



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

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

**DATE:** 17<sup>TH</sup> OCTOBER 2022

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## PLANNING APPLICATIONS

### PURPOSE OF REPORT

To consider the attached planning applications for determination by Council.

# REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE 17<sup>TH</sup> OCTOBER 2022

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

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

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

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

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

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

**Case Officer:** Alex Cameron

This application was delegated for approval by Nelson, Briefield & Reedley Committee in March subject to the submission of amended plans addressing the highway impact and loss of highway trees.

## **Site Description and Proposal**

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

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

## **Relevant Planning History**

None

## **Consultee Response**

LCC Highways – Drawing No 267-21-3B shows visibility splays of 114.3m to the South of the access and 111.6m to the North, based on the traffic data submitted in March 2022. Although the location of the site access has been amended the highway authority would accept the proposed visibility splays based on this previously submitted data. It should be noted, however, that not all highway trees within the visibility splays are shown on this drawing – there are 11 to the North and 4 to the South of the access. The Proposed Site Plan (Drawing No LU249-P03D) indicates that only two highway trees would be removed to facilitate the construction of the new site access. However, whilst the highway authority does not support the removal of healthy highway trees to construct a vehicular access, as this would be contrary to its Code of Practice for Vehicular Crossings, nor would it support visibility splays it considered substandard due to obstruction by trees. The highway trees along the site frontage were assessed by an officer from Lancashire County Council when considering the impact of the development to the North of Rockwood (ref 22/0047/TDC). The conclusion they drew was that the removal of all highway trees within the visibility splays may be supported if replacement trees of appropriate species mix and size were planted within the site. Replacement tree planting within the site should be at a ratio of two replacement trees for every highway tree lost, that is, 30 trees. The replacement trees within the development site would need to be covered by a Tree Preservation Order to mitigate the loss of highway trees necessary to construct the site access with appropriate visibility splays.

The location of the proposed site access has been amended from that originally submitted. It is now sited to the South of the plot and links to Halifax Road at 90o . The formation of the new vehicle access from Halifax Road to the development site would need to be carried out under a legal agreement (Section 278) with Lancashire County Council as the highway authority. Works should include, but not be exclusive to:

- vehicular access constructed to an appropriate standard, including radius kerbs
- dropped, buff coloured tactile paved pedestrian crossings both sides of the access,
- removal of 15 highway trees within the visibility splays, reinstatement of highway verges, replacement of kerbs, reinstatement to an appropriate standard of any damaged sections of carriageway
- street lighting assessment
- re-location of a highway gully. Traffic management would be necessary to carry out the above highway works.

If planning approval is granted the developer is advised to contact Lancashire County Council as soon as possible to start the Section 278 process. Due to the high volume of agreement submissions currently being received by the county council this process can take at least six months to complete. No works should be undertaken within, or which affects, the adopted highway network without the necessary agreement being in place in order to prevent legal action from being taken against the developer.

United Utilities – No objection subject to drainage condition.

Coal Authority – No objection subject to a note.

Nelson Town Council

## **Public Response**

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

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

## **Officer Comments**

### **Policy**

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

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

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

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

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

The following saved Replacement Pendle Local Plan policies also apply:

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

### **Principle of the Development**

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

### **Open Space**

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

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

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

### **Residential Amenity**

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

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

### **Highways**

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

The adjacent access to the golf club is used to gain access to the practice ground car park. The level of use is not consistent and weather dependent, in general the car park the car park may have 2 to 3 cars parked on it at any time but may be used on a weekly basis in the summer for access for teaching of groups of up to 12.

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

Amended plans have been submitted proposing a revised access point, however, to provide adequate visibility 15 trees would need to be removed from the highway verge.

### **Visual Amenity**

Whilst a dwelling could be accommodated on the site without itself having unacceptable visual amenity impacts, to provide adequate visibility 15 trees would need to be removed from the highway verge. LCC Highways have confirmed that if permission were granted they would have no option but to agree to the removal of the trees, which would otherwise be retained, therefore the impact of the loss of trees is material to the determination of this application.

The line of trees along the roadside provides an accretive setting to Halifax Road which significantly contributes to the character and visual amenity in the vicinity of the road and pedestrian footway. Whilst there are trees along the boundary with Halifax Road on the land to the west, those to the north of the site are not on land controlled by the applicant and, as they are set back and less regular, would not mitigate the loss of the trees in the highway verge.

It is proposed for replacement trees to be planted within the application site on a 2 for 1 basis, however, the constrained nature of the site would result in cramped cluster of trees around the site. This would not acceptably mitigate the adverse impact of the loss of the trees along the highway verge.

Whilst the proposed dwelling would provide economic and social benefits from its construction and the provision of housing and contribute towards the delivery of Council's fine year housing supply, the benefits of one dwelling would be minor and would not outweigh the harm resulting from the loss of the highway trees.

The proposed development would therefore result in an unacceptable impact on the visual amenity of the area contrary to policies ENV1 and ENV2.

### **RECOMMENDATION: Refuse**

Subject to the following conditions:

1. The provision of adequate visibility splays would result in the loss of highway trees that have a positive impact on the amenity of the area, the harm to the amenity of the area resulting from the loss of those trees would not be acceptably mitigated within the application site, the development is therefore contrary to policies ENV1 and ENV2 of the Local Plan Part 1: Core Strategy.

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

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

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

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

# REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE 17<sup>TH</sup> OCTOBER 2022

**Application Ref:** 22/0274/FUL

**Proposal:** Full: Change of use of ground floor from shop (Use Class E) to laundrette (Sui Generis), new shopfront and shutters and change of use of first floor & attic flat to 4 bed H.M.O.

**At:** 38 Colne Road, Brierfield

**On behalf of:** Mr Mohammed Arif

**Date Registered:** 21/04/2022

**Expiry Date:** 16/06/2022

**Case Officer:** Laura Barnes

## **Site Description and Proposal**

The application site is a two storey mid-terraced property with an attic & cellar, sited amongst dwellings of a similar scale and design. The property is located within the defined settlement boundary of Brierfield and within the primary shopping frontage, identified on the Local Plan policies map.

The proposal is for the change of use of the ground floor from a shop (Use Class E) to a laundrette (sui generis), along with a new shop front and shutters. The application also seeks permission to change the use of the first floor and attic into a 4 bedroomed House in multiple Occupation.

## **Relevant Planning History**

None relevant

## **Consultee Response**

### LCC Highways

Having considered the information submitted, the Highway Development Control Section does not have any objections regarding the proposed development at the above location.

The property is located with an existing row of commercial properties and is also surrounded by large residential areas. The proposed change of use to the laundrette is therefore unlikely to generate significant traffic movements as some customers would arrive on foot. Whilst there is no parking permitted immediately outside the premises there are parking bays along the front of the adjacent row of shops, unrestricted parking on neighbouring streets and free public car parks within acceptable walking distances.

