

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

TO: EXTRAORDINARY COUNCIL MEETING

DATE: 18th OCTOBER 2002

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

Part 1:- Request to determine the following Planning Applications:-

REPORT TO FULL COUNCIL COMMITTEE ON 18TH 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, Brieffield & 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 FULL COUNCIL COMMITTEE ON 18TH OCTOBER 2022

Application Ref: 21/0994/FUL

Proposal: Full: Major: Demolition of rear extensions and conversion of care home (Use Class C2) to 12 No. apartments (Use Class C3), reconfigure part of roof and two storey extensions to the rear.

At: Belgarth Nursing Home, Wheatley Lane Road, Barrowford

On behalf of: Mr Omar Ahmad

Date Registered: 27/06/2022

Expiry Date: 26/09/2022

Case Officer: Laura Barnes

Site Description and Proposal

The application site relates to a former nursing home which is located within the settlement boundary.

The proposal seeks to remove the existing rear extensions and convert the building into 12 apartments, which includes a reconfiguration of part of the roof along with a replacement two storey rear extension.

Relevant Planning History

22/0452/ADV: Advertisement Consent: Installation of 2 No. advertisement hoardings.
Approved with conditions

13/11/0319P: Full: Demolition of single storey rear extension, erect part two storey and single storey rear extension, single storey side extension and new ramp access. (Re-Submission).
Approved with conditions

13/11/0319C1: Approval of Details Reserved by Condition: Discharge of Condition 4 (Landscaping) of Planning Permission 13/11/0319P.
Condition Discharged

13/09/0245P: Full: Insert window to side (south) elevation of nursing home
Approved with conditions

13/06/0202P: Full: Erect conservatory in yard
Approved with conditions

13/03/0629P: Erect extension to include staff facilities and new laundry
Approved with conditions

13/96/0429P: Extensions to nursing home
Approved with condition

13/93/0600P: Erect sun lounge to rear
Approved with conditions

Consultee Response

LCC Highways

Initial comments:

There is an objection to this proposal. Our concerns are regarding the intensification of use with this proposal and with the shortfall of 8 car parking spaces.

We would not support any overflowing of car parking onto Warren Drive (Single C/w) or Wheatley Lane Road close to the junction. This is likely to obstruct the visibility splay for drivers and cause a safety issue.

The proposal will see the creation of 14 apartments on the site. An intensification of use. There will be an increase in vehicle movements with this proposal which will increase the risk to other road users due to any overflow of parking due to this proposal.

At the time of my site visit there was already an element of on-street parking on Warren Drive opposite the development site. Additional overspill car parking from the development is likely to cause result in double parking or parking close to the junction of Wheatley Lane Road.

18 parking spaces are proposed within the curtilage of the site. Under the adopted parking and access standards a development such as this would be expected to provide 26 parking spaces. This is a shortfall of 8 spaces. A shortfall in parking would not be acceptable. We would request the number of bedrooms be reduced and extra car parking spaces be created in order to meet parking standards.

Final comments:

Objection removed

The plans are now acceptable (Ref A021/324P/08) subject to two electrical charging points being put on.

I would recommend the following conditions:
Conditions

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

- ☐ The parking of vehicles of site operatives and visitors
- ☐ The loading and unloading of plant and materials
- ☐ The storage of plant and materials used in constructing the development
- ☐ The erection and maintenance of security hoarding
- ☐ Details of working hours
- ☐ HGV delivery times and routing to/from the site
- ☐ Contact details for the site manager

- The car park shall be surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan, before the use of the premises hereby permitted becomes operative. Reason: To allow for the effective use of the parking areas.

- The cycling facilities to be provided in accordance with the approved plan, before the use of the premises hereby permitted becomes operative. Reason: To allow for the effective use of the parking areas and the promotion of sustainable forms of transport and aid social inclusion.

- 2 of the allotted parking bays shall have facility of an electrical supply suitable for charging an electric motor vehicle. Reason: - In order to promote sustainable transport as a travel option and reduce thereby carbon emissions.

Lancashire Education Authority

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

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

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

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

Lancashire Fire & Rescue

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

Cadent Gas

There are apparatus in the vicinity which the applicant needs to be aware of.

Environmental Health

Suggested conditions for a construction method statement and asbestos surveys.

East Lancashire NHS Trust

Request a contribution of £10,387 towards health care facilities.

Barrowford Parish Council

No Objection in Principle: The proposed conversion of Belgarth into 14 apartments utilising the main structure whilst removing several later additions and extending the building in a style similar to the existing building will produce a more elegant design and remove the current unstructured outer appearance. The addition of additional window openings does not detract from the design. The proposed mix of 1 one bedroom, 12 two bedroom and 1 three bedroom flats/maisonettes will provide for the ever increasing need for smaller dwellings. The increase of off road parking from 6 to 18 is a great improvement but whether the provision is adequate is a matter for the planners as there is some on street parking on Wheatley Lane Road but little on Warren Drive. The current situation where the now semi derelict former nursing home has become a magnet to vandals and teenagers and a blight on local residents can only be addressed by a future use of the site. The

retention of this large local landowners dwelling is a step in the right direction and although the number of dwellings could be argued as excessive, the Parish Council would support this application if the applicant commenced the work in a timely manner as local residents have suffered the effects of the derelict building for several years and ask could this be enforced by planning condition?

Public Response

Nearest neighbours notified, a site and press notice have been displayed. Multiple comments raising objections have been received, which have been summarised as follows:

- Lack of car parking provision is concerning
- The surrounding road network cannot cope with an increase in vehicles
- Provision for delivery vehicles should be made
- Concerns regarding the demolition due to it being within 10cm of neighbouring dwellings
- Expression of interest in the rear boundary treatment
- Request for a condition controlling construction hours to week days only
- Request for a condition to ensure the development goes ahead within the next 12 months
- Preservation orders on the trees must be adhered to
- Double yellow lines should be put on the surrounding street to ensure that parking does not become an issue
- Concerns regarding a shared boundary with three properties on Cairns Close
- Issue with the conifers on the boundary

Some comments in support of the application have also been received, they can be summarised as follows:

- Welcome something being done with this site after it has become an eyesore

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

Policy SDP3 (Housing Distribution) sets out the location of new housing in the Borough in conjunction with SDP2 and LIV1.

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

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

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

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

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

Policy LIV3 (Housing Needs) encourages the support and provision of a range of residential accommodation.

Policy LIV4 (Affordable Housing) sets out the targets and thresholds to contribute towards the provision of affordable housing. Where the relevant target cannot be met a financial viability assessment should be provided to allow for negotiation and adjustment accordingly.

Policy LIV5 (Designing Better Places to Live) requires all new housing to be designed and built in a sustainable way. New development should make the most efficient use of land and be built at a density appropriate to its location taking account of townscape and landscape character. Provision for open space and/or green infrastructure should be made in all new housing developments.

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 site is located within the settlement boundary. Therefore, a change of use or extension to the building is acceptable in principle, subject to policies relating to design, amenity, ecology and highways.

Design & Visual Amenity

The proposed development involves the following external alterations to the existing building:

- Demolition of existing rear extensions
- Erection of two storey rear replacement extension
- Reconfiguration of roof including removal of existing roof extension (which created a second floor with ancillary accommodation to the care home)

The proposed replacement extension to the rear is to be constructed of

Internally the proposed accommodation is to comprise the following:

Ground Floor

Flat 1: Two bedroom flat
Flat 2: Two bedroom flat
Flat 3: One bedroom flat
Flat 4: Two bedroom flat
Flat 5: Two bedroom flat
Flat 7: One bedroom flat

Entrance Hall
Gym
Changing Room
Lift

First Floor

Flat 8: Two bedroom flat
Flat 9: Two bedroom flat
Flat 10: Two bedroom flat
Flat 11: Two bedroom flat
Flat 12: Two bedroom flat
Flat 14: Two bedroom flat

Cleaners Store
Lift

The proposed development is to be constructed of ashlar cut stone and white painted render walls, to match the existing building. The roof is also to match the existing building, as with the white UPVC windows and doors.

Overall, the proposed development to convert the building would not be out of character with other buildings in the surrounding area. Using matching materials to the existing building will assist in assimilating the proposed extensions into the existing site. The proposed development accords with Policy ENV2 of the Local Plan: Part 1 Core Strategy in this regard.

Highways

The proposed development includes 22 car parking spaces (three of which would be for disabled badge holders). The proposed development is to provide an acceptable level of off-street car parking and it accords with Policy 31 of the Replacement Local Plan in this regard. There is no objection on highway safety grounds.

Ecology

The application is accompanied by a preliminary roost assessment and a building & activity survey. This has found that there is no evidence of bats in the building. Similarly, no breeding birds were identified as roosting or nesting in the building. However, evidence of feral pigeons was present. The report recommends that methods should be employed to deter the pigeons, including obtaining the appropriate licence for their removal. The recommendations of the ecology report should be followed, this can be secured by planning condition.

Trees

The application is accompanied by a tree survey which identifies that all the trees are on the site boundary. Some of the trees on the Warren Drive side of the site are the subject of a Tree

Preservation Order. The applicant has prepared a Tree Protection Plan which indicates the trees that are to be retained. The plan also includes details of the tree protection fencing measures which would be put in place during construction.

This information is acceptable and the trees can be protected by planning condition.

Contributions

A request has been made from East Lancashire Hospitals NHS Trust for a contribution towards the cost of healthcare interventions it calculates will be generated by the residents of the 12 dwellings in the first three years of their occupation, for which there is a funding gap.

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

Section 106 of the 1990 Act provides as follows:

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

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

(2) A planning obligation may—

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

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

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

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

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

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

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

“infrastructure” includes—

- (a) roads and other transport facilities,
- (b) flood defences,

- (c) schools and other educational facilities,
- (d) medical facilities,
- (e) sporting and recreational facilities, and
- (f) open spaces”

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

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

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

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

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

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

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

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

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

Other Matters

A local resident has raised an issue over a hedge and a party wall. This is a civil matter which should be resolved privately between the parties and is not within the remit of the planning application.

Concerns have been raised over the construction of the rear extension, particularly with the close proximity to the neighbouring dwellings. This can be addressed through a Construction Method Statement, which can be secured by planning condition.

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 – 0001 Drawing Number 01
- Proposed Elevations P01-Rev B
- Proposed First floor P03-Rev B
- Proposed Soft Landscaping P05-Rev B
- Proposed Tree Protection Plan P07-Rev B
- Proposed Ground Floor Plan P02-Rev B
- Proposed Site Plan P04-Rev B
- Proposed Bedding Schedule P06-Rev B
- Proposed Hard landscaping P08-Rev B

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

3. The external facing and roofing materials shall match those of the existing building in terms of type, size, form, texture and colour and there shall be no variation without the prior consent of the Local Planning Authority.

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

4. Foul and surface water shall be drained on separate systems.

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

5. The development hereby approved shall be carried out in accordance with the survey details for trees, prepared by Iain Tavendale, dated 28/02/2022

Reason: To ensure the trees are adequately protected.

6. Prior to the commencement of development a survey shall be carried out to identify the presence of any asbestos on the site, either bonded with cement or unbonded. Where any asbestos cement is found it shall be dismantled carefully or otherwise collected without generation of dust, it shall be dampened down with water and removed from site in secure, sealed, air-tight containment. If unbonded asbestos is found the Health and Safety Executive shall be contacted and the asbestos shall be removed by a specialist licensed contractor.

Reason: To protect the health and amenity of people in the vicinity, including those working on the development.

