings from associated equipment continually running. The hours proposed are not unreasonable, nor would they result in an unacceptable impact upon neighbouring amenity. Although the proposed porta-cabin is to be positioned 7m from the boundary of the application site and have windows in the side elevation closest to No. 218 Railway Street, the existing boundary treatment would mitigate any potential privacy issues. This is because the existing boundary treatment along the side with No/ 218 Railway Street is a 2m high close boarded fence. Although there is a window to the ground and first floor side elevation of the dwelling at No. 218, the existing fence means that there would be no direct visibility between the habitable rooms at No. 218 and the porta cabin office at the application site.

The proposed development would not result in any loss of amenity for neighbouring properties and the use would accord with Policy ENV2 of the Local Plan.

Highways

In terms of the site layout, the site plan indicates that there is to be a sales pitch with space for 51 vehicles. There are also four customer parking spaces and two staff car parking spaces. The proposed development would leave the existing shop with 13 customer car parking spaces, which is a deficiency of 3 spaces, based upon the floor space. The Highways Authority have recommended that the car parking area designated for the shop cordons off 3 car parking spaces during delivery times, so that servicing vehicles can park off Railway Street to make deliveries. This is something which could be secured by condition, in the interests of highway safety. However, it would still leave the shop with a car parking deficiency. As such, it is recommended that delegated powers are sought to get an amended car parking layout from the agent. Subject to this being satisfactory, the application could be approved.

Other Matters

A member of the public has raised concerns about anti-social behaviour and criminal activity at the site. This is a police matter and is not material to the determination of the planning application.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The access and principle of the proposed development accord with the policies of the

Replacement Pendle Local Plan and National Planning Policy Framework. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Delegate grant consent, subject to an amended car parking layout for the existing Global Food Store being acceptable

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, received on 28/04/2022
 - Proposed Site Plan & Portacabin Elevations: AB094, received on 10/05/2022

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

3. No customer shall be allowed to remain on the premises outside the following hours:
08:00 - 22:00 Mondays - Saturdays
08:00 - 22:00 Sundays and Bank Holidays

Reason: To control the hours that customers remain on the premises in the interest of residential amenity.

4. The development hereby approved does not allow any washing and valeting of vehicles to take place on the site.

Reason: In the interests of neighbouring amenity.

5. Prior to operation of the proposed development, details of the proposed fencing shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in strict accordance with the approved details.

Reason: In order to allow the Local Planning Authority to control the materials and external appearance of the development, to ensure it is in keeping with the character of the property and surrounding area.

6. The car parking and turning areas shown on the approved plan 'Proposed plan – AB094 dated 25/01/2022' shall be marked out and maintained thereafter for the purposes of the development hereby approved and the adjoining Food Store for as long as they are trading.

Reason: To ensure adequate car parking and services are provided.

7. The area marked 'turning area for larger vehicles' on the drawing 'Proposed plan – AB094 dated 25/01/2022' shall be kept free of vehicles or any other external storage whilst the development hereby approved is trading.

Reason: To ensure that there are adequate turning areas for large vehicles.

NELSON, BRIERFIELD & REEDLEY COMMITTEE REPORT 6th JUNE 2022

Application Ref: 22/0122/FUL

Proposal: Full: (Major) Change of Use of first and second floor from offices (Use Class B1(a)) to 10 No. flats (Use Class C3), first floor roof extension and insertion of 6 no. roof lights.

At: 28-34 Manchester Road, Nelson

On behalf of: YB Partnership Ltd

Date Registered: 07/03/2022

Expiry Date: 06/06/2022

Case Officer: Laura Barnes

Site Description and Proposal

The site is a former bank with offices above, it is located within the Town Centre boundary of Nelson and within a Conservation Area.

This scheme seeks to change the use of the first and second floors to 10 one bedroom flats. The ground floor is to have access to the flats above and a bike store.

Relevant Planning History

13/00/0471P: Illuminated fascia signs (2) and projecting sign
Approved with conditions

13/03/0722P: Display illuminated ATM panel and projecting sign
Approved with conditions

13/07/0390P: Advertisement Consent: Illuminated projecting sign and fascia signs (2).
Approved with conditions

Consultee Response

Lancashire County Council Highways

Having considered the information submitted, the Highway Development Control Section does not have any objections in principle regarding the proposed development at the above location, subject to the following comments being noted, and condition being applied to any formal planning approval granted.

The development site is located in the town centre and is within acceptable walking distances of public transport links, plus local facilities and amenities. Ten cycle storage spaces are proposed (Drawing LU255 P02). Cycle storage should be provided in the form of lockers to ensure that cycles can be fully secured as the cycle storage room would be a shared facility. Further details should be provided or can be controlled by condition. The cycle storage should be provided prior to occupation of the first flat and permanently retained to ensure that the development provides the infrastructure for sustainable transport.

There are parking restrictions on the surrounding highway network, with waiting

outside the site limited to one hour on Manchester Road and no waiting at any time on most of Carr Road to the side, and Ellen Street to the rear. Deliveries to the site and the siting of any skips on the adopted highway network would need to take these restrictions into account. Where necessary, the relevant permits should be obtained from Lancashire County Council's Highways Regulation Team. They can be contacted on lhsstreetworks@lancashire.gov.uk .

Condition

Prior to occupation of the first residential unit the cycle storage facilities shall be provided in accordance with the approved plan and shall be permanently retained thereafter. Reason: To ensure that the development provides the infrastructure for forms of sustainable transport.

Growth Lancashire – Heritage consultant

We have reviewed the plans and documents submitted in support of the planning submission, including the submitted Heritage Assessment.

On review of the Whitefield Conservation Area Appraisal, it is noted that 28-34 Manchester Road is noted as a positive building within the context of the conservation area. The heritage issues to consider are as follows;

- The potential effects upon the Whitefield Conservation Area
- The potential effects upon the setting of Former Nelson Old Library (Designated Heritage Asset)

The potential effects upon the Whitefield Conservation Area (as a designated heritage asset)

The subject building appears to be in a reasonable state of repair, its principal elevations engage with Manchester Road and Carr Road with these elevations incorporating a comparatively ornate mid to late C19 architectural style and detail, which contributes to the character and appearance of the wider conservation area. It is noted that the rear elevation which engages with Ellen Street is considerably plainer in its form and detail and due to the rather intimate scale of Ellen Street has limited visibility within the wider context of the conservation area.

On review of the Conservation Area Appraisal, it is noted and agreed that the qualities of the conservation area include the retail frontage to Manchester Road, and in this case the subject property does contribute to the conservation area in this manner. As noted above lessor contribution is made by the relatively plain and altered rear elevation, albeit Ellen Street still has some heritage value due to the variations of scales and forms and the manner in which the building turns the corner from its fine Carr Road elevation to the plainer Ellen Street composition.

In principle, I raise no concerns to the proposed COU of the upper floors and feel the active and sustainable use of these spaces is likely to sustain the significance of the building. The new use can be accommodated with little impact on the external fabric of the building.