The change of use of the first floor and attic flat into a four bed HMO is also unlikely to generate additional traffic movements. The site is located within acceptable walking distances of local amenities and facilities, including public transport with bus services connecting to local destinations and further afield, and a rail service to the city centres of Blackburn, Preston and beyond.

## **Public Response**

Nearest neighbours have been 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.

Policy LIV5 (Design Better Places to Live) relates to designing places which are sustainable and meet the needs of Pendle's population.

Policy WRK4 (Retailing and Town Centres) relates to retail being the primary focus in Town Centre locations. It sets out a sequential approach for the preference of main town centre uses being firstly in the town centre, then in edge of centre locations and finally in out of centre sites.

#### **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 application seeks to change the use of an existing retail premises which is located within the Town Centre in a Primary Shopping Frontage into a Laundrette (Ground Floor). Although a laundrette does not fall into a "main town centre use" for the purposes of the NPPF definition, it is an acceptable Town Centre Use. A laundrette is a common use class which can frequently be found in towns and cities across the country. Moreover, it would maintain the vitality of the frontage by introducing a use which is open to the public during the daytime and at weekends.

In terms of the change of the upper floors to a House in Multiple Occupation, again the principle of this would be acceptable given that it is within the Town Centre where the use of upper floors for residential accommodation is commonplace. There are also Permitted Development rights which allow for the change of use of upper floors of retail premises to be used residentially.

Therefore, the principle of development in this case is acceptable, subject to the external alterations being satisfactory.



## Design

In terms of external alterations, the only changes to the ground floor would be the shop front and the external shutters. The proposed shopfront seeks to create a larger doorway, which would reduce the width of the shop window to accommodate this. However, the proposed shopfront seeks to retain the other traditional frontage features such as a stall riser. The shopfront would be constructed of a powder coated aluminium.

The design of the shop front is acceptable and accords with policy in this regard.

Turning next to the shutters, these are indicated on the proposed plans as externally mounted shutters, with the box / mechanism recessed behind the fascia board above the shop frontage. The proposed external shutters are to have some perforation detail.

The Design Principles SPD sets out the following in relation to shutters:

*External roller shutters often detract from the design of the building and the character of the area. Solid shutters with a plain galvanised finish are particularly unattractive. Solid shutters prevent natural surveillance of the shops interior and replace a shop's display area with dead space. A projecting shutter box may also spoil the frontage appearance. If the use of such shutters were to become common in a shopping area, the resulting fortified appearance would significantly reduce the area's attractiveness, and increase the general crime level, to the disbenefit of retailers as well as the public. External shutters do not necessarily prevent burglaries.*

Frontages in town shopping centres are particularly subject to loss of visual amenity from inappropriate shutters. Further, the SPD states that internal roller shutters are a far more visually acceptable and effective shutter.

Therefore, this element of the proposed development is unacceptable. It is contrary to Policy ENV2 and the Design Principles SPD. However, subject to a change in the design of the shutters, this would be acceptable.

## Residential Amenity

In terms of impact upon neighbouring amenity, the principle of residential accommodation to the upper floors is acceptable. This is because there are some Permitted Development Rights to change the upper floors of retail premises to residential accommodation. Indeed, it helps to maintain and enhance the vitality of Town Centres. In this case the application seeks permission for a HMO for 4 people, with four bedrooms, a shared kitchen and shared bathroom. Two of the bedrooms are to be in the attic with the third and fourth bedrooms being on the first floor along with the kitchen and bathroom. There are no proposed external alterations in order to facilitate the HMO, access is to be to the rear of the premises. Directly opposite the application site is a community centre, this would not be impacted by any unacceptable residential amenity issues. To the rear, the application site is directly parallel to Robson Street, which comprises a row of terraced residential properties. Although the distances between the properties are closer than 21m, this is an existing relationship which has been established historically. Further, Permitted Development Rights exist to change the upper floors to residential, so this could be done without the need for the submission of a full planning application. However, in this case there are external alterations (to the shop front) requiring planning permission, along with the HMO. Overall, there would be no unacceptable impact upon residential amenity to the properties to the rear of the application site.

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

## Highways

The proposed development does not have any existing parking, neither is any proposed. This is a Town Centre location where there are free public car parks within close proximity to the application site. As such, there is no unacceptable highway impact here.

### Reason for Decision

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

### RECOMMENDATION: Delegate grant consent, subject to the design of the shutters changing to internal shutters.

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:

- D1 – Existing Cellar & Ground Floor Plan
- D2 – Location Plan, Existing Ground and First Floor Plan
- D3 – Proposed Cellar Plan & Proposed Ground Floor Plan
- D4 – Proposed Attic Plan and Proposed First Floor Plan, Proposed Shop Front and Shutters Plan

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

3. Prior to the installation of the security shutters hereby approved the applicant shall submit details of the colour and finish of the shutters in writing to the Local Planning Authority, these shall not be varied without the prior written permission of the Local Planning Authority.

**Reason:** In order to allow the Local Planning Authority to control the external appearance of the development.

**Application Ref:** 22/0274/FUL

**Proposal:** Full: Change of use of ground floor from shop (Use Class E) to laundrette (Sui Generis), new shopfront and shutters and change of use of first floor & attic flat to 4 bed H.M.O.

**At:** 38 Colne Road, Brierfield

**On behalf of:** Mr Mohammed Arif

# REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE 17TH OCTOBER 2022

**Application Ref:** 22/0399/HHO

**Proposal:** Full: Erection of a dormer on the front roof slope.

**At** 56 Carr road, Nelson.

**On behalf of:** Mr Hussain Hussain.

**Date Registered:** 28/06/2022

**Expiry Date:** 23/08/2022

**Case Officer:** Joanne Naylor

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

## **Site Description and Proposal**

The application site is a mid-terrace house located within the settlement boundary of Nelson and within the Whitefield Conservation Area. The existing house has natural stone walls with a pitched natural slate roof. There is a small dormer window to the front elevation and a flat roof dormer to the rear elevation. The windows and doors are white uPVC.

The proposed development is for the erection of a dormer window to the front roof slope. The proposed dormer would be 3.5m wide and 2.54m high and would be clad in vertically hung grey roof slate, the main roof would be finished in natural slate and uPVC framed window.

## **Relevant Planning History**

GEN/21/01117/PREAPP: Insertion of dormer to rear roof slope. Received.

13/93/0448P: Extended Kitchen. Approved with Conditions.

## **Consultee Response**

LCC Highways – having viewed the plans, there are no objection to this proposal on highway grounds.

Parish/Town Council – no response received.

## **Public Response**

The nearest neighbours have been notified by letter, a site notice and press notice have been posted, no responses received.