7. No part of the development shall be commenced unless and until a Construction Code-of-Practice has been submitted to and approved in writing by the Local Planning Authority. The code shall include details of the measures envisaged during construction to manage and mitigate the main environmental effects of the relevant phase of the development. The submitted details shall include within its scope but not be limited to:
- a) A programme of works including phasing, hours of operation and measures for the control of traffic to and from the site, and within the site, during construction.
 - b) The areas and methods of loading and unloading of plant and materials.
 - c) The areas for the storage of plant and materials.
 - d) Methods for dust control and suppression including asbestos controls and undertaking of regular dust monitoring including when dust monitoring and dust control/suppression are to be implemented.
 - e) Details of wheel-washing facilities including location
 - f) Details, including likely vibration and noise levels at site boundaries, of the piling operations.
 - g) Measures related to construction and demolition waste management
 - h) Pollution prevention to include odour suppression, temporary drainage measures, control on re-fuelling activities and measures such as cut-off trenches to control gas migration.
 - i) Soil resource management including stock-pile management
 - j) Compliance with BS5228: Part 1 1997 to minimise noise
 - k) Measures to ensure that vehicle access of adjoining access points are not impeded.
 - l) Measures to ensure that there is no burning of waste.
 - m) Demolition Management Plan/Programme
 - n) Location and details of site compounds
 - o) Hoarding details during construction
 - p) An overall Construction Monitoring programme, to include reporting mechanisms and appropriate redress if targets/standards breached
 - q) Vibration monitoring to be carried out for the construction period.
 - r) Noise-monitoring to be carried out for the construction period.
 - s) A Construction and Demolition-Waste minimisation Strategy.
 - t) A Construction-Risks Education plan/programme
 - u) Parking area(s) for construction traffic and personnel
 - v) Routeing of construction vehicles

The Construction Code-of-Practice should be compiled in a coherent and integrated document and should be accessible to the site manager(s), all contractors and sub-contractors working on site. As a single point of reference for site environment management, the CCP should incorporate all agreed method statements, such as the Site Waste Management Plan and Demolition Method Statement. All works agreed as part of the plan shall be implemented during an agreed timescale and where appropriate maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate measures are in place to protect the environment during the construction phase.

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

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

9. The car park shall be surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan, before the use of the premises hereby permitted becomes operative.

Reason: To allow for the effective use of the parking areas.

10. The cycling facilities to be provided in accordance with the approved plan, before the use of the premises hereby permitted becomes operative. Reason: To allow for the effective use of the premises hereby permitted becomes operative.

Reason: To allow for the effective use of the parking areas and the promotion of sustainable forms of transport and aid social inclusion.

11. Two of the allotted parking bays shall have facility of an electrical supply suitable for charging an electric motor vehicle.

Reason: In order to promote sustainable transport as a travel option and reduce thereby carbon emissions.

12. The development hereby permitted shall not be commenced until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:
- a. the exact location and species of all existing trees and other planting to be retained;

- b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
- c. an outline specification for ground preparation;
- d. all proposed boundary treatments with supporting elevations 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.

13. The development hereby approved shall be carried out in strict accordance with the recommendations of the Ecology Surveys “Bats: Building and Activity Survey” Ref SE/KDGQ063/02 and “Bats: Preliminary Roost Assessment” Ref: SE/KDG063/01.

Reason: To ensure that any protected species are adequately protected.

Application Ref: 21/0994/FUL

Proposal: Full: Major: Demolition of rear extensions and conversion of care home (Use Class C2) to 12 No. apartments (Use Class C3), reconfigure part of roof and two storey extensions to the rear.

At: Belgarth Nursing Home, Wheatley Lane Road, Barrowford

On behalf of: Mr Omar Ahmad

REPORT TO FULL COUNCIL COMMITTEE ON 18TH OCTOBER 2022

Application Ref: 22/0200/HHO

Proposal: Full: Erection of a porch to front elevation.

At 148 Reedyford Road Nelson Lancashire

On behalf of: Mr Alan Cross

Date Registered: 21.04.2022

Expiry Date: 16/6/2022

Case Officer: NW

Site Description and Proposal

The application site is a former Council property set at the end of a row of houses. It is slightly elevated above the street level and is located on a main thoroughfare through Nelson. The extension has been partially built.

Relevant Planning History

20/0381/HHO. Erection of a single storey porch extension. Approved 28/8/2020.

Consultee Response

Highways: No objections.

Canal and Rivers Trust: No objection

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 seeks permission to erect a single storey front porch extension onto the existing dwelling.

The extension would have high level windows on either side of the extension. ON the south side the window would allow views into the habitable windows of the neighbouring property. That direct relationship would be unacceptable. However a condition requiring that to be obscurely glazed could overcome that and should approval be given then such a condition should be attached. The window on the other side wall faces onto open land and does not affect any other property.

The extension would not be overbearing on any adjoining neighbour.

The main issue with the application is the design of the extension and whether that is acceptable. There was a previous consent in 2020 for a porch. That was the same width on the front of the property but was 0.75m less in length at 2.5m The proposed length is 3.2m.

The property is set back from the road but is elevated from it. The site is also on a corner plot. That makes the extension more prominent than other properties in the area. The other properties do not generally have porch extensions but where they have them they are modest in scale and proportionate to the dwelling they are on.

The previously approved porch is similar in terms of the design it proposed with a pitched roof extension with front door being proposed in each case. The approved scheme however was smaller and looked more in scale with the existing house.

The extension proposed would significantly protrude to the front of the house. It would be overly large in comparison with the scale of the house and would look out of scale and proportion with the existing house.

The extension would also lead to an overly large extension to the front of the house and that would not be in keeping with the design of the surrounding houses.

The approved scheme was on the borderline of being acceptable but was on balance appropriate. The proposed extension is too large and unbalances the proportions on the existing house and would be a dominant and unacceptable feature on the front of the house. That is not helped by the randomly proposed windows which present a disjointed appearance to the extension and is poor design.

RECOMMENDATION: Refuse

Subject to the following conditions:

14. The extension proposed is poorly designed. It is too large and bulky on the front of the dwelling and would be disproportionately large dominating the street scene. It also has windows that present an unbalanced appearance to the extension. As such the development is not well designed and would be contrary to policy ENV2 of the adopted Local Plan and to paragraph 134 of the National Planning Policy Framework.

Enforcement

Should the Committee agree and refuse the application then enforcement action should follow as the development is partly complete.

Recommendation: That the developer be afforded 2 months to voluntarily remove the unauthorised extension but after 2 months should the unauthorised extension still be in situ that formal enforcement action should be taken to require the development to be removed.

Application Ref: 22/0200/HHO

Proposal: Full: Erection of a porch to front elevation.

At 148 Reedyford Road Nelson Lancashire

On behalf of: Mr Alan Cross

REPORT TO FULL COUNCIL COMMITTEE ON 18TH 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 bed roomed 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:

15. 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.

16. 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.

17. 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 FULL COUNCIL COMMITTEE ON 18TH OCTOBER 2022

Application Ref: 22/0333/FUL

Proposal: Full: Erection of two detached dwellings.

At: Land To The West Of Garfield, Keighley Road, Colne

On behalf of: DVL Properties Ltd

Date Registered: 05/01/2022

Expiry Date: 02/03/2022

Case Officer: Alex Cameron

This decision was deferred by Colne Committee in September for the submission of the additional ecology survey report and alterations to the design of the gates.

Site Description and Proposal

The application site is a field located within the Green Belt to the south of the settlement boundary of Laneshawbridge. To the north is the former Hartley Hospital site including the Grade 2 Listed almshouses, gate and gardens. To the west are dwellings on Spring Grove, to the east is a pair of semi detached dwellings and a new residential development under construction, to the south is a wooded area with Colne Water beyond and the boundary of the Trawden Forest Conservation Area.

The proposed development is the erection of two detached four bedroom dwellings with attached triple garages. The proposed dwellings would be of a split level design cut into the hillside with sedum green roofs and natural stone walls with sections of cedar cladding.

Relevant Planning History

13/03/0667P - Erect 3 detached dwellings

Consultee Response

LCC Highways – No objection subject to the necessary visibility splays being achievable.

United Utilities – No objection subject to drainage condition.

Growth Lancashire Conservation - Firstly, I note the proximity of the site to both Lidgett and Bents and Trawden Forest Conservation Areas. However having visited the site I do not regard the site to be visually connected to either conservation area and agree with the comments made in the Planning Statement (5.28-5.29) that the setting to these conservation areas would not be harmed by the development as proposed.

In relation to the listed buildings which lie directly opposite, the issue from a heritage viewpoint the issue is whether the current site contributes to the significance of those assets and whether the development, as proposed, would diminish that contribution.

In the advice provided by Historic England's Planning Note 3 (second edition) The Setting of Heritage Assets (2017) describes setting as being the surroundings in which a heritage asset is experienced. It discusses how views can contribute to the significance of an asset and the importance of relationships between buildings. As such the guidance explains that the influence of

setting may be far more extensive than its immediate curtilage and need not be confined to areas, which have public access. Whilst setting is often expressed by reference to visual considerations, it is also influenced by the historic relationships between buildings and places.

The Hartley Homes Almshouses and Lychgate are very important heritage assets and have a high architectural significance and this is added too by the historic association to the founder, Sir William Pickles Hartley. Both buildings are highly visible from the road and are a striking example of high quality early C20th design. The almshouses are still serving their original purpose of providing social housing to older people with a long connection to the area.

The almshouses were essentially designed to be viewed from the roadside, with the three independent blocks forming the sides of an enclosed landscaped garden to the front (south) elevation. The lychgate forms a central entrance into the gardens with a pathway which leads up to the 3 storey clock tower, which is the principle feature on the rear (northern) range. The almshouses form a frame on three sides around a garden, with the lychgate as a central feature on the road, mirrored by the clocktower at the rear. The landscaped, terraced garden is a major part of the overall design, and is described in the listing.

These views will not change as a result of the proposed scheme. The properties are far enough removed not to impact on the appreciation of the listed almshouses and lychgate and key roadside views of those assets are not harmed.

Outwardly, the design incorporates an upper terrace with extensive views across to the Colne Water valley to the south. Whilst development has occurred in the area alongside Keighley Road and roadside trees have impinged onto the views, the essence of the original intention in the design and the importance of the location and wide landscape views can still be appreciated. In this respect I assign some, albeit limited value, to the appreciation of the wider southern view to the significance of the almshouses, which includes the application site.

The applicant and architect have clearly designed these new dwellings to minimise the impact beyond the site and the low profile split level design with flat roofs offer a minimal profile to the roadside. The use of natural stone also assists in blending the new designs into the landscape. Beyond this I have no comments to make regarding the design.

The provision of the new entrance drives/gates will largely sit within the site and will not impinge on the important views of either listed building.

As noted above I am mindful that roadside vegetation/trees now form the northern boundary of the application site and that it is intended to maintain these as a landscaped boundary screen in the scheme. Whilst the two new properties will be seen through the newly formed entrance drives/gates, largely views will be very limited and when approaching the site along Keighley Road, both properties, will be essentially unseen behind the frontage vegetation.

In this context, I think the level of harm to the setting will be very limited and will not amount to it being any discernible level and overall the significance of the listed almshouses and lychgate will remain unharmed. Therefore, in my view the LPA is not required to undertake a balancing exercise as per P.202 of the NPPF.

Clearly, it will be important to retain the trees and the enclosure afforded the new properties along the roadside boundary and I would want to limit any losses through the formation of the access drives.

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

As I do not consider that, the proposal would cause any substantial harm or loss of significance to the designated assets identified in my assessment the proposal meets the statutory test 'to preserve'. As such, the proposal would conform with the national planning advice contained in Chapter 16 of the NPPF and meet the requirements of Policy ENV 1 and Policy ENV 2 of the Pendle Local Plan (2011-2030).

I would recommend that if the Council is to approve the application that suitable conditions are added re the approval of facing materials.

PBC Environmental Health – Please attach a construction method statement condition and contamination note.

Colne Town Council -

Public Response

Press and site notices posted and neighbours notified – Responses received objecting on the following grounds:

- Concerns regarding the height of fencing and landscaping to the west boundary impacting on views from and light to properties on Spring Grove.
- Concern about changes to ground levels along the eastern boundary.
- Harm to the openness of the Green Belt for which there are no very special circumstances demonstrated.
- Impact on the adjacent listed buildings.
- The design is not in keeping with nearby dwellings.

Response received raising no objection subject to accordance with the submitted plans and commenting that the proposed houses will be stunning.

Officer Comments

Policy

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

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

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

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

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

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

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

Replacement Pendle Local Plan

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.

National Planning Policy Framework

Paragraph 149 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include limited infilling in villages.

Principle of the Development

The proposed dwelling is located in a sustainable location with nearby access to services facilities and public transport and therefore is acceptable in principle in accordance with policy LIV1.

Green Belt

The Framework allows limited infilling within villages as development that is not inappropriate in the Green Belt.

In assessing this application the settlement limits are governed by the Local Plan, the settlement boundary of Lanshawbridge runs along the full length of the frontage of the site, within Policy SDP2 this location would be categorised as part of the rural village of Laneshawbridge.

The proposed development would infill an area between the dwellings at Spring Grove and Garfield and the proposal is for two dwellings, although individually large would constitute a limited level of development.

The development would therefore meets the exception for limited infilling within villages and therefore is not inappropriate development.