The two elements of the proposal are the replacement and alteration of the existing timber clad extension with one finished in render along with the insertion of six rooflights to various planes of the existing roof structure.

The alteration to the rear is comparatively minor in nature and sits in an area which has already been subject to some historic change with limited visibility within the context of the wider conservation area. In this context, it has little or no impact.

Whilst it is noted that the application identifies other areas of rendering within the context of Ellen Street, the subject building presently has a uniformity of material an opportunity exists to enhance the conservation area (to address P.206 of the NPPF) if the finish of the revised infill was finished in a dressed stone to match the building. However, taking note of the limited visibility within the context of the conservation area and the improvement that a rendered finish will be achieve with the removal of the existing poor timber detail, the application as proposed will, on balance, preserve the significance of the conservation area, as a designated heritage asset.

Turning to the insertion of the rooflights, due to the tight urban layout in the vicinity of the application site and the parapet detail to the front elevation any views of the roof slope and the proposed rooflights will be very limited. Should the rooflights be fitted flush to the plane of the roof any impact would be minimal and preserve the significance of the conservation area. I note the application drawings suggest that 'heritage style' rooflights are proposed. If the application is to be approved, details should be confirmed via the application of a suitable Condition.

The potential effects upon the setting of Former Nelson Old Library (as a Designated Heritage Asset)

In relation to setting, Historic England's advice is contained in its Planning Note 3 (second edition) entitled The Setting of Heritage Assets. This describes the setting as being the surroundings in which a heritage asset is experienced and explains that this may be more extensive than its immediate curtilage and need not be confined to areas, which have public access. Whilst setting is often expressed by reference to visual considerations, it is also influenced by the historic relationships between buildings and places and how views allow the significance of the asset to be appreciated.

As noted with reference to the potential effects upon the conservation area, the proposed works to the rear are limited and achieve an improvement to what is existing. Likewise, the rooflights will not enjoy an aesthetic interaction with the listed building due to the tightknit nature of the townscape along Ellen Street.

Given the limited aesthetic relationship between the listed building and application site and the improvement achieved compared with the removal of the existing poor timber detail, I feel the application will not harm the immediate setting or its overall contribution made to the significance of the adjacent listed building.

Conclusion/Recommendation

As I am required to do so, I have given the duty's imposed by s.66(1) and s.72(1) of the P(LBCA) Act 1990 considerable weight in my comments.

As indicated above I consider that the proposed COU can take place without any substantive changes being required to the existing building and that the changes are of a comparatively small scale and have very limited impact on either the character or appearance of the Whitefield Conservation Area.

As noted whilst a stone would be a better finish I do not feel the proposed render will cause any undue harm to the appearance of the rear elevation of the building. In this respect the proposals meets the statutory test to 'preserve' as found in sections 66(1) and 72 of the 1990 Act. As such, I do not feel the proposal requires any 'public benefit' test to be applied as per P.202 of the NPPF and would overall accord with the planning advice contained in Chapter 16 of the NPPF and the Pendle Local Plan Part 1 Core Strategy.

Should the Council choose to support the proposals we would recommend that Conditions be attached to any permission requiring details of the external finishes (including render colour) to be used and the details of proposed rooflights to be used on the scheme.

East Lancashire NHS Trust

This consultation response seeks to draw the Council's attention to impacts associated with the above development and propose mitigation for these impacts through a developer contribution.

If the education contribution assessment identifies the need for a contribution and/or land to be provided Lancashire County Council is, in effect, objecting to the application. A developer contribution to deliver school places and/or land meeting the school site requirements as detailed in the assessments, including indexation will, in most cases, overcome the objection. If a developer does not agree to payment of the requested education contribution or the local planning authority does not pursue Lancashire County Council's, Lancashire County Council cannot guarantee that children yielded by the development will be able to access a school place within reasonable distance from their home, so the development could be considered to be unsustainable. Furthermore, if the planning application is approved without the required education contribution LCC would request that the local planning authority confirm how the shortfall of school places, resulting from the development, will be addressed. (Please see page 10 of the Education Contribution Methodology).

An education contribution is not required at this stage in regards to this development. This response is based on the latest information available at the time of writing. Circumstances may change over time as other applications come forward. Consequently this response may require re-evaluation.

The final position assessment of the impact of the development on school places including infrastructure details should be provided as part of your development control committee process. The local planning authority will need to notify the School Planning Team of the final decision date to enable the final position, including the school infrastructure project, to be provided if required.

Environmental Health

Recommended a condition relating to noise insulation.

Lancashire County Council School Planning Team

This consultation response seeks to draw the Council's attention to impacts associated with the above development and propose mitigation for these impacts through a developer contribution.

If the education contribution assessment identifies the need for a contribution and/or land to be provided Lancashire County Council is, in effect, objecting to the application. A developer contribution to deliver school places and/or land meeting the school site requirements as detailed in the assessments, including indexation will, in most cases, overcome the objection. If a developer does not agree to payment of the requested education contribution or the local planning authority does not pursue Lancashire County Council's, Lancashire County Council cannot guarantee that children yielded

by the development will be able to access a school place within reasonable distance from their home, so the development could be considered to be unsustainable. Furthermore, if the planning application is approved without the required education contribution LCC would request that the local planning authority confirm how the shortfall of school places, resulting from the development, will be addressed.

(Please see page 10 of the Education Contribution Methodology).

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

This response is based on the latest information available at the time of writing. Circumstances may change over time as other applications come forward. Consequently this response may require re-evaluation. The final position assessment of the impact of the development on school places including infrastructure details should be provided as part of your development control committee process. The local planning authority will need to notify the School Planning Team of the final decision date to enable the final position, including the school infrastructure project, to be provided if required.

Public Response

Nearest neighbours have been notified, a site & press notice displayed, 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 SDP3 (Housing Distribution) sets out the location of new housing in the Borough in conjunction with SDP2 and LIV1.

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.

Policy ENV4 (Promoting Sustainable Travel) seeks to promote sustainable travel as well as development impacts and accessibility and travel plans for major developments to mitigate any negative impacts.

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

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

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

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.

Paragraph 202 of the Framework sets out that where development proposals would lead to less than substantial harm to the significance of a designated heritage asset, this harm must be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

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

The Conservation Area Design & Development SPD sets out guidance for appropriate development within areas designated as heritage assets.

Principle of the Development

The site is located at the centre of Nelson, it is in a sustainable location and seeks to provide additional residential accommodation, it accords with Policies SDP3 and LIV1 in this regard and is acceptable in principles, subject to design, heritage and amenity policies.

Design & Heritage

The proposed development seeks to change the use of the building. Given its location within a Conservation Area and to the side of a Grade II Listed Building (Former Nelson Old Library – to the rear of the application site), the relevant paragraph of the Framework is set out below:

202: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The applicant has submitted a heritage statement which sets out the significance of the heritage asset, namely Whitefield Conservation Area and the Listed Building nearby, identifying the potential impact upon these.