## **Relevant Planning Policy**

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

Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

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

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

### National Planning Policy Framework

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

Paragraph 202 of the NPPF 2021 states that 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 Conservation Area Design and Development Guidance Supplementary Planning Document seeks to ensure that development within or adjacent to conservation areas preserves and enhances its character.

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

Conservation Area Appraisal: Whitefield Nelson 2005.

### Officer Comments

The main considerations for this application are the design and materials, amenity, and impact on the Conservation Area.

#### **Design and Materials**

The Design Principles SPD advises that dormers should be in keeping with the dwelling and should not dominate the roof slope which could result in a property being unbalanced. The SPD also advises that front dormers will not normally be acceptable unless they are a feature of other similar houses in the locality and where 25% of the properties have front dormers.

There is one small front dormer on the terraced block which is on the application site, with one terrace dwelling having a rooflight. The terraced rows to the east and west of the application site have no front dormers, and there are no front dormers to the terraced row opposite. The simple roofscapes of these terraces result in a uniform and harmonious character and appearance to the frontage of Carr Road. Front dormers are not a feature in this locality and therefore would be unacceptable for the Design Principles SPD.

The existing front dormer at 56 Carr Road is 1.23m wide and has a height of 0.93m to the eaves, it is set back from the front elevation by circa 2m, with the roof pitch it appears taller than it is wide, this dormer is of a traditional design which matches the scale and form of the original dormers found in Pendle and retains the character and streetscene.

The Design Principles SPD advises that dormers should be set below the ridgeline of the original roof by 0.2m, set back by at least 1m from the front elevation, and 0.5m from either side to avoid an

overbearing effect and to have materials matching the existing roof. The proposed front dormer would have the same ridgeline as the original roof, it would be set back from the front elevation by circa 0.5m, with a 0.73m space either side of the dormer. The materials used would match the existing roof. The proposed dormer would dominate the roof slope and would result in a dwellinghouse which appears as unbalanced. The proposed front dormer would not respect the simple and unaltered roofscape of Carr Road, it would be incongruous and out of keeping with its surroundings. The proposal would have a negative impact on the visual appearance of the dwellinghouse and would disrupt the uniformity and visual harmony of the roofscene and street scene.

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

### **Amenity**

The proposed front dormer would not result in any unacceptable reduction in privacy or other residential amenity impact. The proposed dormer would be acceptable in terms of residential amenity.

### **Impact on Whitefield Conservation Area**

The proposed site is within the Whitefield Conservation Area. The purpose of the Whitefield Conservation Area Appraisal is to record and analyse the features in the conservation area that are of special architectural and historic interest and which are desirable to preserve or enhance. The character appraisal of Whitefield Conservation Area notes the cumulative significance of the terraced housing and its positive contribution to the character of the conservation area and to the townscape.

The Conservation Area Design and Development Guidance SPD advises that alterations and extensions should not adversely affect the character or appearance of a building or conservation area, that inappropriate changes to the original roof structure, shape, pitch, cladding and ornament will have a detrimental impact on the character of the building and therefore conservation area and that new dormer windows are not normally acceptable unless they are appropriate to the age and style of the building and surrounding architecture. It advises that new dormers on older buildings should be out of public view and to the rear elevation, that the design be sympathetic to the building in position, scale, design and materials.

The existing front dormer would be acceptable for the Conservation Area SPD, however, the proposed front dormer would change the original roof structure and its shape, the dormer would project outwards to the front elevation and disrupt the line of the roofscape on the terrace. The scale of the proposed front dormer would be disproportionate and incongruous, and would result in the dormer being visually obtrusive and clearly visible to the public view. The design would not be sympathetic to the dwellinghouse or the terrace. From Carr Road the proposed front dormer would be clearly visible, the proposal would also be visible from Cuba Street and Every Street. The proposal would be prominent in the roof scape and the streetscene, it would be visually obtrusive and disrupt the uniformity and visual harmony.

The proposed front dormer would cause unacceptable harm to the character and visual amenity of the area and would have an impact on the conservation area. That would be due to the proposal

being out of scale and character with the properties in the row and would present as a large and alien feature due to its scale and poor design relationship with the existing building. The development would harm the conservation area. That harm would be less than substantial.

The public benefits would be that of providing work and employment for those constructing the front dormer. The scale of the scheme would mean that these benefits are small and this would have to be weighed against the less than substantial harm to the conservation area. The public benefits here would not outweigh the harm.

### **RECOMMENDATION: Refuse**

1. The proposed front dormer would be incongruous and out of keeping with its surroundings, it would result in unacceptable harm to the character and visual amenity of the area and would result in poor design. The proposal would be contrary to Policy ENV2 of the adopted Pendle Local Plan – Core Strategy and the Design Principles SPD.
2. The proposed front dormer would be an unsympathetic and unacceptable addition to the traditional terraced dwelling. It would have a detrimental impact on the character and appearance of the conservation area which is a designated heritage asset. Whilst that impact would be less than substantial it would not be outweighed by any public benefits. The development would thus be contrary to policy ENV2 of the adopted Pendle Local Plan – Core Strategy and to paragraph 202 of the National Planning Policy Framework and to the Conservation Area Design and Development Guidance SPD.

**Application Ref:** 22/0399/HHO

**Proposal:** Full: Erection of a dormer on the front roof slope.

**At** 56 Carr road, Nelson.

**On behalf of:** Mr Hussain Hussain.

## REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 17<sup>TH</sup> OCTOBER 2022

**Application Ref:** 22/0481/HHO  
**Proposal:** Full: Erection of a two storey rear extension.  
**At** 126 Brunswick Street Nelson Lancashire  
**On behalf of:** Mr. Faisal  
**Date Registered:** 14.07.2022  
**Expiry Date:** 9/8/2022  
**Case Officer:** Neil Watson

### **Site Description and Proposal**

The application site is a terraced property. It has a narrow outrigger abutting the neighbour 128 which in turn has an extended outrigger abutting the application site. There is an existing single storey extension in front of the outrigger that extends to the boundary.

Nos 124 has an outrigger to two storeys. It has windows facing the site in the rear wall and ground floor outrigger.

### **Relevant Planning History**

No relevant planning history.

### **Consultee Response**

Highways: The application raises no highway concerns

Parish/Town Council: None

### **Public Response**

None

### **Relevant Planning Policy**

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

development in England means in practice for the planning system. The Design Principles Supplementary Planning Document (SPD) applies to extensions and sets out the aspects required for good design.

### **Officer Comments**

The application is to erect a single storey extension extending for 4m on the rear yard and a two storey extension extending the rear outrigger.

The design is in keeping with the design of the surrounding properties and is acceptable.

The development would have two windows facing nos 124. These would serve bathrooms and would be obscurely glazed. A condition requiring obscure glazing would secure the privacy of the occupants of 124.