The dwellings would be set down the hillside in on a split level spacious plots and although large in footprint they would be largely single storey with flat green roofs, with a split-level two storey element only to the south side. This together with the open space around the plots would minimise their impact on the openness of the Green Belt.

Taking these factors into account the development in not inappropriate development and would not result in an unacceptable impact on the Green Belt.

Design

The proposed dwellings would be of a contemporary design, with large sections of glazing but would also have green roofs and natural stone walls. The dwellings would be unlikely to be

prominently visible from Keighley Road, being set down and back behind the existing line of trees that would be largely retained other than to allow for the formation of the vehicular accesses. They would be visible from across the valley but would be set into the hillside and alongside exiting development and would not result in unacceptable landscape and visual impacts, it has also been confirmed that the glazing in the south elevation would be anti-reflective to prevent impacts of glare on the valley from the sun reflecting off the glazing in that elevation.

Concerns were raised by Colne Committee regarding the ornate design of the proposed gates, amended plans have been received simplifying the design of the gates.

The proposed development is therefore acceptable in terms of design and visual amenity in accordance with Policy ENV2.

Heritage Impact

The site is located opposite the Hartley Hospital almshouses and gate which are Grade 2 Listed buildings. The development is set down on lower land below that site, due to this physical separation and the landscaping between the development would have a negligible impact upon the setting of the Listed Buildings and result in no harm to their significance.

The site is also adjacent to Trawden Forest Conservation Area approximately 60m to the south. Although the site would be visible in views out of the Conservation Area, for the reasons set out in the visual amenity section it would not result in harm to the significance of that or the nearby Lidgett and Bents Conservation Area.

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

Impact on Amenity

The proposed dwellings would be a sufficient distance from adjacent dwellings to ensure that they would not result in any unacceptable loss of privacy, light or overbearing impact.

Concerns have been raised in relation to the potential impact of boundary fencing, landscaping and alterations to levels on the residential amenity of dwellings on Spring Grove facing the site.

Whilst landscaping and boundary treatments would be controlled by the recommended conditions this is for reason of visual amenity. Permitted fencing of up to 2m in height would not result in any unacceptable impacts upon the residential amenity of occupants of properties on Spring Grove. It would also not be reasonable or necessary to restrict the future planting of trees within the gardens of the proposed properties, the planning system does not protect private views such as those from Spring Grove across the site.

The plans do not indicate any proposed change in levels adjacent to the eastern boundary with Spring Grove, final details of levels and any retaining walls would be controlled by the recommended conditions.

The proposed dwellings would raise no unacceptable residential amenity impacts in accordance with policy ENV2.

Trees & Ecology

There are two protected trees within the site, protected under TPO No1. 1963 those are a Lombardy Poplar and Horse Chestnut on the northern boundary of the site, there is also a

protected Alder adjacent to the south east end of the site and dense hedge running along the north boundary of the site.

The Lombardy Poplar is identified as being in poor condition in the tree survey and is recommended for removal irrespective of the development.

The hedge is identified by the ecology survey as being a species rich hedgerow. Two approximately 6m sections of the hedge would be removed to make way for the two accesses but the rest of the hedging is proposed to be retained. The ecology survey recommends that the loss of the sections of hedgerow can be acceptably mitigated by planting a new area of hedgerow along the western boundary of the site, this would also offer some additional screening of the development. With replacement trees, additional landscaping and control of final levels the proposed development would not result in an unacceptable impact upon trees.

The report identifies the potential for amphibian species to be present on and adjacent to the site, it advises that a condition for suitable a mitigation plan can ensure that there are no unacceptable impacts.

The ecology report also identifies potential for the site to provide habitat for protected reptiles, it recommends that further survey work is necessary to establish whether reptiles are present on site. Those surveys are being carried out and the ecologist has initially advised that no protected reptiles were found, however the report confirming that is still being prepared at the time of writing this report. Subject to the receipt of an acceptable report confirming that finding the development would be acceptable in terms of its impact on ecology.

Highways and Access

The proposed accesses and car parking provision are acceptable. The development is acceptable in terms of highway safety.

Previous Decisions

An application was refused for three dwellings across this and the adjacent site now under development in 2003 on the grounds of inappropriate development in the green belt and open countryside, loss of protected trees and highway safety due to general concerns regarding proliferation of accesses due to ribbon development and precedent for other future development.

There have been changes in policy with regard to development outside of settlement boundaries, in relation to infill development within the Green Belt and highways impacts since the determination of that application. As detailed above the proposed development does represent acceptable development within the open countryside and Green Belt.

The proposed development is acceptable in terms of highway safety. Each application is dealt with on its own merits and setting of a precedent for other development would not be a defensible reason for refusal of this application.

Conclusion

It is recommended that the approval of the application, and any conditions necessary, is delegated to the Planning, Economic Development and Regulatory Services Manager subject to the receipt of acceptable additional ecology survey report.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in all relevant regards. 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: 22/33/1, 22/33/2, 22/33/5, 22/33/6A, 22/33/7, 22/33/10, 22/33/11A, 22/33/9B.

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

3. Prior to the commencement of above ground works involved in the erection of the external walls of the development samples of the external materials to be used in the elevations and boundary walls of the proposed development shall have been submitted to and approved in writing by the Local Planning Authority, the development shall thereafter be carried in strict accordance with the approved materials.

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

4. The dwelling hereby approved shall not be occupied unless and until the car parking spaces shown on the approved plans have been surfaced in a bound material and made available for car parking purposes. The spaces shall thereafter at all times be maintained free from obstruction and available for car parking purposes.

Reason: to ensure adequate car parking provision in the interest of highway safety.

5. Prior to first occupation of the approved dwellings that part of the internal access road extending from the entrance gates for a minimum distance of 5m into the site shall be hard surfaced in bound porous material.

Reason: In the interest of highway safety to prevent loose surface material from being carried on to the public highway, where it could pose a hazard to road users.

6. The demolition of the existing dwelling shall not commence unless and until a Construction Method Statement has been submitted to and approved in writing by the Local planning Authority. The Method statement must cover the topics detailed below:

- The parking of vehicles of site operatives and visitors
- The loading and unloading of plant and materials
- The storage of plant and materials used in constructing the development

- The erection and maintenance of security hoarding
- Wheel washing facilities
- Measures to control the emission of dust and dirt during construction
- A scheme for recycling/disposing of waste resulting from clearance and construction works
- Details of working hours
- Timing of deliveries
- Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties.
- Construction site noise and vibration
- Control of burning onsite

The development shall be carried out only in strict accordance with the approved Construction Method Statement.

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

7. The development shall be carried out in strict accordance with the mitigation recommendations of the submitted Preliminary Ecological Appraisal.

Reason: To ensure that the development preserves and enhances the ecology of the site.

8. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A & E of Part 1 and Class A or Part 2 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: To enable the Local Planning Authority to control any future development on the site in order to preserve the openness of the Green Belt

9. The development hereby approved shall not commence unless and until a detailed landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include:

- i) The exact location and species of all existing trees and other planting to be retained;
- ii) An outline specification for ground preparation for landscaped areas;
- iii) All proposals for new planting and turfing, indicating the location, arrangement, species, size, specifications, numbers and planting densities;
- iv) All proposed boundary treatments with supporting elevations and construction details;
- v) All proposed hard landscaping elements and paving, including layout, materials and colours;
- vi) 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 agreed form prior to the end of the first planting season following substantial completion of each phase of the development to which it is associated. Any trees or plants which within a period of 5 years from the completion of

the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

Reason: In the interest of visual amenity and to preserve the setting of the adjacent Listed Buildings.

10. There shall be no alterations to the levels of the site unless and until additional level or section plans detailing any alterations to land levels within the site, including details of any retaining walls proposed, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in strict accordance with the approved details.

Reason: In the interest of visual amenity and to ensure that trees to be preserved on site are not harmed.

11. Unless otherwise approved in writing by the Local Planning Authority no ground clearance, changes of level or development or development-related work shall commence until protective fencing, in full accordance with BS 5837 : 2012 has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land, and no work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including service runs, the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction.

All works involving excavation of soil, including foundations and the laying of services, within the recommended distance calculated under the BS 5837 (2012) of the trees to be retained on the site, shall be dug by hand and in accordance with a scheme of works which has been submitted to and approved by the Local Planning Authority, prior to the commencement of works.

Reason: To ensure that the trees are suitably protected throughout the construction process.

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

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

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

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

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

13. No development of each plot hereby approved shall commence until a scheme for the construction of the site access, including any off-site works of highway improvement, has been submitted to, and approved by, the Local Planning Authority.

Reason: In order to ensure that the final details of the highway scheme/works are acceptable before work commences on site.

14. Prior to first occupation of each approved dwelling visibility splays measured 2.4m back from the centre line of the access and extending 43m in both directions on the nearside carriageway edge on Keighley Road shall be provided as shown on the approved plans. Nothing shall be erected, retained, planted and/or allowed to grow at or above a height of 0.9m above the nearside carriageway level which would obstruct the visibility splays. The visibility splays shall be maintained free from obstruction thereafter for the lifetime of the development.

Reason: In the interest of highway safety to ensure adequate inter-visibility between highway users at the site access.

15. Prior to first occupation of each individual plot the vehicular access shall be constructed to an appropriate standard and the driveway paved in a bound porous material.

Reason: In the interest of highway safety to ensure adequate vehicular access to the plot and to prevent loose surface material from being carried on to the public highway.

16. All windows and balconies in the south elevation shall be fitted with anti-reflective glazing the specification of which shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. Any replacement glazing shall be of approved anti-reflective specification.

Reason: In the interest of visual amenity.

Notes: If during any stage of the development any miscellaneous substances, made ground or potentially contaminated ground that has not been previously identified and planned for in a report is uncovered, work in the area must stop immediately and the Environmental Health Department at the Borough of Pendle should be made aware. No work should continue until a contingency plan has been developed, and agreed with the local planning authority.

The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278 short form), with Lancashire County Council as the

Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to:

the construction of the accesses to an appropriate standard, including the re-location of any highway gullies necessary.

The existing dropped kerbs within the bus box carriageway markings adjacent to the access to Plot 2 shall be reinstated to full height.

The applicant should be advised to contact the county council for further information by telephoning the Development Control Section (Area East) on 0300 123 6780 or by email on developeras@lancashire.gov.uk , in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.

Application Ref: 22/0333/FUL

Proposal: Full: Erection of two detached dwellings.

At: Land To The West Of Garfield, Keighley Road, Colne

On behalf of: DVL Properties Ltd

REPORT TO FULL COUNCIL COMMITTEE ON 18TH 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/21/0117/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 FULL COUNCIL COMMITTEE ON 18TH OCTOBER 2022

Application Ref: 22/0416/HHO

Proposal: Full: Proposed single storey rear extension.

At 2 Rowland Avenue

On behalf of: MR Mohammed Fiaz

Date Registered: 22/6/2022

Expiry Date: 21/8/2022

Case Officer: NW

Site Description and Proposal

The application site lies to the rear of an end of terrace property. The rear has a large gable feature adjacent to the adjoining house.

The adjoining house has a door immediately adjacent to the joint boundary with small frosted glass windows in turn adjacent to that. A patio door and window are located to the far side of the property.

Relevant Planning History

No relevant planning history.

Consultee Response

Highways: No objection but wish to have a drainage condition attached.

Parish/Town Council:

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 seeks to erect a single storey rear pitched roof extension to the rear of the property. The extension would cover the whole of the length of the rear gable wall and would be 6.4m in length. The extension would lie immediately adjacent to the joint boundary with the adjoining dwelling.

The main two issues with the application are the impact on the amenity of the occupants of the adjoining property and if the design is appropriate.

The design SPD adopted by the Council assist in looking at issues that should be considered when an extension is proposed. Developments should not be overbearing on neighbouring properties and not adversely affect the living environments of the occupants adjacent.

The SPD advises that a 45 degree line from the centre of adjoining neighbours should be drawn and if that line is broken that it is a good indication of a detrimental impact.

For this application the windows in the neighbouring property are offset away from the joint boundary. Nevertheless the 45 degree line is broken two thirds of the way up the extension. The area of the garden immediately adjacent would have a significant structure immediately adjacent. The patio windows would also be affected. The scale of the development and its massing for a considerable distance on the joint boundary would mean that it would have a significant detrimental impact on the ability of the neighbours to enjoy their garden and would unacceptably affect the living conditions from within the property.

The building is a typical terraced property constructed with simple lines and traditional proportions. Although located to the rear of the property the development would be seen from the highway and from the back street.