The minor alterations proposed, include the following:

- Replacement of the existing poorly constructed timber extension to be replaced with a more permanent extension, building of solid construction
- Insertion of 6 No. roof lights

As set out in the comments from the Heritage Consultant, the proposed development can take place without any substantive changes being required to the existing building. Further, the changes are of a comparatively small scale and have very limited impact on either the character or appearance of the Whitefield Conservation Area or the Grade II Listed Building to the rear.

Given this limited impact, there is a balancing exercise required. The harm identified would be classed as “less than substantial” for the purpose of the assessment set out in paragraph 202 of the Framework. This is balanced against the public benefit of 10 no. units of residential accommodation in a sustainable location, which would provide benefits to the local economy. Changing the use of the building to secure its optimal viable use will no doubt have a positive impact on securing the future of the building, which again weighs positively in the balancing exercise here. Finally, there would be public benefit in that the vitality and viability of the Town Centre would be enhanced, having residential accommodation above a retail unit which would contribute towards the mix of different uses within this Town Centre location. Overall, the public benefits of the scheme far outweigh the less than substantial harm caused to the character and appearance of the Conservation Area.

The proposed development is acceptable in terms of visual amenity and heritage in accordance with policies ENV1 and ENV2.

Amenity

In terms of amenity, the proposed fenestration changes would not result upon residential amenity in an unacceptable way. The ground floor is to remain in retail use and it is commonly accepted that residential accommodation is appropriate above retail premises within a Town Centre location.

In terms of the windows, there are no proposed changes to the existing first or second floor windows but there would be the addition of two roof lights to the front roof slope. Given the distance to the buildings opposite and the presence of the road in between, there would be no unacceptable impact upon dwellings above the retail premises opposite the application site.

To the side elevation closest to Carr Road there is to be one additional roof light, which would serve a bedroom to Unit 10. This window would be no closer to the neighbouring properties than the existing windows to this elevation. As such, there would be no unacceptable impact upon neighbouring properties.

To the opposite side, closest to No. 26 Manchester Road there is to be one roof light inserted, again serving Unit 10. The proposed roof light would not result in any unacceptable impact upon neighbouring dwellings given the angle of the roof and the distance to other properties.

The Environmental Health Officer has raised potential concerns about the noise which may emanate from the retail unit to the ground floor to the flats on the first and second floor, equally noise may also escape between the residential units themselves. This element of the scheme would be controlled by Building Regulations which would require a standard of insulation to cover this issue.

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

Highways

The proposed development is in a town centre location, situated in an area where there is already a mix of uses including offices, residential and community (such as the library). There will be a different demand for parking / dropping off given the different use. However, due to the Town Centre location and the availability of public car parking within the vicinity this would not result in an unacceptable impact. A cycle storage area is to be provided on the ground floor of the building, details of this can be secured by condition.

Contributions

A request has been made from East Lancashire Hospitals NHS Trust for a contribution towards the cost of healthcare interventions it calculates will be generated by the residents of the 10 dwellings in the first three years of their occupation, for which there is a funding gap.

In terms of health service contributions there are a number of concerns about the request and justification for those requests. Planning legislation allows for conditions to be placed on developments to make them acceptable. It also provides for the possibility of payments being made through section 106 agreements for infrastructure affected by a development. The law surrounding this is as follows:

Section 106 of the 1990 Act provides as follows:

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

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

(2) A planning obligation may—

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

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

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

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

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

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

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

“infrastructure” includes—

- (a) roads and other transport facilities,
- (b) flood defences,
- (c) schools and other educational facilities,
- (d) medical facilities,

- (e) sporting and recreational facilities, and
- (f) open spaces”

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

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

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

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

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

We have also raised a concern about the timing of funding and that developments can take several years in order to come to fruition. From the information supplied to us it appears that once a development is known about then financing is included in the next budgetary year. The issue therefore is that if developments take several years to come forward and they are included in financial planning after year 1 then the developer would be paying for services already funded in the standard funding formulae.

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

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

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

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: Approval

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 – LU255-P01

Proposed Floor Plans LU255-P02

Proposed Elevation Plans LU255-P03

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

3. Notwithstanding any indication on the approved plans and application form, prior to any external works commencing, samples of the external materials for the stone to match the existing stone and details of the proposed roof lights shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter times be carried out in strict accordance with the approved materials.

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

4. Prior to commencement of the proposed development, the waste storage area shall be laid out in accordance with the site plan and when wheeled waste disposal containers shall be kept behind locked gates. This arrangement shall remain in place unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent any rubbish being left within the public highway.

5. Prior to occupation of the first residential unit the cycle storage facilities shall be provided in accordance with the approved plan and shall be permanently retained thereafter.

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

REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE 6TH JUNE 2022

Application Ref: 22/0148/REM

Proposal: Reserved Matters (Major): Erection of light industrial and storage units, car parking and associated works (Appearance, Landscaping, Layout and Scale) of Outline Permission 21/0427/OUT.

At: Land to the south west of Quarry Hill Fold, Waidshouse Road, Nelson

On behalf of: Cross Construction Ltd

Date Registered: 03/03/2022

Expiry Date: 02/06/2022

Case Officer: Laura Barnes

Site Description and Proposal

The application is a Reserved Matters application for the appearance, landscaping, access, layout and scale for the erection of two light industrial and storage units. The larger of the buildings (Building 2) is to be arranged in an L-shape, with the smaller one having a more traditional rectangular footprint. At present the site is vacant. The application site is located within the settlement boundary of Nelson.

The proposed elevation plans indicate that the buildings are to be constructed of a concrete block base wall with vertical profile sheet cladding to the upper walls.

Relevant Planning History

Outline: Major: Demolition of existing building and erection of light industrial and storage units, car parking and associated works (Access only).
Approved with conditions

Consultee Response

Lancashire LLFA

No objections, conditions recommended as follows:

Condition 1 – Final Surface Water Sustainable Drainage Strategy to be submitted
No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the Local Planning Authority.

The detailed surface water sustainable drainage strategy shall be based upon the indicative surface water sustainable drainage strategy submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

The details of the drainage strategy to be submitted for approval shall include, as a minimum;

a) Sustainable drainage calculations for peak flow control and volume control for the:

- i. 100% (1 in 1-year) annual exceedance probability event;
 - ii. 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance
 - iii. 1% (1 in 100-year) annual exceedance probability event + 40% climate change allowance
- Calculations must be provided for the whole site, including all existing and proposed surface water drainage systems.

b) Final sustainable drainage plans appropriately labelled to include, as a minimum:

- i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
- ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels; to include all existing and proposed surface water drainage systems up to and including the final outfall;
- iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
- iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
- v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;
- vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
- vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;

c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with BRE 365.

d) Evidence of an agreement in principle with the third Water and Sewerage Company to connect to the off site surface water sewer.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

Reason

To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

Condition 2 – Construction Surface Water Management Plan

No development shall commence until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority.

The details of the plan to be submitted for approval shall include for each phase, as a minimum:

a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.

b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

Reasons

To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue flood risk on-site or elsewhere during any construction phase in accordance with Paragraph 167 of the National Planning Policy Framework.