The Council's Design SPD give advice on the relationships between existing windows and proposed extensions. The advice is that at ground floor an extension of 4m in length would normally be acceptable. The proposal is to erect a 4m single storey which would be in line with the guidance in the SPD.

The application also proposes a two storey extension that would result in an outrigger with a relationship with the windows in the rear elevation of nos 124 beyond 3m which is the maximum advised in the SPD. The extension would also be within 45 degrees of the rear windows.

The impact of the two storey element would be to result in a significant and detrimental impact on the living conditions of the occupants of number 124. There would be a significant tunneling effect and a significant overbearing impact. This is not acceptable and the application should be refused on this ground.

### **RECOMMENDATION: Refuse**

4. The development of the two storey extension would result in a significant and detrimental impact on the living conditions of the occupants of number 124. The development would be overbearing on number 124. This would be poor design an contrary to policy ENV2 of the adopted Local Plan and to paragraph 134 of the National Planning Policy Framework.

**Application Ref:** 22/0481/HHO

**Proposal:** Full: Erection of a two storey rear extension.

**At** 126 Brunswick Street Nelson Lancashire

**On behalf of:** Mr. Faisal



# REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE 17TH OCTOBER 2022

**Application Ref:** 22/0499/HHO

**Proposal:** Full: Demolition of garage, erection of a two storey side extension, bin store and landscaping.

**At** 10 Ashton Drive, Nelson.

**On behalf of:** Mr Daniyal Ali

**Date Registered:** 25/07/2022

**Expiry Date:** 19/09/2022

**Case Officer:** Joanne Naylor

This application has been brought forward before committee for determination due to 3+ objections.

## **Site Description and Proposal**

The application site is two storey semi-detached dwellinghouse within an area of dwellings of a similar scale and design. The property is located within the defined settlement boundary of Nelson. The application site has an attached single garage and off-street parking for two cars and has front and rear gardens.

The proposed development is for the demolition of the garage and the erection of a two storey side extension with bin store and landscaping. The proposed extension would have a lounge, kitchen and utility to ground floor, to the first floor there would be two bedrooms, one with an ensuite, one study and one bathroom. There would be three parking spaces built on the existing front garden, the rear garden would retain the patio and existing landscaping and would include landscaping to the boundary treatment of the grassed area as shown on the proposed site/block plan 2120-03A.

## **Relevant Planning History**

None relevant.

## **Consultee Response**

LCC Highways – With reference to Drawing No. 2120/100/HA submitted there is no objection to this proposal as parking standards can be met for this size of proposal within the curtilage of the property. The property is situated on a turning head and parking on the turning head is not acceptable for highway safety reasons. I would recommend the following:

**Condition:** The parking areas must be constructed of a bound porous material and created before first occupation up until the life time of the dwelling existing in its proposed state.

**Reason:** To ensure that satisfactory parking is provided before the dwelling hereby permitted becomes operative.

Parish/Town Council – No response received.

PBC Tree Preservation Officer – There is an Ash tree very close to the application site, which would be affected by the application. The tree is diseased with Ash die-back, and therefore would need to be removed at some point.

### **Public Response**

Letters were sent to nearby properties, and five responses received. The comments relate to:

- The development is too large
- Increases traffic and parking requirement.
- There is already insufficient parking and cars already parked on pavements.
- Would be over development
- Concerns about the management of construction traffic
- Overlooks other properties
- Concerned that weekend work would produce excessive noise and congestion
- Existing ongoing development on Ashton Drive has caused obstruction of vehicles to other residents
- Concerned the development will reduce light and view

### **Relevant Planning Policy**

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

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

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

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

### **National Planning Policy Framework**

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in the Framework, taken as a whole, constitute

the Government's view of what sustainable development in England means in practice for the planning system.

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

### **Officer Comments**

The main considerations are design and materials, residential amenity and trees.

#### **Design and Materials**

The Design Principles SPD advises that extensions should use matching materials and the roof should reflect that of the existing roof, to be designed to appear subordinate and not look out of place in the streetscene. The proposal would have matching stone and roof tiles and would match the materials of the other dwellings and would be acceptable in the streetscene. The existing windows are brown uPVC, the proposal would have all the windows to be grey uPVC to the entire property, which would uniform the dwelling and would be acceptable for design and materials. The roof would be pitched and the ridgeline would be lower than the existing ridgeline ensuring the proposed extension would appear subordinate.

The SPD advises that for two storey side extensions to semi-detached properties should respect the balance and symmetry, however, this pair of semi-detached properties does not have symmetry and it appears as a single dwelling. The design of the proposal would not be out of keeping in the street scene. The SPD also advises that two storey side extensions should be set back by one metre from the front wall. The front elevation of the proposal would be set back marginally, at first floor level it would be stepped back by circa 30cm and have a lowered ridgeline. The proposal would be 0.2m less wide than the existing dwelling house. The SPD allows for a relaxation if there is a staggered arrangement of dwellings on the street. The properties in the street are predominately semi-detached and have staggered arrangements, with No.10 being staggered forward of the semi-detached properties to the eastern side. Additionally, this would also ensure that a terracing effect would not occur.

The proposed extension would be acceptable in design and materials and would comply with Policies ENV2 and the Design Principles SPD.

#### **Residential Amenity**

The Design Principles SPD advises that extensions should protect neighbours enjoyment of home, to not overshadow or have an overbearing effect on neighbouring properties, and that windows should not overlook adjacent property and side windows overlooking neighbouring property should be avoided.

The proposed two storey extension would not be forward of the front elevation nor would it project outwards from the rear elevation, the proposed development is to the west elevation and would not overshadow or overbear the nearest neighbour which are located some distance to the west.

The Design Principles also advises that windows to side elevations would be unacceptable and that habitable room windows facing each other should maintain a distance of 21m. The proposed development would have two ground floor windows for the lounge and two first floor windows for bedrooms, the windows would be facing onto No. 2 and No. 4 Ashton Drive and which is at a lower elevation than No.10. The distance between the front elevation of the application site to the front elevation of the properties opposite would be circa 17m. However, the existing dwelling has habitable room windows to the front elevation at ground floor and first floor and these properties are found opposite with a public highway in between. The development does not detrimentally impact on those dwelling over and above existing conditions. The relationship across the public highway is also acceptable.

The proposal would be acceptable in residential amenity terms and would conform to Policy ENV2 and the Design Principles SPD.

## **Trees**

Policy ENV1 states that aged and veteran trees should be protected in a manner appropriate to the status of their designation. The landowner to the rear of the application site has an Ash tree very close to the rear boundary of the garden of No. 10 Ashton Road. The Ash tree has a Tree Preservation Order No. 17 1995, the Tree Preservation Officer has identified that the roots of the Ash tree would be within the area where the proposed extension would be sited and this could be grounds for refusing the application. However, the Ash tree is diseased with Ash Dieback and has a limited life expectancy. It will need to be removed in due course due to the Ash Dieback.