The extension would be a large low pitched structure that would be out of scale with the rear of the property. It would have a low pitch that would not marry in with the main building and the design would not reflect the character of the existing building. It would represent poor not well designed and would be contrary to policy ENV2 of the adopted Local Plan and to paragraph 134 of the National Planning Policy Framework.

The development does not affect privacy as there are no windows facing neighbouring properties and this can be controlled by condition. There is sufficient parking that can be made available and there are no highway concerns.

RECOMMENDATION: Refuse

The development would be poorly designed by virtue of its poor relationship with the adjoining property which would have an overbearing and detrimental impact on the ability to enjoy their outside area and the impact on the window at ground floor. In addition the extension would not reflect the proportions and design of the existing house. As such the development would not be well designed and would be contrary to policy ENV2 of the adopted Local Plan and to paragraph 134 of the National Planning Policy Framework.

Application Ref: 22/0416/HHO

Proposal: Full: Proposed single storey rear extension.
At 2 Rowland Avenue
On behalf of: MR Mohammed Fiaz

REPORT TO FULL COUNCIL COMMITTEE ON 18TH OCTOBER 2022

Application Ref: 22/0456/HHO

Proposal: Full: Insert dormer windows to front and rear roofslopes.

At: 183 Leeds Road, Nelson.

On behalf of: Mr Rana

Date Registered: 5th July 2022

Expiry Date: 30th August 2022

Case Officer: Yvonne Smallwood

This has been brought before Committee as it has been called in by a Councillor.

Site Description and Proposal

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

The proposal is for the erection of flat roof front and rear dormer. This development would create three bedrooms and a bathroom in the existing loft area.

The dormers would be finished in UPVC weather boarding, grey felt roof and grey UPVC windows.

Relevant Planning History

None

Consultee Response

LCC Highways -
No objection

Environment Agency –

The development proposed is a loft conversion to a property located in Flood Zones 2 and 3 which is land defined in the [planning practice guidance](#) as being at risk of flooding.

We have produced a series of standard comments for local planning authorities and planning applicants to refer to on 'lower risk' development proposals. These comments replace direct case-by-case consultation with us. This proposal falls within this category. These standard comments are known as Flood Risk Standing Advice (FRSA). They can be viewed at <https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications#when-to-follow-standing-advice>. We recommend that you view our standing advice in full before making a decision on this application.

Environmental permit - advice to applicant The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- ☐ on or within 8 metres of a main river (16 metres if tidal)
- ☐ on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- ☐ on or within 16 metres of a sea defence

- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the riverbank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

The property to be developed is built over a culverted watercourse, Hendon Brook which is designated as a Main River. However, as there are no ground floor alterations proposed, in this instance a Flood Risk Activity Permit will not be required.

Nelson Town Council -

Public Response

None received.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) of the Pendle Local Plan Part 1 seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

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

Replacement Pendle Local Plan

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 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.

Design and Materials

The Design Principles SPD states that dormers should be set below the ridge line of the original roof by at least 0.2m, set in from the side elevation by 0.5m and from the rear elevation by 1m. Dormers should be faced in materials which match the existing roof coverings. Pitched roof dormers are preferable. Flat roof dormers are not acceptable on front elevations or any elevation clearly visible from a public vantage point.

The proposed dormers would be set in from the side elevations by 0.1m on each side, set back from the rear elevation by 0.1m and set down from the ridge line by 0.1 m. Whilst the dormer would not be set back from the rear elevation by the guide of 1m.. Overall the proposed rear dormer would not result is a significantly disproportionate addition to the roof and would not be overly prominent in the street scene.

With regards to front dormers, the Design Principles SPD states that dormers on a front roof slope will not be acceptable unless they are a feature of other similar houses in the locality (25% or more of the properties having front dormers) or the dormer would otherwise be appropriate in visual design terms. The dormer would have a flat roof which is considered poor design.

Leeds Road comprises of narrow, uniform, terraced properties. There are two examples of pitched roof dormers within the row. However, front dormers are not a feature of similar houses in the locality, as they are present in fewer than 25% of properties. The proposed front dormer would be readily visible from a number of public vantage points on Leeds Road. Therefore it would result in a development which is detrimental to the character of the street scene and would not comply with the guidance in the Design Principles SPD.

As a result, the proposed development is not acceptable in relation to design or visual amenity and as such does not comply with Policies ENV1, ENV2, the Design Principles SPD and Paragraph 130 of the NPPF.

Residential Amenity

The proposed front dormer would face east directly onto Leeds Road. There are no residential properties opposite a paved area with trees. The front dormer would have no adverse impact on residential amenity.

The proposed rear dormer would face directly west, onto the back street where there are commercial and educational premises with a playground to south west. The rear dormer would not have an unacceptable adverse impact on residential amenity.

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

Highways

The proposed dormers would add three additional bedrooms to the dwellinghouse, creating a five bedroom property.

However, on balance, given the terraced nature of the property, there being no space on plot to accommodate parking and all dwellings only having on street parking, requiring full on plot parking provision in accordance with Policy 31 would not be appropriate. This would not be a substantive reason to warrant refusal of the application.

Flood Risk Assessment

The application site has been identified as Flood Zone 3. A Flood Risk Assessment has been requested from the agent, but had not been received at the time of writing this report.

RECOMMENDATION: Delegated Refuse subject to receipt of the Flood Risk Assessment

1. The visual impacts of the front dormer when related to the existing street scene are unacceptable. The front dormer is inappropriate within a street scene in which there are fewer than 25% dormer extensions and it would be detrimental to the character of the area and is poor design. As such the development fails to comply with Policy ENV2 of the adopted Pendle Local Plan Part 1: Core Strategy and National Planning Policy Framework and the Design Principles SPD.

Application Ref: 22/0456/HHO

Proposal: Full: Insert dormer windows to front and rear roofslopes.

At: 183 Leeds Road, Nelson.

On behalf of: Mr Rana

REPORT TO FULL COUNCIL COMMITTEE ON 18TH OCTOBER 2022

Application Ref: 22/0461/FUL

Proposal: Full: Erection of detached three storey dwelling with detached double garage.

At: Gordale, Manchester Road, Barnoldswick

On behalf of: Mr S Mitchell

Date Registered: 06/07/2022

Expiry Date: 31/08/2022

Case Officer: Alex Cameron

This application is brought before Committee due to the number of objections received.

Site Description and Proposal

The application site is the garden of a detached bungalow located within the settlement of Barnoldswick and Calf Hall & Gillians Conservation Area. To the west is a row of terraces houses to the south is the bungalow and open land beyond, to the east is an agricultural / equine building and to the north are gardens.

This is a resubmissions of a previously approved application for the erection of a detached three storey dwelling and detached double garage. The only change to the approved development relates to the northern boundary of the site, where a new retaining wall is proposed.

Relevant Planning History

21/0222/FUL - Full: Erection of two storey detached dwelling with detached double garage.
Approved

21/0954/FUL - Full: Erection of detached three storey dwelling with detached double garage.
Approved

Consultee Response

LCC Highways – No objection.

United Utilities – Following our review of the submitted drainage documents; Drainage Strategy Ref: CAL 2020 014 003, Dated 18.5.21, the plans are not acceptable to United Utilities. This is because we have not seen robust evidence that the drainage hierarchy has been thoroughly investigated and the proposals are not in line with the Non-Statutory Technical Standards for Sustainable Drainage Systems.

Please provide evidence to show surface water infiltration to ground has been investigated.

With regards to the submitted drainage layout, we request a detailed drainage plan showing all proposed and receiving sewer manhole cover levels be provided.

Should planning permission be granted we request a drainage condition is attached.

Cadent Gas – No objection subject to a note relating to works close to gas infrastructure.

PBC Environmental Health – Please attach a construction management statement condition and a note relating to contamination.

Barnoldswick Town Council –

Public Response

A press and site notice posted and neighbours notified. Responses received objecting on the following grounds:

- Privacy impact on adjacent dwellings
- Impact on the condition of the access road
- Highway safety impact of increase use of the junction with Manchester Road
- Overbearing impact and loss of light from the dwelling and garage
- Concerns relating to drainage
- Visual impact of the building and impact on the Conservation Area

Officer Comments

Pendle Local Plan Part 1: Core Strategy

Policy SDP2 states that proposals for new development should be located within settlement boundaries. Proposals to develop outside of settlement boundaries will only be permitted for those exceptions outlined in the 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 states that all new development should viably seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving our heritage assets. This is supported by the guidance set out in the Conservation Area Design and Development Guidance SPD.

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.

Replacement Pendle Local Plan

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

National Planning Policy Framework

Paragraph 79 of the Framework states that local planning authorities should avoid the development of isolated homes in the countryside unless it meets one or more of five circumstances. The circumstances include development that would represent the optimal viable use of a heritage asset and the re-use of redundant or disused buildings and lead to an enhancement to the immediate setting.

Principle of the development

The site is located within the settlement of Barnoldswick. This is a sustainable location for a new dwelling with adequate access to services, facilities and public transport. The proposed development is therefore acceptable in principle in accordance with policies SDP2 and LIV1.

Design and Heritage Impact

The site is not prominent, located to the rear of the houses fronting Manchester Road and on lower land than the bungalow. The design of and materials of the proposed dwelling are acceptable as established by the existing permission. The changes in this application only relate to the erection of a retaining wall to the northern boundary. The boundary is to a private garden and therefore not publically prominent, the proposed wall would preserve the character and appearance of the Conservation Area and thus its significance in accordance with policies ENV1 and ENV2 and the guidance of the Conservation Area Design and Development Guidance SPD.

Amenity

The proposed dwelling would be over 21m from windows of the dwellings to the east and west and so would not result in any unacceptable loss of privacy.

Windows in the north elevation would face the garden of 43 Park Avenue to the rear separated by 5.5m, due to the removal of the existing boundary hedge and proposal for a low retaining wall a condition is necessary for those windows to be obscure glazed.

Ground floor windows in the south elevation would face the blank side elevation of Gordale and side of the conservatory to the rear, taking into account that they are ground floor windows an adequate level of privacy for both properties. The upper floor window is proposed to be obscure glazed.

The adjacent agricultural / equine building is already in close proximity of other dwellings and the proposed dwelling would not be unacceptably impacted by it.

Concerns have been raised regarding the house and garage resulting in an overbearing impact and loss of light to adjacent dwellings. Both would be a sufficient distance from those dwellings to ensure that at the ground levels and heights proposed they would not result in any unacceptable loss of light or overbearing impact.

The proposed house and garage raise no unacceptable residential amenity impacts in accordance with policies ENV2 and LIV5.

Highways

Although single track, steep and meeting Manchester Road at an acute angle, the existing access serves a number of dwellings and the addition of one further dwelling would not result in an unacceptable highway safety impact.

The site would have sufficient parking and turning areas for three cars without the use of the garage being necessary and the garage would provide adequate space for bicycle storage.

Concerns have been raised regarding the future maintenance of the access road, however, this is a civil matter and it would not be proportionate or reasonable to attach a condition relating to maintenance of the access road.

The development is acceptable in highway terms in accordance with policies ENV4 and 31.

Drainage

United Utilities have raised concerns related to lack of investigation of surface water infiltration, however, that information was provided in relation to the discharge of conditions of the existing permission and accepted by UU. The proposed discharge points to the sewers are different in this application, being further to the north, and UU have queried the height of the manhole cover levels, that can be addressed by condition.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in terms of design, amenity, highway safety and impact upon ecology. 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, CAL 2021 014 001, CAL 2020 014 003 Rev C, CAL 2021 014 010 Rev B.

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

3. Unless alternative details are submitted to and approved in writing by the Local Planning Authority, the external materials of the development shall be in accordance with the approved plans and application forms and the Colour and Materials Schedule, Condition 3 and supporting information received 02/08/2021.

Reason: To ensure the use of appropriate material in order to protect the character and appearance of the Conservation Area.

4. Unless otherwise approved in writing by the Local Planning Authority the reveal depth from face of stonework to face of windows and doors shall be 75mm.

Reason: In order to protect the character and appearance of the Conservation Area.

5. The dwelling hereby approved shall not be occupied unless and until provision to allow a minimum of three cars to park, turn and exit the site in forward gear has been laid out, surfaced and made available in accordance with the approved plans. The car parking and turning areas shall thereafter be maintained free of obstruction and available for car parking and turning purposes.

Reason: In the interest of highway safety.

6. Prior to the occupation of the dwelling an electric vehicle charging point shall be installed accessible from the parking area.

Reason: To ensure that the development supports sustainable transport modes.