Condition 3 – Sustainable Drainage System Operation and Maintenance Manual

The commencement of use of the development shall not be permitted until a site-specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The details of the manual to be submitted for approval shall include, as a minimum:

- a) A timetable for its implementation;
- b) Details of SuDS components and connecting drainage structures, including watercourses and their ownership, and maintenance, operational and access requirement for each component;
- c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
- d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
- e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
- f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- g) Means of access for maintenance and easements.

Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

Reason

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the sustainable drainage system is subsequently maintained pursuant to the requirements of Paragraph 169 of the National Planning Policy Framework.

Condition 4 – Verification Report of Constructed Sustainable Drainage System

The commencement of use of the development shall not be permitted until a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

Reason

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the development as constructed is compliant with the requirements of Paragraphs 167 and 169 of the National Planning Policy Framework.

Natural England

No comment

Lancashire Fire & Rescue Service

The proposed Planning Application has been noted and the Fire Authority gives its advice in respect of access for fire appliances and water supplies for firefighting purposes to the site.

Reserved Matters (Major): Erection of light industrial and storage units, car parking and associated works (Appearance, Landscaping, Layout and Scale) of Outline Permission 21/0427/OUT. ACCESS - DOCUMENT B, PART B5

It should be ensured that the scheme fully meets all the requirements of Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service'.

The following recommendations are made to make the applicant aware of conditions which will have to be satisfied on a subsequent Building Regulation application. The conditions may affect the elevation of the building and access to them. These recommendations must be included if this application passes to another party prior to Building Regulation submission.

LCC Highways

Outline application with access was approved under application reference 21.0427. Condition 8 restricts the use of the buildings to B8 Storage and distribution and Class E(g)(i) Research and development of products or processes & (ii) Industrial processes and uses ancillary to those uses. The works to form the site access on Waidshouse Road should be completed under a S278 agreement with Lancashire County Council. The applicant should contact developeras@lancashire.gov.uk to progress this. No works should commence in the highway prior to the signing of the agreement.

Layout

Parking

The mixed-use proposal for B8 and E(g)(i)(ii) could generate a wide range of car parking requirements, from 6 to 40 spaces.

There are 37 car parking spaces including 4 disabled car parking bays. In addition, there are 3 motorcycle bays and a cycle store for 4 bicycles. An EV charging point should be provided.

The level of car parking provision is acceptable.

Servicing

A swept path was provided in the Transport Assessment under application 21.0427 for a 12m rigid vehicle.

There are no end users identified so there is some uncertainty about the service demands. I would request a condition to restrict service vehicles to a maximum length of 12m to ensure that there is adequate service space internally to allow the service vehicles to enter and leave Waidshouse Road in forward gear.

All reversing or loading of service vehicles on Waidshouse Road would result in a highway safety concern.

Conclusion

To conclude, there is no objection to the proposal. An EV charging point is requested and the following conditions.

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

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Wheel washing facilities
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
- viii) Details of working hours
- ix) Routing of delivery vehicles to/from site

2. The site access, internal road infrastructure and service and parking areas shall be completed prior to the first occupation (site access works to be delivered under S278 agreement with LCC).

3. All vehicles shall enter and leave Waidshouse Road in forward gear and the length of vehicles shall be limited to 12m.

4. No goods shall be accepted to any unit from a vehicle parked on Waidshouse Road.

5. The secure cycle store and EV charging point shall be installed prior to the first occupation.

Note

The grant of planning permission will require the applicant to enter into a S278 Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact Lancashire County Council for further information by emailing the Highway Development Control Section at developeras@lancashire.gov.uk.

Public Response

Nearest neighbours have been notified, a site & press notice displayed, two comments have been received from members of the public raising the following issues:

- Already storage units on Brunswick Street, Nelson
- Waidshouse Road is a bus route and parked cars already cause issues for the bus getting through here
- Impact upon house values
- Traffic issues

Officer Comments

Policy

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 SDP2 (Spatial Development Principles) sets out a hierarchy of settlements in order of preference for future growth.

Policy SDP4 (Employment Distribution) sets out the direction for growth of employment land, the M65 corridor is at the top of the hierarchy in order of preference for this.

Policy SDP6 (Future Infrastructure Requirements) expects developers to deliver the necessary infrastructure to support development in the borough.

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

Policy ENV4 (Promoting Sustainable Travel) sets out the Council's intentions for supporting sustainable transport.

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

Policy ENV7 (Water Management) follows the sequential assessment set out in National Policy, it also sets out requirements for surface water runoff and water quality.

Policy WRK1 (Strengthening the Local Economy) states that new opportunities for economic development should help to strengthen and diversify the local economy.

Policy WRK2 (Employment Land Supply) sets out that new employment should seek to develop the role of Nelson as the core location for employment.

Policy WRK6 (Designing Better Places to Work) encourages the provision of well-designed workplaces that meet the needs of businesses and their employees.

Replacement Pendle Local Plan

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

National Planning Policy Framework

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

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

Principle of Development

The principle of residential development on this site has been established by the previously approved outline application 21/0427/OUT. It is noted that comments from members of the public

have been received in relation to the principle of development. However, the principle of the units has been established through permission 21/0427/OUT and the necessary assessment was made in relation to access at this stage.

Scale & Appearance

The scale of the proposed development is two units, known as Building 1 and Building 2. Building 1 is to have a rectangular footprint and comprise three units each with their own roller shutter door (to measure 3.4m in width and 3.5m in height) and one pedestrian door to the building, to be coloured blue. The building is to have a dual pitched roof measuring 7.1m to ridge and 4.4m to eaves. Building 1 is to be constructed of a concrete block low wall (2m in height) with profiled metal sheeting to the upper walls. The roof is also to be profile sheet cladding and have 14 roof lights.

Building 2 is to have an L-shaped footprint and is the larger of the two buildings. It is to comprise 6 individual units each with their own roller shutter doors and pedestrian doors. The building is to measure 7.1m in height, 4.7m to eaves. The materials are a concrete low wall measuring 2m in height, with the upper wall clad in metal profile sheeting, to be grey in colour. The doors and trims are to be blue in colour. The roof is to have 31 roof lights.

Layout

The application site can broadly be described as two blocks adjacent to each other, with the larger block to the rear of the site, farthest from Waidshouse Road. The larger of the two buildings (Building 2) is to be positioned to the rear of the site, with building 1 being closest to Waidshouse Road. The access from Waidshouse Road is directly next to the garages serving Quarry Hill Fold and the internal road runs up the side of the existing garages along Quarry Hill Fold to the back of the site towards Building 2. Building 1 is positioned with the longest side facing the houses on Quarry Hill Fold and the shortest side facing the houses on Waidshouse Road. There are car parking spaces laid out adjacent to the pavement on Waidshouse Road, which would be to the side of Building 1. Car parking spaces are also laid out in the courtyard area created by the L-shape of building 2, this car park includes space for bicycles and motorbikes.

The proposed design, scale and siting of the building would be acceptable, in accordance with Policy ENV2.