Were the tree to be healthy the development would detrimentally impact on it and it would not be appropriate to approve the scheme which would effectively have resulted in the removal of the tree. Our Environment Officer, who is a fully qualified and experienced arborist, has confirmed that the tree has the disease and will need to be removed. It would be unreasonable for the application to be refused to protect a tree that will need removing shortly regardless of the outcome of this application. Therefore, in this instance the impact on the TPO'd Ash Tree would not warrant a reason for refusal. The proposed development would be acceptable for Policy ENV1.

## **Highway Issues**

The proposed development would increase the bedrooms from three to five bedrooms plus a study. Policy 31 would require three parking spaces for a dwellinghouse with four+ bedrooms. The application has indicated on Drawing No. 2120/100 that three parking spaces would be provided to the front and would be within the curtilage of the property. LCC Highways has no objection to the proposed parking arrangement. Subject to a suitable condition, the proposed development would conform to the Policy 31.

## **Reason for Decision**

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed housing development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework, subject to compliance with planning conditions. The development therefore complies with the development plan. There is a positive

presumption in favour of approving the development and there are no material reasons to object to the application.

**RECOMMENDATION: Approve**

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 2120/100; Existing Site Plan 2120 – 02; Proposed Site/Block Plan 2120 – 03A; Existing Floor Plan 2120 – 04; Proposed Floor Plan 2120 – 05A; Existing Elevations 2120 – 06; and Proposed Elevations 2120 – 07.

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

3. The materials to be used externally on the development hereby permitted shall at all times match those of the existing building in terms of type, size, texture and colour and there shall be no variation without the prior written consent of the Local Planning Authority.

**Reason:** In order to ensure that new material matches the existing.

4. Prior to the first use of the extension hereby authorised the parking spaces shown on the approved plan shall be provided in their entirety. The parking areas must be constructed of a bound porous material and shall thereafter be retained for the parking of residential vehicles associated with the dwelling.

**Reason:** To ensure that satisfactory parking is provided before the dwelling hereby permitted becomes operative in the interest of highway safety by preventing on street parking.

**Application Ref:** 22/0499/HHO

**Proposal:** Full: Demolition of garage, erection of a two storey side extension, bin store and landscaping.

**At** 10 Ashton Drive, Nelson.

**On behalf of:** Mr Daniyal Ali

# REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE 17TH OCTOBER 2022

**Application Ref:** 22/0505/ADV

**Proposal:** Advertisement Consent: Various vinyl signage/branding (Non-illuminated) on all elevations of pods.

**At:** Morrisons Supermarket, Pendle Street, Nelson

**On behalf of:** Wm Morrison Supermarkets Plc.

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

**Expiry Date:** 19/08/2022

**Case Officer:** Joanne Naylor

## **Site Description and Proposal**

The application site is within Morrisons Supermarket car park, it is on commercial premises and within the settlement boundary of Nelson. Pendle Street forms the boundary to the north-east of the site which has a Mosque and petrol station, the Leeds and Liverpool Canal forms the north-west boundary, to the south-east Every Street forms the boundary with terraced housing, and to the south-west Wellington Street forms the boundary with terraced housing. There are residential housing on Every Street and Wellington Street, and a Mosque on Pendle Street.

An application (22/0504/FUL) was submitted at the same time as this one seeking to erect a car windscreen repair pod and associated canopy and storage pod within the car park which was approved. This application seeks consent for vinyl signage (non-illuminated) for autoglass on all elevations of two pre-fabricated modular single pods: the fitting pod and the windscreen storage pod.

### Fitting Pod:

On external elevation A measuring the overall size would be 4600mm x 3658mm there would be background colours of red and white.

### On external elevation B:

Signage Item 4 would measure 5071mm x 266mm, the maximum cap height would be 266mm in white lettering.

Signage Item 5 would measure 1765mm x 164mm, the maximum cap size height would be 164mm in red and yellow lettering.

Signage Item 6 would measure 2832mm x 424mm, the maximum cap height would be 348mm in green lettering.

Signage Item 8 would measure 13000mm x 3658mm with a background of red, yellow, orange and white background with an image of a person holding a windscreen.

On external elevation C measuring 4600mm x 3658mm there would be signage either side of the roller shutter in red, yellow and white.

### On external elevation D:

Signage Item 1 would measure 1765mm x 409mm, with a maximum cap height of 164mm in red and yellow lettering.

Signage Item 2 would measure 2882mm x 424mm, with a maximum cap size of 348mm in green lettering.

Signage Item 3 would measure overall 5071mm x 266mm, the maximum cap height would be 266mm in white lettering.

Signage Item 4 would measure 13000mm x 3658mm with a background of red, orange and white and lettering in red and green and an image of a person with a windscreen.

Windscreen Storage Pod:

On the external elevation A measuring 4600mm x 3658mm, there would be background colours of red, yellow and white, Signage Item 5 measuring 2051mm x 190mm and a maximum cap height of 190mm.

On external elevation B measuring 2400mm x 3658mm, there would be background colours of red and white.

On external elevation C measuring 4600mm x 3658mm there would be background colours of red and white.

On external elevation D measuring 2400mm x 3658mm there would be background colours of red and white.

### **Relevant Planning History**

22/0504/FUL: Erection of car windscreen repair pod and associated canopy and storage pod within car park. Approved with Conditions.

13/11/0199P: Full: Major: Erect Foodstore (6588m<sup>2</sup>), basement and surface car parks, filling station, car wash and new access: Variation of Condition 4 of Planning Permission 13/98/0318P to extend opening hours. Approved with Conditions.

13/12/0048P: Advertisement Consent: Display 1 No fascia sign, 3 No hanging signs and 1 No directional sign (All non-illuminated). Approved with Conditions.

13/98/0318P: ERECT FOODSTORE (6588M<sup>2</sup>), BASEMENT AND SURFACE CAR PARKS, FILLING STATION, CAR WASH AND NEW ACCESS. Approved with Conditions.

13/99/0202P: ADV: SIGNAGE SCHEME AT NEW FOODSTORE. Approved with Conditions.

16/0518/ADV: ADV: Advertisement Consent: Display 8 illuminated signs on the store and petrol filling station including fascia, canopy and totem signage (part retrospective). Approved with Conditions.

19/0447/ADV: Advertisement Consent: Display two aluminium logo panels on central tower. Approved with Conditions.

### **Consultee Response**

LCC Highways – No objection to the proposal.

Parish/Town Council – No response received.

Environmental Services (Health) - No response received.

### **Public Response**

Nearest neighbours notified by letter without response.



## **Relevant Planning Policy**

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

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

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

Policy WRK4 Retailing and Town Centres aims to focus retail development in town and local shopping centres, with Nelson and Colne to serve boroughwide.