7. Prior to the occupation of the dwelling hereby approved a scheme of foul and surface water drainage shall have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until the drainage has been installed in accordance with approved scheme.

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

8. The landscaping scheme detailed on the approved plans shall be implemented in its entirety 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.

9. The windows in the north elevation and upper floor windows in the north and south facing side elevations of the development hereby approved shall at all times be fitted with obscure glazing to at least level 4 or above, unless otherwise agreed in writing by the Local Planning Authority. Any replacement glazing shall be of an equal degree or above. The windows shall be hung in such a way as to prevent the effect of the obscure glazing being negated by way of opening.

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

10. The Construction Management Statement received 02/08/2021 shall be adhered to throughout the construction period unless an alternative Construction Management Statement has been submitted to and approved in writing by the Local Planning Authority and thereafter adhered to throughout the construction period.

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

Note:

1. If during any stage of the development any miscellaneous substances, made ground or potentially contaminated ground that has not been previously identified and planned for in a report is uncovered, work in the area must stop immediately and the Environmental Health Department at the Borough of Pendle should be made aware. No work should continue until a contingency plan has been developed, and agreed with the local planning authority.

Application Ref: 22/0461/FUL

Proposal: Full: Erection of detached three storey dwelling with detached double garage.

At: Gordale, Manchester Road, Barnoldswick

On behalf of: Mr S Mitchell

REPORT TO FULL COUNCIL COMMITTEE ON 18TH OCTOBER 2022

Application Ref: 22/0473/FUL

Proposal: Full: Major: Demolition of existing buildings and erection of 17 residential dwellings with associated access, car parking and landscaping.

At: Croft Mill, Lowther Lane, Foulridge

On behalf of: Skipton Properties Ltd

Date Registered: 11/07/2022

Expiry Date: 24/10/2022

Case Officer: Alex Cameron

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

Site Description and Proposal

The application site is a former mill located within the settlement of Foulridge, there is a former industrial building now a gymnastics centre to the south, and dwellings to the other sides, Lowther Lane runs to the east and Sycamore Rise to the North.

The proposed development is the demolition of the existing industrial buildings and erection of a housing development of 17 dwellings comprising 13 three bedroom and 4 four bedroom dwellings in a mixture of detached and semi-detached two storey houses. The proposed materials are natural stone walls, cills and jambs, concrete roof tiles, cream uPVC casement windows and black composite doors.

Relevant Planning History

None.

Consultee Response

LCC Highways – Objects to raised footway and internal pedestrian layout.

However, the highway authority does not object to the principle of development and believes that the development layout can be amended appropriately to address the concerns raised. If suitably amended plans are submitted which satisfactorily address those concerns then the highway authority may consider withdrawing its objection. In which case, highway related conditions and informative note, which the highway authority would provide, will need applying to any formal planning approval granted.

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

United Utilities – Comments related to provision of water services and building over United Utilities' assets.

Lead Local Flood Authority – No objection subject to drainage conditions.

Lancashire Fire and Rescue Service – Comments relating to building regulations.

LCC Schools Planning – An education contribution is not required.

East Lancashire Hospitals NHS Trust - Request a contribution to provide additional services to meet patient demand when the dwellings are first occupied.

Foulridge Parish Council - No objections to this application, however, the parish council would like to be assured that neighbouring residents' concerns will be addressed.

Public Response

Press and site notices posted and nearest neighbours notified. The following response objecting to the development has been received:

- Concerns relating to the stability of the boundary wall to Sycamore rise and Meadow Close
- Lowther lane is unsuitable to provide access to the development accommodated the traffic that would be generated by the development

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

Policy SDP2 sets out the roles each settlement category will play in future growth. Foulridge is a Rural Service Centre entre which provide the focus for growth in Rural Pendle.

Policy SDP3 identifies housing distribution in Rural Pendle as 12%, this is a general indication of the level of development expected rather than a maximum limit.

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

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

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

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

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

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

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

Policy LIV4 (Affordable Housing) sets targets and thresholds for affordable housing provision. For 5 or more dwellings in Rural Pendle this is 20%.

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

Replacement Pendle Local Plan

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

National Planning Policy Framework

National Planning Policy Framework (The Framework)

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

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

Principle of the Development

The site is located in a sustainable location within the settlement of Foulridge with access to public transport within walking distance. The proposed development would contribute towards the delivery of the Council's required housing provision and is acceptable in principle in accordance with policies SDP2 and LIV1.

Visual Amenity

The design the proposed housing would reflect the character of the village and it would present an attractive and varied street frontage to Causeway and the corner of Lowther Lane, providing a visual improvement on the current industrial site. The area and the layout would reflect the existing settlement pattern and be of acceptable density. The proposed development is acceptable in terms of visual amenity in accordance with policies ENV2 and LIV5.

Residential Amenity

Windows in the east side of plot 14 would face the side of No.2 Causeway, separated by 14m and at an angle. There is a ground floor habitable room window in the side of that property which is currently screened by a hedge, however, even if the hedge were to be removed taking into account the angle of view and that it would be across a highway the development would not result in an unacceptable privacy impact.

A raised pedestrian footpath is also proposed alongside Lowther Lane, taking into account the existing windows facing across Lowther Lane and that pedestrians are likely to currently walk along the highway of Lowther Lane this would not result in an unacceptable reduction of privacy to the facing properties on Lowther Lane and Causeway.

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

There is a gymnastics centre to the north, taking into account that the hours of operation are limited by condition that would not result an unacceptable impacts on the amenity of occupants of the proposed dwellings.

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

Ecology

An bat survey has been submitted with the application, this establishes that the site is not in use by bats and gives reconditions to avoid impacts on birds. The proposed development would enhance the ecology of the site.

Open Space and Landscaping

Policy LIV5 requires that provision for public open space and/or green infrastructure is made in all new housing developments. An area of landscape green space is proposed to the northern end of the site adjacent to Sycamore Rise. Taking into account the constraints of developing this brownfield site this would provide acceptable public open space provision in accordance with policy LIV5.

Drainage and Flood Risk

It has been acceptably demonstrated that, subject to conditions to control details of drainage, the development would not be at unacceptable risk of flooding or increase the risk of off-site flooding.

Highways

The level of car parking proposed is acceptable in accordance with the parking standards set out in the RPLP.

LCC Highways initially raised concerns in relation to the proposed separate raised footway along Lowther Lane and internal pedestrian layout, following clarification from the applicant on the reasons it is necessary due to the presence of a substation, LCC they have informally confirmed that the footway would be acceptable and agreed to alterations to address their concerns. Final comments from LCC and plans from the applicant are to be submitted. Subject to receipt of this the proposed development is acceptable in terms of highway safety and its impact on the surrounding road network.

The proposed development is acceptable in highway terms in accordance with policies ENV4 and 31.

Other Issues

Concerns have been raised regarding the stability of the boundary wall with Sycamore Rise should the levels be altered adjacent to it. There are no proposals to alter land levels shown in the area adjacent to the wall.

Contributions

Affordable Housing Provision

Policy LIV4 sets a requirement of 20% affordable housing for developments of this scale in Rural Pendle, this would result in a requirement for the provision of 3 affordable dwellings. However, the development involves the demolition of an existing vacant building and therefore Vacant Building Credit applies, due the floorspace of the buildings to be removed being greater than the total floorspace of the proposed dwellings this results in an affordable housing requirement of 0% when the Vacant Building Credit is applied and therefore no affordable housing is required.

NHS

A request has been made from East Lancashire Hospitals NHS Trust for a contribution towards the cost of acute healthcare interventions it calculates will be generated by the residents of the 17 dwellings in the first years of their occupation, for which the Trust states there is a funding gap.

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

Section 106 of the 1990 Act provides as follows:

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

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

(2) A planning obligation may—

- (a) be unconditional or subject to conditions;
- (b) impose any restriction or requirement mentioned in subsection (1) (a) to (c) either indefinitely or for such period or periods as may be specified; and

(c) if it requires a sum or sums to be paid, require the payment of a specified amount or an amount determined in accordance with the instrument by which the obligation is entered into and, if it requires the payment of periodical sums, require them to be paid indefinitely or for a specified period....”

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

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

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

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

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

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

“infrastructure” includes—

(a) roads and other transport facilities,

(b) flood defences,

(c) schools and other educational facilities,

(d) medical facilities,

(e) sporting and recreational facilities, and

(f) open spaces”

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

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

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

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

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

We have also raised a concern about the timing of funding and that developments can take several years in order to come to fruition. From the information supplied to us it appears that once

a development is known about then financing is included in the next budgetary year. The issue therefore is that if developments take several years to come forward and they are included in financial planning after year 1 then the developer would be paying for services already funded in the standard funding formulae.

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

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

Committee are therefore recommended not to require a contribution to the NHS as the evidence is not robust enough to confirm that the funding is directly enough related to the development and is fairly and reasonably related in scale and kind to the development. The level of contribution would also undermine the already low level of profitability and would jeopardise whether or not the scheme would proceed. The provision of affordable housing is a major need within Pendle and significant weight should be attached to providing that housing.

Conclusion

It is recommended that the approval of the application, and any conditions necessary, be delegated to the Planning, Economic Development and Regulatory Services Manager subject to the receipt of comments from the Lead Local Flood Authority

Reason for Decision

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

RECOMMENDATION: 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: TBC

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

3. Prior to the commencement of above ground works involved in the erection of the external walls of the development hereby approved samples of the materials of the external walls and roofs of the development shall have been submitted to and approved in writing by the Local

Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

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

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

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

5. The development shall be carried out in strict accordance with the recommendations of the submitted Bat Activity Survey PC22025/BAS/1.1.

Reason: to ensure that protected species are not harmed by the development.

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

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

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

7. Within 3 months of commencement of the development full engineering, drainage, street lighting and constructional details to adoptable standards (LCC specification) of the internal estate roads have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the estate road is acceptably constructed in the interest of highway safety.

8. The internal estate roads shall be constructed in accordance with the approved engineering details and to at least base course level prior to first occupation of any dwelling, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the estate road is acceptably constructed in the interest of highway safety.

9. Prior to the occupation of each dwelling the driveways and parking areas serving that dwelling shall be constructed in a bound porous material and made available for use and thereafter maintained for that purpose for as long as the development is occupied.

Reason: To ensure adequate car parking provision in the interest of highway safety.

10. Prior to the occupation each dwelling the dwelling shall have a secure cycle storage provided at a ratio of 2 cycle spaces per dwelling.

Reason: To ensure adequate provision for sustainable transport.

11. Prior to the occupation of each dwelling the dwelling shall have an electric vehicle charging point installed. Charge points must have a minimum power rating output of 7kW, be fitted with a universal socket that can charge all types of electric vehicle currently.

Reason: To ensure adequate provision for sustainable transport.

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

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

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

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

13. The development shall not be commenced unless and until a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site has been submitted to and approved in writing by the Local Planning Authority. The method statement shall detail how:-

- a) an investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority; and
- b) a comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority.

All agreed remediation measures shall thereafter be carried out in accordance with the approved implementation timetable under the supervision of a geotechnical professional and

shall be completed in full accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

In addition, prior to commencing construction of any building, the developer shall first submit to and obtain written approval from the Local Planning Authority a report to confirm that all the agreed remediation measures have been carried out fully in accordance with the agreed details, providing results of the verification programme of post-remediation sampling and monitoring and including future monitoring proposals for the site.

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

14. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the site-specific flood risk assessment (5th July 2022 / 22-027-001 – Version 3 / Hill Cannon). The measures shall be fully implemented prior to occupation of the development and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site

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

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

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

- a) Sustainable drainage calculations for peak flow control and volume control for the:
 - i. 100% (1 in 1-year) annual exceedance probability event;
 - ii. 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep;
 - iii. 1% (1 in 100-year) annual exceedance probability event + 45% climate change allowance, with an allowance for urban creepCalculations must be provided for the whole site, including all proposed surface water drainage systems.
- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
 - i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
 - ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels; to include all proposed surface water drainage systems up to and including the final outfall;
 - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
 - iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
 - v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;

- vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
 - vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;
- c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with BRE 365.
- d) Evidence of an agreement in principle with the third party Water and Sewerage Company to connect to the off site surface water sewer, combined sewer.

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

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site

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

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

- a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.
- b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

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

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue surface water flood risk on-site or elsewhere during any construction phase.

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

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

- a) A timetable for its implementation;
- b) Details of SuDS components and connecting drainage structures, including watercourses and their ownership, and maintenance, operational and access requirement for each component;
- c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;

- d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
- e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
- f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- g) Means of access for maintenance and easements.