Landscaping

The proposed landscaping plan which has been submitted indicated tree, shrub and grass planting. The trees are to be arranged adjacent to the building, along the longest side of Building 1 closest to Quarry Hill Fold. They are 6 in number and include native species such as silver birch, alder and hawthorn. The shrub planting is to be in a strip directly adjacent to the garages at Quarry Hill Fold. Hard landscaping is proposed in the form of tarmac to the car park and access road.

Impact on Residential Amenity

The principle of the proposed buildings being of light industrial and storage use (Use Class B2 and B8) has been approved in the planning history of the site. Some comments have been received regarding the impact upon the surrounding area, but these do not raise material planning considerations e.g. affect upon house prices and there already being other industrial building in the vicinity. The proposed buildings are set within the site in such a position that they would not result

in an overbearing impact upon neighbouring properties. A construction method statement is to be controlled by condition, in the interests of highway safety and neighbouring amenity.

In terms of the proximity of the proposed buildings to existing residential properties, building 1 is to be positioned 26m from the closest dwelling on Quarry Hill Fold. To the front of the site, the existing terrace on Waidshouse road is to be 29m from the side of building 1. To the rear of the site is a former church which is in the process of being converted to residential accommodation. The rear of building 2 is to be 17m from the converted church and there is a level difference with the proposed building being positioned on lower ground than the existing building to the rear. The Design Principles SPD sets out that there should generally be a separation distance of 12m from the principle elevation of a dwelling to the side of a blank gable, there is a distance of 11.1m between the closest property on Railway Street and the side of building 2. Building 2 is to have no windows in this elevation and it is not habitable accommodation. There is a back street between the rear of the terrace and the proposed development site. The proposed levels indicated on the site plan show that there would not be significant changes to the ground levels as a result of the proposed development. As such, although the proposed building 2 is 0.9m closer than the guidance set out in the Design Principle SPD, this would not result in an unacceptable impact upon the neighbouring dwellings.

Highways

The principle of access has been established at the outline stage of the application process. The site is to have one access point off Waidshouse Road. The Highways Authority have commented on the application with a note to ensure the developer enters into a s278 agreement for the works required to form a suitable access.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in terms of policy. 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. This notice constitutes an approval of matters reserved under Condition 1 and 2 of Planning Permission 21/0427/OUT and does not by itself constitute a planning permission.

Reason: The application relates to matters reserved by Planning Permission 21/0427/OUT

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

Location Plan Ref: CROSS0919/Dwg01

Proposed Site Plan CROSS/0919/Dwg 03A

Proposed Block Plan CRO/0919 Dwg 04

Landscape Plan CRO/0919 Dwg 08

Building 1 Proposed Plans & Elevations CRO/0919 Deg 05

Building 2 Proposed Plans & Elevations CRO/0919 Dwg 06

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

3. Notwithstanding any indication on the approved plans and application form, prior to the commencement of above ground works involved in the erection of the external walls of the development, samples of the external materials to be used in the construction of the walls, roof verges, fascias and soffits, rain water goods, pipes and flues, windows and door materials and finishes, window reveals and drainage shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter times be carried out in strict accordance with the approved materials.

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

4. The development hereby permitted shall not be commenced unless and until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:
 - a. the exact location and species of all existing trees and other planting to be retained;
 - b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
 - c. an outline specification for ground preparation;
 - d. all proposed boundary treatments with supporting elevations, materials and construction details;
 - e. all proposed hard landscape elements and pavings, including layout, materials and colours;
 - f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

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

Reason: To ensure appropriate landscape design and in the interests of the visual amenities of the area.

5. The proposed development should not be brought into use unless and until the parking and manoeuvring areas shown on the approved plans have 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.

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

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

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

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

8. Prior to the commencement of development on site a method statement shall be submitted to the Local Planning Authority for written approval which shall include the following:
- i) the parking of vehicles of site-operatives and visitors
 - ii) loading and unloading of plant and materials
 - iii) storage of plant and materials used in constructing the development
 - iv) the erection and maintenance of security hoardings including decorative displays, where appropriate
 - v) wheel-washing facilities
 - vi) measures to control the emission of dust and dirt during construction
 - vii) a scheme for re-cycling/disposing of waste resulting from demolition and construction works
- the development shall proceed strictly in accordance with that method statement.

The development shall be carried out in accordance with the method statement.

Reason: In the interest of the amenity of the area during construction work.

9. The foul and surface water shall be drained on separate systems.

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

10. Unless approved in writing by the Local Planning Authority no ground clearance, demolition, changes in levels or development or development-related work shall commence until protective fencing, in full accordance with BS 5837: 2012 has been erected around the trees outlined in the arboricultural impact assessment and no work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. Within the areas so fenced, the existing ground levels shall neither be raised nor lowered. Roots with a diameter of more than 25mm shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including the deposit of soil 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 or hedgerows on site from being damaged during building works.

11. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

- 1. A preliminary risk assessment which has identified:
 - o all previous uses
 - o potential contaminants associated with those uses
 - o a conceptual model of the site indicating sources, pathways and receptors
 - o potentially unacceptable risks arising from contamination at the site
- 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the Local Planning Authority.

The scheme shall be implemented as the approved details. The submitted geo-environmental investigation satisfies part 1 of the above condition.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with the National Planning Policy Framework.

12. The use of the buildings and land hereby permitted shall be confined to those of Class B8 of Schedule 1 and Class E(g)(ii) & (iii) of Schedule 2 of the Town and Country Planning (Use Classes) Order, 1987 (as amended) and uses ancillary to those uses only and for no other purpose, including any other use within Class E.

Reason: In order to control the type of development which is operated from this site in the interests of the amenity of neighbouring residential properties and in order to protect the vitality and viability of the town centre.

13. Final Surface Water Sustainable Drainage Strategy to be submitted

No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the Local Planning Authority.

The detailed surface water sustainable drainage strategy shall be based upon the indicative surface water sustainable drainage strategy submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

The details of the drainage strategy to be submitted for approval shall include, as a minimum;

a) Sustainable drainage calculations for peak flow control and volume control for the:

i. 100% (1 in 1-year) annual exceedance probability event;

ii. 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance

iii. 1% (1 in 100-year) annual exceedance probability event + 40% climate change allowance
Calculations must be provided for the whole site, including all existing and proposed surface water drainage systems.

b) Final sustainable drainage plans appropriately labelled to include, as a minimum:

i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;

ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels; to include all existing and proposed surface water drainage systems up to and including the final outfall;

- iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
- iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
- v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;
- vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
- vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;

c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with BRE 365.

d) Evidence of an agreement in principle with the third Water and Sewerage Company to connect to the off site surface water sewer.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

14. No development shall commence until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority.

The details of the plan to be submitted for approval shall include for each phase, as a minimum:

a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.

b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

Reasons: To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue flood risk on-site or elsewhere during any construction phase in accordance with Paragraph 167 of the National Planning Policy Framework.