### **National Planning Policy Framework**

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

## **Officer Comments**

The issues to consider in this application are, Design and Materials, Amenity and Highway Safety.

### **Design and Materials**

The Design Principles SPD provides guidance on the design of advertisements and that corporate image can often be accommodated in most commercial areas. The proposal does not contain illuminated signs. The proposed advertisements will be on the larger elevations of both pods, the colours contrast well with the background and the lettering is easily readable. The proposed advertisement is a modern design which is appropriate for the development, and would be proportional, the lettering reflects the character of the development.

The size, colour and design of the proposal would conform to ENV2 and the Design Principles SPD.

### **Amenity**

The proposed advertisement signs would be on the car windscreen repair pod and storage pod within Morrison's car park. The advertisement would be visible from public viewpoints but would not be out of keeping with their commercial surroundings. There is a mosque on Pendle Street and residential properties on Every Street and Wellington Street. The proposed advertisement would be sited within Morrison's car park parallel with Pendle Street, the boundary treatment between the proposal and Pendle Street is hedging and mature trees, this would provide some screening from the public viewpoints. The residential properties are at a sufficient distance away from the proposal and would therefore not have an impact on amenity.

The proposal would conform to ENV2 and the Design Principles.



## Highways

LCC Highways have no objections to the proposed advertisement. The proposed scheme will not impact on highway safety and therefore is acceptable in this aspect.

### **RECOMMENDATION: Approve**

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:
  - a. Proposed Site Plan: 104\_PL\_02 Revision A
  - b. Option 02 + Windscreen Store 1300 x 4600, 4600 x 2400. Floor Plan & External Elevations. 18.01.003. 002 Revision C.
  - c. Option 02 + Windscreen Store 13000 x 4600, 4600 x 2400. Floor Plan & External Elevations. 18.01.003. 002 Revision C.

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

3. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the land entitled to grant permission.

**Reason:** Condition imposed by the Regulations

4. No advertisement shall be sited or displayed so as to –
  - a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
  - b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
  - c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

**Reason:** Condition imposed by the Regulations.

5. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

**Reason:** Condition imposed by the Regulations.

6. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

**Reason:** Condition imposed by the Regulations.

7. Where an advertisement is required under these Regulations to be removed, the site shall be left in condition that does not endanger the public or impair visual amenity.

**Reason:** Condition imposed by the Regulations.

**Application Ref:** 22/0505/ADV

**Proposal:** Advertisement Consent: Various vinyl signage/branding (Non-illuminated) on all elevations of pods.

**At:** Morrisons Supermarket, Pendle Street, Nelson

**On behalf of:** Wm Morrison Supermarkets Plc.

# REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE 17TH OCTOBER 2022

**Application Ref:** 22/0521/ADV

**Proposal:** Advertisement Consent: Installation of internally illuminated fascia advertisement above shop front (retrospective).

**At** 98-100 Manchester Road Nelson

**On behalf of:** Mr Shehraz Aktar

**Date Registered:** 03.08.2022

**Expiry Date:** 9/28/2022

**Case Officer:** NW

## **Site Description and Proposal**

The application site sits on the main road into Nelson. The shop front has been replaced so the application is a retrospective one.

The proposal is to install an advertisement that will be illuminated.

## **Relevant Planning History**

No relevant planning history.

## **Consultee Response**

Highways: I consider the proposal to have a negligible impact on highway safety and capacity in the vicinity of the site. I have no objection to this proposal providing the following conditions are applied to the formal decision notice.

## **Public Response**

One letter of objection has been received:

Because of the position of my house I am directly and adversely affected by the BRIGHTNESS of the pink illuminated fascia above the shop front. Chocstop does NOT need to be so fiercely illuminated as it cannot be seen by people who are approaching from left or right on Manchester Road. Simple, low level lighting would still tell the public the shop name.

## **Relevant Planning Policy**

Pendle Local Plan Part 1: Core Strategy Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Policy ENV1 seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum. Policy ENV2 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new

development. It states that siting and design should be in scale and harmony with its surroundings. Saved Policy 31 of the Replacement Pendle Local Plan sets out the maximum parking standards for development. National Planning Policy Framework The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system. The Design Principles Supplementary Planning Document (SPD) applies to shop fronts.

The application site lies within a conservation area. There is a duty to consider the preservation and enhancement of conservation areas.

Para 202 of the NPPF states:

*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.*

### **Officer Comments**

The application is to have an illuminated advertisement on the shop front. The advertisement would not require consent without the illumination and as such it is the illuminated element that is the main issue to consider.

The site lies in the Whitefield Conservation Area and there is a duty to preserve and enhance the conservation area in accordance with section 172 of the Listed Buildings and Conservation Areas Act.

The area has a large array of different shop fronts with different forms of illumination. These are predominantly back lit without individual letters illuminated. The row on which this shop front sits has different shop fronts but does not have brightly illuminated adverts.

The Council recognises the essential commercial function of advertisements, however, they can have a significant effect on the character or appearance of an individual building or an area and can detract from these if not considered carefully. Advertisements should not adversely affect the architectural character of buildings and areas within Pendle. They should be designed to enhance the appearance of street scenes. The Council's Design Principles SPD contains guidance on the design of shop front advertisements.

In this case the advert is bright and would stand out significantly from the remainder of the frontage. It is bright, although this could be controlled by conditions and would considerably detract from the conservation area. A more modest level of lighting and a different colour scheme may be appropriate. The illuminated section of the advert would harm the significance of the conservation area and although this would be less than significant it would not be outweighed by the public benefits.

It states that advertisements should be of a high standard of design which relates architecturally with the building upon which they are fixed, should be sympathetic to the surrounding locality and street scene and be finished / coloured carefully without detriment to the overall street scene. The proposed advertisement would be garish and jar with the existing surrounding street scene. It would result in a shop front advertisement which does not consider the context within which it is located and would lead to harm to the character and appearance of the Conservation Area. The advertisement represents poor design, contrary to paragraph 134 of the Framework in this regard. It is also contrary to paragraph 202 of the Framework, Policies ENV1 & ENV2 of the Local Plan:

Part 1 Core Strategy, the Design Principles SPD and the Conservation Area Design & Development Guidance, which requires any harm to heritage assets to be outweighed by public benefit.

The complaint regarding the level of illumination could be dealt with by way of an appropriate conditions.

## **RECOMMENDATION: Refuse**

- 1 The advertisement is out of character with the visual amenity of the area and represents poor design, in conflict with paragraph 134 of the National Planning Policy Framework and Policy ENV2 of the Local Plan: Part 1 Core Strategy. It would result in an unacceptable adverse impact upon the character and appearance of the Conservation Area, contrary to paragraph 202 of the Framework, Policy ENV1 of the Local Plan: Part 1 Core Strategy, The Design Principles SPD and the Conservation Area Design and Development Guidance



**Application Ref:** 22/0521/ADV

**Proposal:** Advertisement Consent: Installation of internally illuminated fascia advertisement above shop front (retrospective).