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

Reason: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the sustainable drainage system is subsequently maintained.

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

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

Reason: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems.

Notes:

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

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

Application Ref: 22/0473/FUL

Proposal: Full: Major: Demolition of existing buildings and erection of 17 residential dwellings with associated access, car parking and landscaping.

At: Croft Mill, Lowther Lane, Foulridge

On behalf of: Skipton Properties Ltd

REPORT TO FULL COUNCIL COMMITTEE ON 18TH 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

1. 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 FULL COUNCIL COMMITTEE ON 18TH OCTOBER 2022

Application Ref: 22/0485/FUL

Proposal: Full: Formation of a new access.

At Field 3226 At The Junction With Reedymoor Lane & Whitemoor Road

On behalf of: Mr T. Philpot

Date Registered: 18/7/2022

Expiry Date: 12/9/2022/30/2022

Case Officer: NW

Site Description and Proposal

Relevant Planning History

No relevant planning history.

Consultee Response

Highways:

Parish/Town Council : We agree with concerns of residents which object to the felling of mature trees, especially an oak tree which appears to be close to the proposed access.

We note the concerns of residents regarding the volume of traffic on the lane and the restricted width along its length impacting highway safety. We would also like to refer to the report in November 2021 by Janet Simpson from LCC Highways where comments and concerns were made regarding highway safety on the lane and that conditions should be applied.

United Utilities

Environment & Conservation

Public Response

Several comments have been received based on the following:

- The application includes the felling of 2 trees which should be TPO'd.
- There is a diverse amount of wildlife in the area
-

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

Reason for Decision

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

RECOMMENDATION: Approve

Subject to the following conditions:

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

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

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

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

- 3.The materials to be used on the development hereby approved shall be as stated on the application forms and plans.

Reason: These materials are appropriate and compatible with the existing development.

Application Ref: 22/0485/FUL

Proposal: Full: Formation of a new access.

At Field 3226 At The Junction With Reedymoor Lane & Whitemoor Road

On behalf of: Mr T. Philpot

REPORT TO FULL COUNCIL COMMITTEE ON 18TH OCTOBER 2022

Application Ref: 22/0497/FUL

Proposal: Full: Demolition of former poultry sheds, removal of silo feed hoppers and erection of agricultural building (resubmission).

At: Hilldene, Rock Lane, Keighley Road, Trawden

On behalf of: Mr Ian Barker

Date Registered: 22/07/2022

Expiry Date: 16/09/2022

Case Officer: Alex Cameron

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

Site Description and Proposal

The application site is a group of agricultural buildings located adjacent to the settlement of Trawden and within the Trawden Forest Conservation Area. The site is located on the valley side with a garage colony to and dwellings to the south and east and fields to the north and west.

The proposed development is the demolition of existing sheds and a hopper and erection of an agricultural building for livestock and machinery storage with a footprint of 12m x 10m and a ridge height of 4.6m.

This is a resubmission of a previously refused application for a larger building with a footprint of 15m x 10m and a ridge height of 5.2m. The building would have Yorkshire boarding upper walls, concrete block lower walls and powder coated profiled metal sheet roof.

Relevant Planning History

22/0052/FUL - Full: Demolition of former poultry sheds, removal of silo feed hoppers and erection of agricultural building (For storage of equipment) measuring 15m x 10m x 5.2m in height (To ridge). Refused

Consultee Response

LCC Highways – No objection.

Cadent Gas – No objection, informative note required.

Trawden Forest Parish Council –The Parish Council would still question the size of building to agricultural need. Is this field really suitable for a yield of hay? It is incredibly steep and as stated in the application is an undulating site. It would be suitable for sheep, but they wouldn't need as much space – especially using the comparison of nearby recent application - 18.28 x 9.14 for 10.87 acres (sheep).

The proposal includes housing a substantial amount of agricultural machinery, which appears to be excessive for the size of land it serves.

Public Response

A press and site notice has been posted and nearest neighbours notified – Response received objecting on the following grounds:

- Questions whether the land is suitable for a yield of hay.
- Concerns about possible use of the building as a dwelling or vehicle repair garage and noise impacts from use as a garage.
- The negative impact the demolition/building work will have on wildlife, in particular roosting bats which live in the poultry sheds, ground nesting birds and newts also inhabit nearby.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

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

Principle of the Development

The previous application was refused for the following reason:

The applicant has failed to adequately demonstrate that the size of the proposed building is commensurate to the agricultural needs of the land. The proposed building would cause harm to the character and appearance, and thus the significance, of the Trawden Forest Conservation Area, the harm would be less than substantial but would not be outweighed by public benefits contrary to policies ENV1 and ENV2 of the Pendle Local Plan Part 1: Core Strategy and section 16 of the National Planning Policy Framework.

The footprint of the proposed building has been reduced from 15m x 10m to 12m x 10m and the ridge height reduced by 0.6m. A statement has also been provided detailing the agricultural necessity for the building which is required for storage of machinery and hay bales.

The existing dilapidated buildings and hopper on the site were previously used for poultry farming, that use has ceased but the proposed storage is required for maintenance of the 1.38 hectares of land and production and storage of a hay crop.

Although this is a relatively small agricultural holding at 1.38 hectares, proposed building is not disproportionate to the agricultural needs of the land and would replace a group of dilapidated sheds which are collectively of a similar size.

Conservation, Visual Amenity and Landscape impact

The proposed building would replace a group of dilapidated sheds and an unsightly metal hopper. The size of the building has been reduced from that of the previous application, the design and materials of the building are typical of other modern agricultural buildings in the area and its scale would be similar to the collective scale of the structures it replaces. Overall the replacement of the existing buildings with the proposed building would enhance the character and appearance of the Conservation Area.

The proposed development therefore accords with policies ENV1, ENV2 and the guidance of the guidance of the Development in the Open Countryside SPG.

Amenity

The nearest dwellings are located adjacent to the east boundary of the site. Taking into account that it would replace existing agricultural buildings the proposed building would not result in any unacceptable residential amenity impacts.

Ecology

A bat survey has been submitted with the application, this concluded that there is negligible potential for bat roosting within the buildings to be demolished.

The site of does not have features that would make it suitable as habitat for other protected species including newts and subject to the recommendations of the bat survey the ecology of the site would be enhanced.

Highways

The proposed development would not result in any unacceptable highway safety impacts.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in terms of design, amenity and highway safety and would preserve the significance of the Conservation Area. 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: 648/1, 648/5A, 648/6A, 648/7A.

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

3. Prior to the cladding of the external walls and roof of the building hereby approved samples of the upper wall and roof cladding materials shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

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

4. The development shall be carried out in strict accordance with the recommendations of the submitted Preliminary Bat Roost Assessment Report.

Reason: To ensure that protected species are not harmed and the biodiversity of the site is enhanced.

Note: Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions. Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Application Ref: 22/0497/FUL

Proposal: Full: Demolition of former poultry sheds, removal of silo feed hoppers and erection of agricultural building (resubmission).

At: Hilddene, Rock Lane, Keighley Road, Trawden

On behalf of: Mr Ian Barker

REPORT TO FULL COUNCIL COMMITTEE ON 18TH 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 FULL COUNCIL COMMITTEE ON 18TH 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 (6588m²), 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 (6588M²), 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 FULL COUNCIL COMMITTEE ON 18TH OCTOBER 2022

Application Ref: 22/0516/FUL

Proposal: Full: Erection of a dwelling with a detached annex.

At: Land to the north east of Water Meetings, Gisburn Road, Blacko

On behalf of: Mr & Mrs Marsh

Date Registered: 15/08/2022

Expiry Date: 10/10/2022

Case Officer: Laura Barnes

The application has been brought before Committee due to the number of objections received.

Site Description and Proposal

The application site relates to land which is directly to the south of No. 423 Gisburn Road, Blacko. It is directly adjacent to Gisburn Road and falls away from east to west.

The proposed development comprises a two storey dwelling and a single storey annex. The main dwelling is arranged in a "T shape" form with the annex to be positioned directly adjacent, to the other side of the proposed private driveway. Access is to be taken directly off Gisburn Road.

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

Proposal

The proposal is for the erection of a detached four bed dwelling with a detached two bed annex. The proposed development would also require the formation of a new vehicular access onto Gisburn Road.

Site planning history

None.

Site access

There is an existing field gate at the northern boundary of the land within the applicants' ownership, which is proposed to be removed and the existing hedgerow extended. The existing dropped kerb should be removed, and the footway reinstated to the county council's specification, including full height kerbs, to limit the number of access points to the wider site within the applicants' ownership. These works would need to be carried out under a legal agreement (Section 278) with Lancashire County Council, as the highway authority.

A new vehicular access is proposed approximately 52m to the South of the above field gate. The formation of this new vehicle access from Gisburn Road to the development site would also need to be carried out under the same legal agreement with Lancashire County Council. Works to form the access should include, but not be exclusive to, the construction of the access to an appropriate standard, radius kerbs, buff coloured tactile paved, dropped pedestrian crossings on both sides of the new access and a street lighting assessment. Any services within the footway which need to be re-located to form the access would also be at the applicants' expense.

If planning approval is granted the developer is advised to contact Lancashire County Council as soon as possible to start the Section 278 process and not wait until condition discharge stage. 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.

The new access and internal access road should be constructed to at least base course prior to any other development taking place within the site to enable all construction traffic to enter and leave the development site in a safe manner without causing a hazard to other road users.

The new internal road should also be surfaced in a bound porous material for a minimum distance of 5m into the site from the rear edge of the adopted footway so that loose surface material is not carried onto the adopted highway network, where it could pose a hazard to other users.

Visibility splays

Gisburn Road is subject to a maximum speed limit of 30mph outside the site. For a road with a maximum speed limit of 30mph visibility splays measuring 2.4m x 43m x 0.9m should be provided in both directions. Proposed Site Plan (Dwg P01.01 Rev A dated 12.9.22) shows that visibility splays of 43m can be achieved over land within the applicants' ownership and/or the adopted highway network, which the highway authority considers acceptable. However, the visibility splays should be controlled by condition to ensure that nothing over 0.9m in height above the carriageway level of Gisburn Road is planted, erected or allowed to grow within the splays to protect inter-visibility to and from the site access for the lifetime of the development.

Car & cycle parking

Based on the car parking recommendations in Pendle Borough Council's 'Car and Cycle Parking Standards' three car parking spaces should be provided for a dwelling with four or above bedrooms. Two parking spaces should also be provided for the two bed annex.

The proposed garage for the main dwelling is adequately sized to provide two parking spaces, together with storage for at least two cycles. The Design & Access Statement also refers to an electric vehicle charging being accommodated within the garage (section 6.5).

One parking for the annex is proposed under a car port.

There is an adequate hardstanding area within the site to provide the third parking space for the main dwelling, together with the second parking space for the annex, whilst still maintaining sufficient manoeuvring areas to allow vehicles to enter and leave the site in forward gear. Therefore, the highway authority considers that an adequate level of parking can be provided within the site.

General

Lancashire County Council's five-year database for Personal Injury Accidents (PIA) was checked on 28 September 2022. The database indicates there has been no collisions which resulted in personal injury near the proposed site access during this period.

Due to the site's location on the approach to an area with dwellings on both sides of the carriageway, and that it is a green field site, a Construction Management Plan will be required. There are also solid white central carriageway lines on the approach in both directions to the proposed site access, which prohibit vehicles from overtaking. Any vehicles parked on Gisburn Road outside the site may force vehicles to straddle the solid white lines and into the path of opposing traffic, which is a highway safety concern.

Deliveries by HGVs to the approved development during the construction phase should only be accepted between the hours of 9.00am and 2.30pm, to avoid peak traffic on the surrounding highway network.

There are no Public Rights of Way through the site.

The highway authority recommends that a condition is applied so that the proposed annex is only used ancillary to the main dwelling. This is to ensure that an adequate level of off-road parking and manoeuvring is retained on site, given the concerns about vehicles parking on Gisburn Road raised earlier. As the internal access road is only one vehicle wide this could also lead to vehicles having to wait on Gisburn Road to enter, or conflicting vehicle movements if the site was in different ownerships.

The following conditions and note should be applied to any formal planning approval granted.

Conditions

1. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site highway works has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority. Works shall include, but not be exclusive to the re-instatement of the footway including full height kerbs outside the existing field access; construction of a new vehicular access to the appropriate standard onto Gisburn Road, including radius kerbs and buff coloured tactile paved dropped pedestrian crossings both sides of the new access; a street lighting assessment. Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.