15. The commencement of use of the development shall not be permitted until a site-specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The details of the manual to be submitted for approval shall include, as a minimum:

- a) A timetable for its implementation;
- b) Details of SuDS components and connecting drainage structures, including watercourses and their ownership, and maintenance, operational and access requirement for each component;
- c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
- d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
- e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
- f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- g) Means of access for maintenance and easements.

Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the sustainable drainage system is subsequently maintained pursuant to the requirements of Paragraph 169 of the National Planning Policy Framework.

16. The commencement of use of the development shall not be permitted until a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the development as constructed is compliant with the requirements of Paragraphs 167 and 169 of the National Planning Policy Framework.

17. Prior to the commencement of development on site a method statement shall be submitted to the Local Planning Authority for written approval which shall include the following:

- i) the parking of vehicles of site-operatives and visitors
 - ii) loading and unloading of plant and materials
 - iii) storage of plant and materials used in constructing the development
 - iv) the erection and maintenance of security hoardings including decorative displays, where appropriate
 - v) wheel-washing facilities
 - vi) measures to control the emission of dust and dirt during construction
 - vii) a scheme for re-cycling/disposing of waste resulting from demolition and construction works
- the development shall proceed strictly in accordance with that method statement.

Reason: In the interest of the amenity of the area and highway safety during construction work.

REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE 6TH JUNE 2022

Application Ref: 22/0150/FUL

Proposal: Full: Erection of a two storey building comprising 8 No. supported living apartments with associated car parking and landscaping.

At: Land to the South of Chamber Hill Farm, Clitheroe Road, Brierfield

On behalf of: Consensus Support

Date Registered: 1/03/2022

Expiry Date: 10/05/2022

Case Officer: Laura Barnes

Site Description and Proposal

The application site relates to a piece of land adjacent to No. 43 Clitheroe Road. It is immediately to the south of Chamber Hill Farm and immediately to the north of two pairs of semi-detached dwellings (Nos. 20-26 Clitheroe Road). The western boundary is the access track to Chamber Hill Farm, beyond which is the M65. The application site measures 2,523 sqm (0.25 ha) and is located within the settlement boundary. A Public Right of Way 13-3-FP-6 runs around the north western perimeter of the site from Clitheroe Road towards Chamber Hill Farm and beyond towards the rear of properties on Chatburn Park Drive.

The proposal is for the erection of a two storey building, comprising 8 apartments (each with one bedroom) for supported living. The building would have some communal facilities including lounges and the staff on site would have access to two offices and a staff room.

Relevant Planning History

19/0788/PIP: Permission in Principle: Erection of five detached dwellings.
Approved unconditionally

Consultee Response

LCC Highways

Proposal

The development proposes 8 no. self-contained apartments with communal and staffing facilities for supported living. There are 4 car parking spaces, including 1 disabled parking bay proposed.

Access

The new site access requires visibility splays of X2.4m by Y43m along Clitheroe Road to both sides of the site access. Please include this on the drawing.

A new footway should be provided along the Clitheroe Road frontage of the development site to ensure high quality pedestrian links to the surrounding highway network.

Waste

The bins will need to be moved to the kerbside of Clitheroe Road on collection day and an area of hardstanding should be provided to ensure that they are not stored on the footway.

Parking

There are 4 car parking spaces provided. The agent states that 2-4 employees would be on site at any time and that residents will not have cars. The Pendle parking standards would require 1 space per 3 beds for sheltered housing and 1 space per 5 beds for a nursing home.

The proposed provision of 4 spaces is considered acceptable.

I would request a condition which limits the development to supported/assisted living and not open market housing.

A secure cycle store and electric vehicle charging point should be provided. Charge points must have a minimum power rating output of 7kW, be fitted with a universal socket that can charge all types of electric vehicle currently.

The aisle adjacent to the car parking spaces for manoeuvring should be extended to 6m wide.

Conclusion

The above amendments are requested and should the application be approved the following conditions are requested.

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

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Wheel washing facilities
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
- viii) Details of working hours
- ix) Routing of delivery vehicles to/from site

2. Prior to commencement a scheme for the site access and off-site highway works shall be submitted to and approved by the Local Planning Authority. The works shall include the following and be implemented prior to the first occupation of the development.

- a. A new footway along the Clitheroe Road frontage of the development site.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device over 1m above road level. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4 m measured along the centre line of the proposed road from the continuation of the nearer edge of the carriageway of Clitheroe Road to points measured 43m to both sides of the nearer edge of the carriageway of Clitheroe Road, from the centre line of the access, in accordance with a scheme to be agreed by the Local Planning Authority in conjunction with the Highway Authority. Reason: To ensure adequate visibility at the street junction or site access.

4. Prior to the occupation of development the site access road, parking and turning areas shall be constructed in a bound porous material, marked out and made available for use and maintained for that purpose for as long as the development is occupied.

5. Prior to first occupation a secure covered cycle store and electric vehicle charging point shall be installed.

Informative note.

The grant of planning permission will require the applicant to enter into a S278 Agreement, with the County Council as Highway Authority. The applicant should be advised to contact Lancashire County Council for further information by emailing the Highway Development Control Section at developeras@lancashire.gov.uk

Environmental Health

Suggested conditions relating to contamination, construction method and noise impact from motorway.

Lead Local Flood Authority

No comment

United Utilities

Noting this is a Full application, we request that the applicant provides a detailed drainage plan, and that United Utilities has the opportunity to review and comment on this plan prior to determination of this application.

Should planning permission be granted without the provision of this information we request the following condition is attached to any subsequent Decision Notice:

Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

Public Response

Nearest neighbours notified by letter, 6 letters of objection have been received raising the following issues:

- The design of the building has the appearance of an ‘establishment’ rather than fitting in with the existing farm buildings and open countryside beyond
- The proposed materials are not sympathetic to the surroundings
- Access concerns regarding the dead end on Old Clitheroe Road
- Highway safety issues specifically relating to children crossing the road in this area
- Concerns over the limited number of car parking spaces provided
- Disregard for environmental issues such as loss of wildlife

One letter of support has also been 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 SDP3 (Housing Distribution) sets out the location of new housing in the Borough in conjunction with SDP2 and LIV1.

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.

Policy ENV4 (Promoting Sustainable Travel) seeks to promote sustainable travel as well as development impacts and accessibility and travel plans for major developments to mitigate any negative impacts.

Policy ENV5 (Pollution and Unstable Land) concerns the risks of air, water, noise, odour and light pollution in addition to addressing the risks arising from contaminated land.

Policy ENV7 (Water Management) concerns the risk of flooding from flood or surface water. It requires flood risk to be assessed and sustainable drainage measures to be used.

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

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.

Principle of Development

The proposed development is located within the settlement boundary for Brierfield, as such the principle of development is acceptable, subject to design and amenity policies.

Design

The proposed development is to erect a two storey building, comprising 8 apartments, with some communal facilities such as a lounge. There would also be a staff room and offices for staff who would be on site 24 hours per day on a shift pattern, although not living on site themselves.

The proposed development requires some levelling groundworks in order to create a platform on which to construct the building. The building is to measure 5.8m in height (to eaves), with a pitched roof and overall height of 8.9m.