**At** 98-100 Manchester Road Nelson

**On behalf of:** Mr Shehraz Aktar

# REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE 17TH OCTOBER 2022

**Application Ref:** 22/0550/HHO  
**Proposal:** Full: Erection of a 6 car garage (retrospective).  
**At:** New Laund Farm, Greenhead Lane, Reedley  
**On behalf of:** Mr & Mrs Balmer  
**Date Registered:** 15/08/2022  
**Expiry Date:** 10/10/2022  
**Case Officer:** Laura Barnes

## Site Description and Proposal

The application site is an agricultural farm located within the Green Belt and Open Countryside. There is a small cluster of existing farm buildings accessed by a private driveway off Greenhead Lane.

The proposed garage block would be located adjacent to the existing farmhouse and would replace an existing triple garage. The garage would provide space for 6 vehicles.

## Relevant Planning History

13/06/0400P: Full: Extend garage, erect chimney stack and convert to holiday dwelling.  
Refused

13/13/0171P: Full: Erection of a detached garage.  
Approved with conditions

13/90/0608P: Change of use from shippon to dwelling with partial demolition of garage and cladding remaining area in reclaimed stone  
Approved with conditions

13/92/0275P: ERECT 2 AGRICULTURAL BUILDINGS (RETAIN GARAGE AND ERECT TRACTOR/IMPLEMENT SHED)  
Approved with conditions

13/98/0265P: Erect garage block  
Approved with conditions

13/99/0017P: USE PART OF FARM YARD AS GARDEN AND ERECT DOUBLE GARAGE AND STORE AT GREENTOP,  
Approved with conditions

18/0651/HHO: Full: Demolition of garage block and erection of garage block for six vehicles.  
Approved with conditions

## Consultee Response

LCC Highways

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

### Reedley Hallows Parish Council

With regard to Planning Application 22/0550/Full - the Reedley Hallows Parish Council also object to this application on the grounds that this site is not used for agricultural purposes. They understand that it is used as a garden machinery hire and sales business.

## **Public Response**

Nearest neighbours notified, multiple letters of objection have been received stating the following:

- The applicant hasn't complied with the previous application to demolish a garage
- This garage is twice the size of that which was approved
- An eyesore
- Inappropriate development in the Green Belt
- There are lots of HGVs going up and down this lane, it is being operated as a business and is not an agricultural operation
- This sets a poor precedent for other development
- This is a retrospective application, the applicant should not be allowed to build what they like and ask for approval later
- The building should be removed and returned to Green Belt land
- Request for the Council to investigate what is going on at the site
- The building has the appearance of a very large house rather than a garage

Some letters in support of the application have also been received, setting out the following:

- The garage has been built to a high specification
- It is in keeping with other buildings and houses in the immediate vicinity
- Occupiers of neighbouring properties do not feel it would have an unacceptable impact upon them

## **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.

Paragraph 147 states:

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

Paragraph 148 states:

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

Paragraph 149 of the Framework is set out below:

*"A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*

- (a) buildings for agriculture and forestry;*
- (b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- (c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- (e) limited infilling in villages;*
- (f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- (g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority."*

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



## **Principle of Development**

The application site is located within the Open Countryside and Green Belt, as such Policy ENV1 of the Local Plan: Part 1 Core Strategy and Paragraphs 147-149 of the Framework are particularly relevant.

Paragraph 149 of the Framework highlights that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, however exceptions to this include the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

The site has a current triple garage, which is proposed to be demolished to allow for the erection of the six vehicle garage. Furthermore, permission was received in 2013 for an additional triple garage, directly adjacent to the application site, which was not implemented.

Taking into account the proposed demolition of an existing garage block and an additional previously approved scheme, overall the replacement of both garage blocks with one single garage block of the same use, would result in a negligible increase in volume of buildings and therefore not result in a significant detrimental impact on the openness of the Green Belt.

## **Design**

The Design Principles SPD states that garages should be constructed of material which are sympathetic to the original dwelling, in a position which would not affect the appearance of the original dwelling. Pitched rooves are preferable.

The garage has a front wall constructed of stone to match the existing dwelling, with the rear wall being rendered. The door openings have stone heads, whilst the roof is corrugated metal sheeting. The garage doors are a roller shutter style, with a concealed roller mechanism.

The garage materials represent a high quality design, which accord with Policies ENV2 and the Design Principles SPD.

## **Residential Amenity**

In terms of neighbouring amenity, the garage building is to be sited to the side of the main dwelling. It is 5.7m in height but sits behind a retaining wall, which effectively results in the garage being partly built into the ground here. As such, it would not result in an overbearing effect upon neighbouring dwellings. There are no windows to the garage building. As such, there would be no unacceptable loss of amenity to the neighbouring dwellings.

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

## **Highways**

The proposed development would result in the additional six off-street car parking spaces. The Highways Authority does not have any objections to the application. There are no objections raised in relation to Policy 31 of the Replacement Local Plan.

## **Other Matters**

The Council has received comments from members of the public stating that the building is not going to be used for domestic purposes, ancillary to the main dwelling. However, this can be controlled by planning condition, to ensure that it is not used for anything other than the use which

it has been granted. Concerns have also been raised that the previous garage has not yet been removed. Again, a planning condition can secure the demolition of this building.

## 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 2322-1
  - Proposed Site Plan 2322-5
  - Elevation Plans 2322-2

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

3. All materials to be used for the proposed development hereby approved shall be as stated on the application form and approved drawings and they shall not be varied without the prior written permission of the Local Planning Authority.

**Reason:** Those materials are appropriate for the development and site.

4. The garages hereby permitted shall not at any time be used for any purpose, other than ancillary to that of the main dwelling and not as any independent or commercial use, which would preclude its use for the parking of a motor car.

**Reason:** To protect the visual and residential amenities of the site.

5. Within six months of the date of this permission the existing triple garage building shall be demolished and all resultant materials removed from the site.

**Reason:** To safeguard the openness of the Green Belt.

**Application Ref:** 22/0550/HHO

**Proposal:** Full: Erection of a 6 car garage (retrospective).

**At:** New Laund Farm, Greenhead Lane, Reedley

**On behalf of:** Mr & Mrs Balmer

# REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE 17TH OCTOBER 2022

**Application Ref:** 22/0555/FUL

**Proposal:** Full: Erection of an agricultural building (retrospective) and demolition of an existing agricultural building.

**At:** New Laund Farm, Greenhead Lane, Reedley

**On behalf of:** Mr & Mrs Balmer

**Date Registered:** 15/08/2022

**Expiry Date:** 10/10/2022

**Case Officer:** Laura Barnes

## Site Description and Proposal

The application site is an agricultural farm located within the Green Belt and Open Countryside. There is a small cluster of existing farm buildings accessed by a private driveway off Greenhead Lane.