2. The development hereby permitted shall not commence unless and until all of the highway works to facilitate construction traffic access to the development site have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority. Reason: To enable all construction traffic to enter and leave the development site in a safe manner without causing a hazard to other road users.

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

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Wheel washing facilities and mechanical road sweeping
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from site clearance and construction works
- viii) Details of working hours
- ix) Timing of deliveries by HGVs
- x) Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties.

Reason: In the interest of highway safety.

4. Prior to first occupation of any approved dwelling visibility splays measuring 2.4m back from the centre line of the access and extending 43m on the nearside carriageway edge of Gisburn Road in both directions shall be provided, as shown on the approved plans. Nothing shall be erected, retained, planted and/or allowed to grow at or above a height of 0.9m above the nearside carriageway level which would obstruct the visibility splay. The visibility splays shall be maintained free from obstruction at all times thereafter for the lifetime of the development. Reason: To ensure adequate intervisibility between highway users at the site access, in the interest of highway safety.

5. Prior to first occupation of any approved dwelling all the highway works shall have been constructed and completed in accordance with the approved scheme. Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

6. Before the access is used for vehicular purposes, that part of the internal access road extending from the rear of the adopted footway shall be appropriately paved in bound material for a minimum distance of 5m into the site. Reason: In the interest of highway safety to prevent loose surface material from being carried on to the public highway.

7. The detached annex hereby approved shall only be used ancillary to the enjoyment of the main dwelling hereby approved and shall not be used by way of sale or sub-letting to form separate residential accommodation. Reason: To avoid the creation of separate dwellings which may be sub-standard in terms of parking provision, vehicular manoeuvring area and/or vehicle access.

Informative note

The grant of planning permission will require the applicants to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as the Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to:

- reinstatement of footway, including full height kerbs, across existing field gateway;
- the construction of the new access to an appropriate standard, including radius kerbs, buff coloured tactile paved dropped pedestrian crossings on both sides of the new access and a street lighting assessment. The applicant should contact the county council for further information by telephoning the Development Control Section (Area East) on 0300 123 6780 or by email on developeras@lancashire.gov.uk, in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.

Blacko Parish Council

Following discussions, the PC agreed that although they objected that this application was outside the settlement boundary and in open countryside, but due to the significant health problems in this case the PC would not object, but wanted their opinions noted. The PC were also not happy with the access as shown in the plans, but thought this was probably the best option available.

United Utilities

United Utilities wish to make the following comments regarding the proposal detailed above.

DRAINAGE

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) advise that surface water from new developments should be investigated and delivered in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

We recommend the applicant considers their drainage plans in accordance with the drainage hierarchy outlined above.

A full copy of the comments relating to water and waste water services is available online and has been sent directly to the agent.

Environment Officer

No objection.

The Arboricultural Statement submitted indicates an understanding of the trees on site. There are no trees due to be removed.

Public Response

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

- Landscape harm including the building itself along with cars and domestic paraphernalia
- The scale of the dwelling is not appropriate
- Access is unsafe
- Other properties and land within Blacko are available which should be used first, rather than developing this land
- The site does not follow the linear form of Blacko and will look isolated
- The site was put forward as part of the Local Plan but dismissed due to scenic beauty
- Infill between Blacko & Higherford
- The site is not adjacent to neighbouring properties and is isolated in the middle of a field
- The site forms an important green barrier between Blacko and Higherford
- The site does not confirm with Local Plan policy
- Issues with the new access point proposed
- The southern boundary of No. 423 Gisburn Road is within their ownership and not the applicant's
- The land is Green Belt and AONB
- The development would be on an upper slope and would result in the loss of local views
- The access will add to the daily issues of traffic in Blacko
- Concerns regarding the gated access being dangerous
- This access will cause issues for people entering and exiting Little Stone Edge and Great Stone Edge access track
- The proposed development goes against the Local Development Plan
- This is an application by a person who is not currently a resident of Blacko
- An extension to an existing property would be better
- Local ecology will be adversely affected
- The applicant hasn't provided evidence of their 5 year search for a suitable piece of land
- What is the need for the dwelling to be so large?

Some support for the development has been received, as follows:

- This would be a good use of the site given the applicant's individual needs
- The specific needs of the applicant mean that it would not set a precedent for future development

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

Policy SDP3 (Housing Distribution) sets out the location of new housing in the Borough in conjunction with SDP2 and LIV1.

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

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

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

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

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

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

Policy LIV3 (Housing Needs) encourages the support and provision of a range of residential accommodation.

Policy LIV5 (Designing Better Places to Live) requires all new housing to be designed and built in a sustainable way. New development should make the most efficient use of land and be built at a density appropriate to its location taking account of townscape and landscape character. Provision for open space and/or green infrastructure should be made in all new housing developments.

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 proposed development is located directly adjacent to the settlement boundary, as such the proposed development is in accordance with Policy LIV1, subject to compliance with policies which relate to design and amenity.

Design & Landscape

The proposed development comprises a detached two storey dwelling with a T-shaped footprint. Additionally, the application seeks permission for a single storey annex. Internally, the main dwelling is to comprise two bedrooms, a utility room, family room, bathroom, gym and garage to the Lower Ground Floor. To the Upper Ground Floor the accommodation is to comprise a dining / kitchen area, a further two bedrooms and a terrace area. The proposed annex is to have an open plan living room and two bedrooms (one for a carer to stay in). The main dwelling is to be constructed of natural random stonework with vertical timber cladding detailing. The roof of the main dwelling is to be slate roof tiles, with part of the roof being zinc clad with integrated solar panels. The annex is to have a green roof to part of the building. The windows are to be a dark grey aluminium window, the doors are to be timber with the exception of the aluminium sliding doors.

There is a significant change in levels across the site, with the land falling away from the highest point adjacent to the road. The proposed development would use the natural ground levels to create a stepped dwelling which works with the contours of the existing field. As such, the proposed ridge height would be lower than the road, when viewed from the south west.

Directly opposite the application site is a traditional row of terraced dwellings. The main dwelling has taken design queues from the terrace including natural slate to the roof and a natural stone for the walls. Combined with this there are some more modern materials including glazing, timber cladding and zinc which are used as accent details to the side and rear.

The applicant has submitted amended plans which have altered the ratio of glazing to solid wall, particularly to the south west elevation. It is noted however that the application site is surrounded by mature trees and landscaping which screen the land from views along the public right of way at the edge of the site. Whilst the proposed development is adjacent to the settlement boundary, but outside of it, it would be rear in the context of the existing properties opposite, especially when viewed from the south west. The existing landscaping would provide effective screening from the public right of way and views back towards the village.

Overall, the proposed design of the dwelling and annex are acceptable.

Residential Amenity

The proposed dwelling and associated annex are to be sited in excess of 21m from the existing dwellings on Gisburn Road. Moreover, the proposed dwelling is to be constructed to work with the existing contours of the site, so that it would appear single storey in height when viewed from Gisburn Road.

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

Ecology & Trees

The application is accompanied by a Preliminary Ecological Appraisal and an Arboricultural Impact Assessment. The Ecological Appraisal concludes that the site is has a low conservation value, no habitats within the site are Priority Habitat, and no protected species were observed. The proposed

development will result in the loss of an area of species poor semi-improved grassland, and a small area of predominately hawthorn hedgerow with a species poor understorey flora. The development offers considerable potential to create enhancements for biodiversity via a post development biodiversity enhancement and management scheme particularly pond creation and planting of native hedge and tree species to mitigate for loss of existing hedgerow, and native tree and shrub planting within proposed landscaping. The Council's Environment Officer has reviewed the proposed development and has not raised any objection in this regard. The application does not involve the removal of any trees. Appropriate protection for the existing trees on site can be secured during the construction phase, by way of planning condition.

In terms of ecology, although the proposed development is a greenfield site adjacent to the edge of the settlement, there are no special designations placed on it in relation to ecology. In this regard it is not different from any other greenfield site across Pendle.

Highways

The proposed development includes an appropriate level of car parking, based upon the number of bedrooms to the dwelling and the annex. No objection is raised in this regard.

In terms of highway safety, the proposals have been assessed and would not result in an unacceptable impact upon highway safety. As such, the proposed development accords with policy in this regard.

Other Matters

The applicant has submitted a statement which relates to the health condition of their child, which the proposed annex is to accommodate. Although this information is important context to the justification of the buildings, this is not a material planning consideration.

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: E00.01
- Proposed Site Plan UGF, Ref: P01.03 Rev C
- Proposed Site Plan LGF, Ref: P01.02 Rev C
- Proposed Elevations P03.01B

- Proposed Elevations P03.02B
- Proposed Elevations P03.03C

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

3.All the external materials to be used in the elevations and roof of the development hereby permitted shall be as stated on the application form and approved plans and there shall be no variation without the prior written consent of the Local Planning Authority.

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

4.The dwelling shall not be occupied unless and until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority and has been fully installed and completed in accordance with the approved details.

The drainage scheme must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
- (iii) A timetable for its implementation.
- (iv) Details of how foul and surface water will be disposed of.

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

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

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

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

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

6. The development hereby permitted shall not be commenced until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:
- a. the exact location and species of all existing trees and other planting to be retained;
 - b. all proposals for new planting including the replacement trees for those which have been removed, 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.

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

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

8. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A, B, C & D of Part 1 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: To enable the Local Planning Authority to control any future development on the site in order to safeguard the residential amenity.

9. Before any dwelling unit is occupied waste containers shall be provided and shall be stored to the rear of the property.

Reason: To ensure adequate provision for the storage and disposal of waste.

10. No part of the development shall be commenced unless and until a Construction Code-of-Practice statement has been submitted to and approved in writing by the Local Planning Authority. The code shall include details of the measures envisaged during construction to manage and mitigate the main environmental effects of the relevant phase of the development. The submitted details shall include within its scope but not be limited to:

- a) A programme of works including phasing, hours of operation and measures for the control of traffic to and from the site, and within the site, during construction.
- b) The areas and methods of loading and unloading of plant and materials.
- c) The areas for the storage of plant and materials.
- d) Methods for dust control and suppression including asbestos controls and undertaking of regular dust monitoring including when dust monitoring and dust control/suppression are to be implemented.
- e) Details of wheel-washing facilities including location
- f) Details, including likely vibration and noise levels at site boundaries, of the piling operations.
- g) Measures related to construction and demolition waste management
- h) Pollution prevention to include odour suppression, temporary drainage measures, control on re-fuelling activities and measures such as cut-off trenches to control gas migration.
- i) Soil resource management including stock-pile management
- j) Compliance with BS5228: Part 1 1997 to minimise noise
- k) Measures to ensure that vehicle access of adjoining access points are not impeded.
- l) Measures to ensure that there is no burning of waste.
- m) Location and details of site compounds
- n) Hoarding details during construction

- o) An overall Construction Monitoring programme, to include reporting mechanisms and appropriate redress if targets/standards breached
- p) Noise-monitoring to be carried out for the construction period.
- q) A Construction and Demolition-Waste minimisation Strategy.
- r) A Construction-Risks Education plan/programme
- s) Parking area(s) for construction traffic and personnel
- t) Routeing of construction vehicles

The Construction Code-of-Practice must be compiled in a coherent and integrated document and should be accessible to the site manager(s), all contractors and sub-contractors working on site. As a single point of reference for site environment management, the CCP should incorporate all agreed method statements, such as the Site Waste Management Plan and Demolition Method Statement. All works agreed as part of the plan shall be implemented during an agreed timescale and where appropriate maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate measures are in place to protect the environment during the construction phase(s).

11. No tree within the site shall be cut down, up-rooted, topped, lopped, destroyed or in any other way damaged, nor any hedge within the site cut down or grubbed out, without the prior written approval of the Local Planning Authority.

Reason: To protect trees and shrubs as essential elements in the development.

12. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site highway works has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority. Works shall include, but not be exclusive to the re-instatement of the footway including full height kerbs outside the existing field access; construction of a new vehicular access to the appropriate standard onto Gisburn Road, including radius kerbs and buff coloured tactile paved dropped pedestrian crossings both sides of the new access; a street lighting assessment.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.

13. The development hereby permitted shall not commence unless and until all of the highway works to facilitate construction traffic access to the development site have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority.

Reason: To enable all construction traffic to enter and leave the development site in a safe manner without causing a hazard to other road users.