The proposed building is to be constructed of brick with render on each elevation to incorporate character within the building's design, rather than one homogenous material dominating the entire building. The roof is to be tile, with UPVC glazing and aluminium doors. The boundary treatment is to include close boarded fencing. Given the surrounding character it will be important to blend the colour and texture of brickwork and the render, with the existing context.

Subject to a condition controlling the proposed materials, the design of the proposed development accords with Policy ENV2 of the Local Plan: Part 1 Core Strategy.

Residential Amenity

The proposal building is to be positioned perpendicular to Clitheroe Road, with the front elevation facing towards No. 43 Clitheroe Road. The front elevations of properties No. 20-26 Clitheroe Road would be to the side elevation of the proposed building.

To the front elevation there are to be 9 windows at first floor level and 6 windows to ground floor level. To the ground floor there is also to be a main entrance and two pedestrian doors providing external access direct to the apartments on the ground floor. To each of the side elevations, there are to be four windows (two to the ground floor and two to the first floor), serving shower rooms. Given the distances from the adjacent neighbouring dwellings it is recommended that these windows are obscure glazed in the interests of neighbouring amenity. To the rear elevation there are to be 7 windows to the first floor and 5 windows to the ground floor. There are three pedestrian doors to the ground floor, two which would provide direct access to the apartments and one which serves the stairwell.

In terms of distances to the existing residential dwellings nearby, there would be at least 40m between the proposed front elevation of the building and the side elevation of No. 43 Clitheroe Road. There is 1 ground floor side elevation window to No. 43 which would be sufficient distance from the proposed development not to cause an unacceptable neighbouring amenity issue. The front elevation of the closest property of Nos. 20-26 Clitheroe Road is to be 16m from the side elevation of the proposed development. As set out above, the side elevation windows are to be obscure glazed. The Council's Design Principles SPD recommends that a distance of 12m is

maintained between the side elevation of a property and a principle elevation. In this case, there would not be an unacceptable overbeating effect. To the other side elevation the rear elevation of Chamber Hill Farm is 26m from the proposed side elevation of the proposed building. As such, this is sufficient distance not to result in an unacceptable neighbouring amenity issue. The proposed building is positioned to the north of the properties No. 20-26 Clitheroe Road, as such the proposed building would not result in an unacceptable loss of sunlight.

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

Noise

The application site is located adjacent to the M65, which is a source of background noise. The applicant has prepared a noise assessment which has concluded that some mitigation measures are required. On-site monitoring has identified existing background sound levels will result in an adverse impact on those proposed properties to the front of the development. As such additional mitigation measures are required. These have been identified as enhanced double-glazing units with trickle window vents to the habitable rooms along the north, west and southern facades along with a 2.0m high close-boarded fencing to the western garden amenity areas. To the eastern façade a standard double-glazing unit, trickle vents and a 1.8m close-boarded fence are recommended. The inclusion of the above mitigation measures to all habitable rooms will ensure that the internal and external sound levels are acceptable and will not result in any unacceptable impact on the future residents, this can be secured by planning condition, in line with the Noise Policy Statement for England, Policy ENV2 and ENV5 of the Local Plan Part 1.

Ecology

The application is accompanied by an ecological survey which has included protected species: bats, badgers, birds and great crested newts. Although there is currently a non-native species of tree on the site which has the potential to support nesting birds, the ecological assessment recommends that works to remove this are done outside of the bird nesting season and that replacement planting is provided to create a new potential habitat for nesting birds. The proposed development includes a landscaping plan with a native hedgerow to the western boundary and trees planted along the north, west and southern boundary as well as some trees on the access driveway off Clitheroe Road. This would provide an alternative habitat and could be native species, controlled by planning condition. The proposed development accords with Policy ENV1 in this regard.

Public Rights of Way

The proposed development would not affect the route of the public footpath which runs to the north western boundary. An informative note can be added to ensure that the route of the right of way is unaffected during any construction.

Highways

The Highways Authority have not objected to the proposed development. However, they have recommended some conditions in relation to the parking area, this is in order to control the use to assisted living. Had the application been for 8 open market apartments, the amount of parking would not be sufficient. Subject to condition, the proposed development provides an adequate level of off-street car parking accords with Policy 31 of the Replacement Local Plan.

The applicant has put forward an alternative footpath which runs inside the site boundary, rather than having off-site highway works to create an extension to the existing footpath on Clitheroe Road. Comments from highways upon the suitability of this and the potential to negate the need

for the condition relating to off-site highway works is awaited. An update will be provided to committee on this issue.

Drainage

The application site is within Flood Zone 1, which is considered to be at least risk from flooding. Development in this location would not result in an increase to flood risk elsewhere. The site would need to be drained so that surface water is separate to foul water, this can be secured by condition. As such, the proposed development accords with Policies ENV5 and ENV7 of the Local Plan: Part 1 Core Strategy.

Other Matters

The Environmental Health Officer had raised some concerns regarding contamination, construction method and noise levels. The noise issues have been discussed in relation to neighbouring amenity and conditions can be used to control the development in relation to construction method and contamination. As such, the proposed development accords with policy in this regard.

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 – Dwg 000
 - Proposed Site Plan – Dwg 102 Rev P3
 - Proposed Landscaping Plan – Dwg 106 Rev P3
 - Proposed Cross Sections, including FFLs – Dwg 107
 - Proposed Ground Floor Plan – Dwg 103
 - Proposed First Floor Plan – Dwg 104
 - Proposed Roof Plan – Dwg 105
 - Proposed Front Elevation Plan – Dwg 110
 - Proposed Rear Elevation Plan – Dwg 111
 - Proposed Side Elevation Plans – Dwg 112

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

3. Prior to any external works commencing, samples of the external facing materials including rainwater goods, verges, windows and doors shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter times be carried out in strict accordance with the approved materials.

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

4. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
 - (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
 - (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
 - (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
 - (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
 - (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

5. All windows shall be set back from the external face of the walls by a minimum of 70mm.

Reason: To ensure a satisfactory appearance to the development in the interest of visual amenity.

6. No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:
 - i) The parking of vehicles of site operatives and visitors
 - ii) The loading and unloading of plant and materials
 - iii) The storage of plant and materials used in constructing the development
 - iv) The erection and maintenance of security hoarding
 - v) Wheel washing facilities
 - vi) Measures to control the emission of dust and dirt during construction
 - vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
 - viii) Details of working hours
 - ix) Routing of delivery vehicles to/from site

Reason: In the interests of neighbouring amenity and highway safety

7. Prior to commencement a scheme for the site access and off-site highway works shall be submitted to and approved by the Local Planning Authority. The works shall include the following and be implemented prior to the first occupation of the development.
- a. A new footway along the Clitheroe Road frontage of the development site.

Reason: In the interests of highway safety

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device over 1m above road level. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4 m measured along the centre line of the proposed road from the continuation of the nearer edge of the carriageway of Clitheroe Road to points measured 43m to both sides of the nearer edge of the carriageway of Clitheroe Road, from the centre line of the access, in accordance with a scheme to be agreed by the Local Planning Authority in conjunction with the Highway Authority. Reason: To ensure adequate visibility at the street junction or site access.