This is a retrospective application, at the time of the site visit the building had already been erected. It has a footprint of 38m x 23m with a dual pitched roof measuring 7.1m in height. The front of the building has two large vehicular access doors, which are roller shutters, with the mechanism concealed within the building. The walls are constructed of concrete panels with a profiled steel sheeting in green whilst the roof is profiled steel sheeting in a grey colour. The application also seeks permission for a concrete apron area to be extended around the access to the building and a retaining wall to be built up to alter the levels of the ground immediately in front of the doors to the building. The retaining wall was partly built at the time of the site visit. It is to be supplemented by an area of landscaping to the field side of the wall, in order to screen this in views from the Open Countryside.

## Relevant Planning History

13/06/0400P: Full: Extend garage, erect chimney stack and convert to holiday dwelling.  
Refused

13/13/0171P: Full: Erection of a detached garage.  
Approved with conditions

13/90/0608P: Change of Use from shippon to dwelling with partial demolition of garage and cladding remaining area in reclaimed stone  
Approved with conditions

13/92/0275P: Erect 2 agricultural buildings (retain garage and erect tractor / implement shed)  
Approved with conditions

13/98/0265P: Erect garage block  
Approved with conditions

13/99/0017P: Use part of farm yard as garden and erect double garage and store  
Approved with conditions

18/0651/HHO: Full: Demolition of garage block and erection of garage block for six vehicles.  
Approved with conditions

18/0652/AGR: Prior Approval Notification (Agricultural Building): Erection of agricultural storage building 23.07m x 32.8m x 65.8m).  
Prior Approval Not Required (Approved)

19/0849/AGD: Prior Approval Notification (Agricultural Building to Dwelling Class QA and QB):  
Change of use of agricultural building to dwelling (Use Class C3) and external alterations.  
Approved

22/0550/HHO: Full: Erection of a 6 car garage (retrospective).  
Pending Consideration

## **Consultee Response**

### LCC Highways

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

### Cadent Gas

Apparatus within the vicinity which the applicant should be made aware of.

### Reedley Hallows Parish Council

With regard to Planning Application 22/0550/Full - the Reedley Hallows Parish Council also object to this application on the grounds that this site is not used for agricultural purpose. They understand that it is used as a garden machinery hire and sales business.

Therefore the Parish Council request Pendle Council to reject both these applications.

### Health & Safety Executive

Does not advise against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

Please contact the pipeline operator (Cadent Gas) as they may have additional constraints

## **Public Response**

Nearest neighbours notified, multiple letters of objection have been received stating the following:

- The application sets a dangerous precedent for future applications in the Green Belt
- Neighbouring property has experienced damp and water leaking issues due to the agricultural building which should have been removed years ago
- This building is a warehouse for a commercial operation
- The large concrete wall is unsightly
- The comings and goings from this building prove that it is not being used agriculturally
- Contrary to Green Belt policy if it is not being used for agricultural purposes
- Disturbance to local residents because of HGVs being used here

- Tipping and filling on the land to build up the levels

Some letters in support of the application have also been received, setting out the following:

- The building is in keeping with the surroundings
- The area will be improved once the old building has been removed
- The building does not impact upon privacy of neighbouring dwellings
- No concerns regarding the application

## **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.

Paragraph 147 states:

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

Paragraph 148 states:

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

Paragraph 149 of the Framework is set out below:

*“A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*

- (a) buildings for agriculture and forestry;*
- (b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- (c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- (e) limited infilling in villages;*
- (f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- (g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”*

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

### **Principle of Development**

The building is for agricultural purposes and has been applied for on the basis of an exception to Green Belt policy. A building of an equivalent form and massing has previously been approved, under an agricultural prior notification. The position of the building is different in this case but it does not change the fact that the same volume of building has previously been found to be acceptable within the Green Belt.

The building meets the exception test of paragraph 149 of the Framework by virtue of its agricultural purpose, the development is therefore not inappropriate.

### **Design**

The building is agricultural in appearance with a dual pitched roof constructed from profiled steel sheet roofing. The walls are concrete panels with profiled steel sheet cladding, which are green in colour.

The application also includes an area of hardstanding and a concrete block retaining wall. This is necessary to allow large agricultural machinery to enter and exit the site safely and have sufficient space to turn around. The concrete wall is to be planted up with a landscaping scheme set out on the proposed site plan. Details of the landscaping scheme can be controlled by planning condition.

The construction materials are typical of an agricultural building and represent a high quality design, which accord with Policies ENV2 and the Design Principles SPD.

### **Residential Amenity**

In terms of neighbouring amenity, the agricultural building is sited to the side of the main dwelling, within the farm yard area. Although it is 7m in height, it is set away from neighbouring dwellings by more than 21m. As such, it would not result in an overbearing effect upon neighbouring dwellings.

There are no windows to the agricultural building. As such, there would be no unacceptable loss of amenity to the neighbouring dwellings.

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

## Highways

The proposed development would not result in any highway safety danger. It is acceptable in this regard.

## Other Matters

Some members of the public have raised concerns about this building not being used for agricultural purposes. Given that the exception in Green Belt policy relates specifically to agricultural building, the use of the building would have to remain agricultural. A change of use to an alternative would require planning permission. It is not for this application to pre-judge a potential future use of the building. The Council must consider the application which is currently before them.

Some residents have also raised the issue of HGVs coming to and from the site causing disturbance. The application site is on a farm, therefore a certain level of activity would be expected in relation to agricultural vehicles, tractors and the like. Again, the applicant has not applied for the building to be used for a commercial purpose so the Council must judge the application on the basis of the information before them.

## 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 Ref: 2322/ Drawing No 1 Rev A
  - Proposed Elevation Plans Ref: 2322/ Drawing No 3
  - Site Plan Ref: 2322/ Drawing No 4

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

3. All materials to be used for the proposed development hereby approved shall be as stated on the application form and approved drawings and they shall not be varied without the prior written permission of the Local Planning Authority.

**Reason:** Those materials are appropriate for the development and site.

4. Within three months of the date of this decision a detailed landscaping scheme shall be 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 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 that the development is adequately landscaped so as to integrate with its surroundings.

5. Within three months of the date of this permission a scheme for the disposal of surface water shall have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be constructed and completed in accordance with the approved scheme.

**Reason:** To control surface water flow disposal and prevent flooding.

**Application Ref:** 22/0555/FUL

**Proposal:** Full: Erection of an agricultural building (retrospective) and demolition of an existing agricultural building.

**At:** New Laund Farm, Greenhead Lane, Reedley

**On behalf of:** Mr & Mrs Balmer

## **LIST OF BACKGROUND PAPERS**

Planning Applications

**NW/MP**

**Date: 02nd September 2022**