Reason: In the interests of highway safety

9. Prior to the occupation of development the site access road, parking and turning areas shall be constructed in a bound porous material, marked out and made available for use and maintained for that purpose for as long as the development is occupied.

Reason: In the interests of highway safety

10. Prior to first occupation a secure covered cycle store and electric vehicle charging point shall be installed.

Reason: To ensure there are options available for sustainable travel

11. The windows to the side elevations of the development hereby permitted shall at all times be fitted with obscure glazing to at least level 4 or above unless otherwise agreed in writing by the Local Planning Authority. Any replacement glazing shall be of an equal degree or above. The window shall be hung in such a way as to prevent the effect of the obscure glazing being negated by way of opening.

Reason: To ensure an adequate level of privacy to adjacent residential properties.

12. The development hereby approved shall only be used for the use set out in this description of development, namely assisted living, for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority. The dwellings shall not be separated or sold off as individual open market dwellings.

Reason: The level of car parking is not sufficient to support an alternative use

13. Prior to the first occupation of the development all of the measures set out in the noise assessment shall have been carried out and completed in their entirety and shall thereafter be retained.

Reason: In the interests of residential amenity for future users of the development.

14. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order, 2015 (or any other order revoking or modifying that Order) the development hereby permitted shall not at any time have any additional windows, doors, dormers or other openings inserted in the south elevation unless with the prior written consent of the Local Planning Authority as to the location, size, design and degree of obscuration of the glazing in the new opening and any window thereafter installed shall at all times comply with the details approved.

Reason: To safeguard residential amenity.

Note

The developer should take note of all the public footpaths running through the site and take utmost care to ensure that these are kept undisturbed and free of obstruction during the course of the development. Any breach of the legislation which protects public rights of way can result in legal action, fines and default action carried out and re-charged to the landowner. Any proposals for the temporary diversion or closure of a footpath should be made to Lancashire County Council's public rights of way team. An enquiry about permanently diverting or closing the footpath may be made to Pendle Council.

REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE 6th JUNE 2022

Application Ref: 22/0194/HHO

Proposal: Full: Roof dormers to front and rear roofslopes.

At: 161 Chapel House Road, Nelson, BB9 0QN

On behalf of: Mr Qaiser Ahmed

Date Registered: 21st March 2022

Expiry Date: 14th June 2022

Case Officer: Yvonne Smallwood

This application was called-in to Committee by a Councillor

Site Description and Proposal

The application site relates to a stone terraced dwellinghouse, sited amongst dwellings of a similar scale and design. The property is located within a residential area of Nelson.

The proposal seeks to insert flat roof dormers to the front and rear roofslopes, to create two bedrooms to the second floor. One of the existing bedrooms on the first floor would become a study/office, so the property would have 4 bedrooms in total.

Relevant Planning History

None

Consultee Response

LCC Highways –

Nelson Town Council

Public Response

Nearest neighbours notified by letter without response.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) of the Pendle Local Plan Part 1 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.

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

Design

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 front elevation by 1m. Dormers should be faced in materials which match the existing roof coverings.

The proposed front dormer would be set in from the side elevations by 0.5m on each side, set back from the front elevation by 0.5m at the furthest point and set down from the ridge line by 0.3m, reducing to 0.1m, due to the slope in the roof. As a result, the scale of the proposed dormer is disproportionate to the size of the roof slope and its flat roof would visually conflict with the sloping ridge line. This would be an unacceptable addition which would be overly prominent in the street scene.

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.

Chapel House Road comprises of narrow, uniform, terraced properties, none of which 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 Chapel House Road and Percy 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 Pendle Design Principles SPD.

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 materials would be concrete tiles and rubber membrane roof which would be unacceptable as they would not match existing materials. The proposed windows would be white UPVC which would be acceptable as they would match existing.

The design and wall and roofing 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 front dormer would face directly North West onto Chapel House Road. It would be sited at second floor level, above first floor habitable room windows of facing properties to the North West. It would maintain an existing separation distance of approximately 14m with properties on the opposite side of Chapel House Road.

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 front 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.

The proposed single storey rear extension would result in an extension to an existing single storey rear extension. Windows of a similar scale and siting are proposed in the same side elevation,

therefore not resulting in greater visibility 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 dormers would add one additional bedroom to the dwellinghouse, creating a four bedroom property. However, on balance, given the terraced nature of the property, there being no space on plot to accommodate parking and all dwellings only having on street parking, requiring full on plot parking provision in accordance with Policy 31 would not be appropriate. This would not be a substantive reason to warrant refusal of the application.

RECOMMENDATION: Refuse

The visual impacts of the front dormer when related to the existing street scene are unacceptable. The front dormer is inappropriate within a street scene in which there are no other examples of dormer extensions and it would be detrimental to the character of the area. As such the development fails to comply with Policy ENV2 of the Local Plan: Part 1 Core Strategy and the Design Principles SPD.

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE 6TH JUNE 2022

Application Ref: 22/0223/HHO

Proposal: Full: Insertion of dormer window to front roof slope and single storey rear extension.

At: 42 Beddington Street, Nelson

On behalf of: Mr Rizwan Ul-Haq

Date Registered: 5th April 2022

Expiry Date: 31st May 2022

Case Officer: Yvonne Smallwood

Site Description and Proposal

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

The proposal seeks to insert flat roof dormers to the front and rear roofslopes, to create two additional bedrooms. There is a proposed single storey rear extension to the kitchen (part-retrospective).

Relevant Planning History

None

Consultee Response

LCC Highways –

Nelson Town Council

Public Response

Nearest neighbours notified by letter without response.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

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

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

National Planning Policy Framework

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

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

Design

The Design Principles SPD advises care should be exercised 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 hanging tiles with UPVC windows.

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

The rear extension (retrospective) would extend the single storey kitchen to the rear by 0.9m to bring it flush with the boundary wall. The materials would be slate to match existing.

Residential Amenity

The proposed dormer is to have one window to the front elevation. There are no windows to the side elevations. The proposed front dormer is not directly opposite the properties at the opposite side of Beddington Street, as such it is not anticipated that the front dormer window would create any overlooking issue with neighbouring properties. The proposed rear dormer would be opposite the rear of the properties on Kendal Street. The window would not result in any additional adverse impacts to the neighbours on Kendal Street than existing. Therefore, the proposed dormer windows are acceptable in terms of residential amenity in accordance with Policy ENV2 and the Design Principles SPD.

There are no additional windows proposed to the single storey rear extension. The extension would be opposite the rear yards of the properties on Kendal Street, at a distance of circa 12m. There would be no unacceptable adverse impacts for the neighbours on Kendal Street. Therefore, the proposed rear extension is acceptable in terms of residential amenity in accordance with Policy ENV2 and the Design Principles SPD.

RECOMMENDATION: Refuse

By virtue of its position to the front elevation of the dwelling, the proposed front 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.

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 10th May 2022