14. Prior to first occupation of any approved dwelling visibility splays measuring 2.4m back from the centre line of the access and extending 43m on the nearside carriageway edge of Gisburn Road in both directions shall be provided, as shown on the approved plans. Nothing shall be erected, retained, planted and/or allowed to grow at or above a height of 0.9m above the nearside carriageway level which would obstruct the visibility splay. The visibility splays shall be maintained free from obstruction at all times thereafter for the lifetime of the development.

Reason: To ensure adequate intervisibility between highway users at the site access, in the interest of highway safety.

15. Prior to first occupation of any approved dwelling all the highway works shall have been constructed and completed in accordance with the approved scheme.

Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

16. Before the access is used for vehicular purposes, that part of the internal access road extending from the rear of the adopted footway shall be appropriately paved in bound material for a minimum distance of 5m into the site.

Reason: In the interest of highway safety to prevent loose surface material from being carried on to the public highway.

17. The detached annex hereby approved shall only be used ancillary to the enjoyment of the main dwelling hereby approved and shall not be used by way of sale or sub-letting to form separate residential accommodation.

Reason: To avoid the creation of separate dwellings which may be sub-standard in terms of parking provision, vehicular manoeuvring area and/or vehicle access.

Informative note

The grant of planning permission will require the applicants to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as the Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to:

- reinstatement of footway, including full height kerbs, across existing field gateway;
- the construction of the new access to an appropriate standard, including radius kerbs, buff coloured tactile paved dropped pedestrian crossings on both sides of the new access and a street lighting assessment. The applicant should contact the county council for further information by telephoning the Development Control Section (Area East) on 0300 123 6780 or by email on developeras@lancashire.gov.uk , in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.

Application Ref: 22/0516/FUL

Proposal: Full: Erection of a dwelling with a detached annex.

At: Land to the north east of Water Meetings, Gisburn Road, Blacko

On behalf of: Mr & Mrs Marsh

REPORT TO FULL COUNCIL COMMITTEE ON 18TH 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 SPD.



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 FULL COUNCIL COMMITTEE ON 18TH 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 FULL COUNCIL COMMITTEE ON 18TH 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

Part 2:- Request to determine the following Planning Applications:-

REPORT TO FULL COUNCIL COMMITTEE ON 18TH OCTOBER 2022

Application Ref: 22/0169/HHO

Proposal: Full: Demolition of garage and erection of single storey side and rear extensions and porch to front elevation.

At 95 Waidshouse Road, Nelson

On behalf of: Mrs Nusrat Zahra

Date Registered: 17/8/2022

Expiry Date: 12/10/2022

Case Officer: NW

Site Description and Proposal

The application site is one of a pair of semidetached dwellings. The proposal is to erect a single storey rear extension 4m in length next to the neighbouring boundary and a two storey extension beyond that. A balcony is proposed over the garage which is situated to the front of the house.

Relevant Planning History

No relevant planning history.

Consultee Response

Highways: No objection but would wish to see a construction code of practice condition added.

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 semi-detached dwelling is located on land that rises up from the road then continues to rise to the rear. It occupies a corner plot with houses perpendicular to it at the rear. The site has trees beyond its boundary at the rear.

The garage is set into the banking at the front of the house. It has significant shrubbery around it. The proposal is to put a balustrade around it for seating. This would not look out of place to the front as it is set back and surrounded by vegetation. Were the vegetation to be removed the land levels are such that there would be views over the neighbouring garden but not form a dominating height and that relationship would be acceptable.

The neighbouring house to the rear is set above the height of the development. It has a gable facing the site which has a door and upper storey window. The rear extension would have a window in the rear. That would face trees and the gable but at a lower height. The height difference and the trees would mean that there would be no unacceptable loss of privacy to the occupants of that property.

The single storey extension to the rear would be built on the boundary. It would be 4m in length and comply with the design guide in terms of the relationship with the adjoining dwelling which has windows in the rear elevation next to the extension.

The two storey element would be set away from the joint boundary. The relationship with the windows with the neighbouring house would not breach a 45 degree line. In overall terms the relationship with the neighbour would not result in an overbearing impact or loss of quality of the living environment.

The rear of the site is not publicly prominent. The low key nature of the single storey extension would work acceptably with the two storey element adjacent. The two storey extension is traditionally built with a pitched roof. It is an appropriate design for the rear.

A construction code of practice condition is not necessary for a domestic development.

Reason for Decision

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

RECOMMENDATION: Approve

Subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Existing drawing, proposed drawings,

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 be as stated on the submitted application forms and plans.

Reason: In order to ensure the development is of an acceptable design.

Application Ref: 22/0169/HHO

Proposal: Full: Demolition of garage and erection of single storey side and rear extensions and porch to front elevation.

At 95 Waidshouse Road

On behalf of: Mrs Nusrat Zahra

REPORT TO FULL COUNCIL COMMITTEE ON 18TH OCTOBER 2022

Application Ref: 22/0345/HHO

Proposal: Full: Demolition of existing outrigger and erection of a single storey rear extension.

At 62 Car Road, Nelson

On behalf of: Mr. Akhtar Ali

Date Registered: 23/5/22

Expiry Date: 18/07/2022

Case Officer: NW

Site Description and Proposal

The applicaioitn site lies in a conservation area. The proposal is to the rear of the proety on a back alley. It is to infill a small section of the rear yard with an extension.

The propsal is to erect a slightly larger flat roof extension to replace the exsiting building.

Relevant Planning History

No relevant planning history.

Consultee Response

Highways: Keep sufficient space for bins.

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 build a single pitched roof small extension to the rear. The development would use stone and render to match the existing development surrounding. The development is simple in design and would have no impact on the street scene or conservation area.

There are no windows proposed and the development would have no impact on residential amenity.

There would still be sufficient room left in the yard to cater for bins and there are no highway concerns.

Reason for Decision

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

RECOMMENDATION: Approve

Subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: D1, D2

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

3. The materials to be used externally shall be as stated on the submitted application forms and plans.

Reason: These materials are acceptable in the area.

Application Ref: 22/0345/HHO

Proposal: Full: Demolition of existing outrigger and erection of a single storey rear extension.

At 62 Car Road

On behalf of: Mr. Akhtar Ali

REPORT TO FULL COUNCIL COMMITTEE ON 18TH OCTOBER 2022

Application Ref: 22/0362/HHO

Proposal: Full: Proposed single storey extension.

At Stock Cottage Barn Bracewell Lane Bracewell

On behalf of: Mr Colin Richards

Date Registered: 06.06.2022

Expiry Date: 8/1/2022

Case Officer: NW

Site Description and Proposal

The application site is a converted barn in an isolated location in the open countryside in Bracewell. The barn is simple in design and has a property fronted to the south. The development lies close to the Stock Medieval settlement.

Relevant Planning History

No relevant planning history.

Consultee Response

Highways: No comments to make.

Historic England: Detailed comments but no objection subject to an archaeological watching brief.

Public Response

One letter received supporting the application.

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 monopitched modest extension to the end of the converted barn.

The development will not overlook or impact on the nearest neighbour to the south. There are no amenity issues with the development.

The barn conversion is one that has been undertaken well. The simple form of the barn and its agricultural roots are maintained with the sympathetic conversion.

The proposed extension would maintain the simple form of the development. It would be subservient and an obvious extension but would preserve the overall design and appearance of the barn. The design is acceptable.

Historic England have commented in detail about the likely findings of items of archeological importance. The conclusions are that a watching brief would appropriately safeguard the archeological importance of the scheduled monument. An appropriate condition would therefore be required

Reason for Decision

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

RECOMMENDATION: Approve

Subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: P1906p/006.1, P1906p/001.1, P1906p/002.1, P1906p/003.1, P1906p/004.1

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

3. The material to be used on the extension hereby authorised shall match in colour form and texture the external facing materials on the existing barn.

Reason: These materials are appropriate for the extension and the design of the barn.

4. No development shall take place on the extension hereby authorised unless and until the applicant has secured the implementation of a programme of archaeological investigation and recording in accordance with a written scheme of investigation which has been submitted to the Local Planning Authority and approved in writing and thereafter carried out in accordance with the approved scheme and timescales.

Reason: In order to ensure that any archaeological remains on site are properly recorded during the construction of the extension hereby authorized.

Application Ref: 22/0362/HHO

Proposal: Full: Proposed single storey extension.

At Stock Cottage Barn Bracewell Lane Bracewell

On behalf of: Mr Colin Richards

REPORT TO FULL COUNCIL COMMITTEE ON 18TH OCTOBER 2022

Application Ref: 22/0533/HHO

Proposal: FULL: Erection of a single storey front and rear extension and detached garage.

At: 6 New Oxford Street, Colne

On behalf of: Emma Parker

Date Registered: 08/08/2022

Expiry Date: 03/10/2022

Case Officer: Joanne Naylor

Site Description and Proposal

The application site is a two storey end-terrace of four dwellings. The dwelling house walls are pebble dash above a brickwork plinth with a pitched and hipped roof of slate tiles. The application site has off road parking and has a front and rear garden. The property is located within the defined settlement boundary of Colne, and is within an area with commercial use and residential use. The surrounding properties are a mix of pebble dash properties and natural stone dwellings.

The proposal is for extension of a single storey front extension, the demolition of the existing conservatory to the rear and erection of a single storey rear extension and the erection of a detached garage.

Relevant Planning History

13/98/0237P: Erect bay window to front. Approved with Conditions.

Consultee Response

LCC Highways

I have viewed the plans and the highway related documents submitted; I have the following comments to make:

I have visited the site and at the time of the visit the parking on New Oxford Street, and in the surrounding was full to capacity. Cars were also parked on the grass verge.

New Oxford Street is a single carriage way road. The detached garage would be supported to create off road parking and would help in reducing demand for on road parking spaces.

There is no objection to this proposal on highway grounds, but I would recommend the following conditions:

Conditions

- All garage facilities shall have facility of an electrical supply suitable for charging an electric motor vehicle.

Reason: In order to promote sustainable transport as a travel option and reduce thereby carbon emissions.

- The existing garage shall not at any time be used for any purpose which would preclude its use for the parking of a motor vehicle.

Reason: To ensure that there is adequate off-street parking provision within the site to prevent on-street car parking

- The parking areas must be constructed of a bound porous material and created before first occupation up until the lifetime of the dwellings existing in their proposed state.

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

Colne Town Council - No comment.

Public Response

The nearest neighbours have been notified by letter, no response received.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

Policy SPD 1 (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 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.

Design

The Design Principles SPD advises that extensions to the front elevation of dwellings, including porches, should be carefully designed. It advises that front extensions and porches usually benefit from having a pitched roof, using the same construction materials as the original dwelling and being not greater than 1.25m in depth (or half the distance between the wall and the highway boundary whichever is less).

The application site has an existing bay window roof measuring 2m wide and 0.9m depth and has a pitched roof. The proposed extension would be 5.3m wide and project 1.5m from the front elevation and would have a pitched roof. Although the Design Principles SPD states that extensions and porches should not normally extend more than 1.25m from the front elevation of the dwelling. This has to be tempered by the specifics of the development and its location. The SPD advises on this due to front porches not normally being in scale with the host dwelling if the porch is overly large. Here the porch would be sited on the end terrace of a row of four dwellings that are set back from the roadside. The application site also has a generous space to the side and rear. This relationship allows for a larger scaled porch to be added which would fit proportionally with its surrounds and which would not affect detrimentally the street scene. The front of the dwelling has a front garden with a generous footpath to the side and driveway, which would comfortably accommodate the proposed front and rear extension, the proposed garage and two off-road parking spaces.

The proposed single storey front extension would be brickwork plinth with a rendered finish above. Although this does not exactly match the existing dwelling of brick plinth with pebble dash, the render would be similar in material and design, in addition, in the row further along New Oxford Street, a mid-terrace property has a front porch with render finish. The proposed front extension would have a pitch roof of slate, with windows, doors and rainwater goods to match the existing. The proposed front extension would have two windows to the front elevation, and a door would be located on the south elevation of the proposed front extension. The boundary treatment to the front is privet hedging which would offer some screening of the proposed front extension.

The proposed single storey rear extension would project 4m from the rear elevation of the dwellinghouse, would be 5.385m wide, it would have a pitched roof with a height of 2.57m to the eaves. The proposed rear extension would leave a gap of circa 0.7m from the party boundary, the projection to 4m would be acceptable. The proposed materials would be brickwork with render finish above, a slate pitched roof with two rooflights, white uPVC windows and patio doors with black uPVC rainwater goods. As with the proposed front extension, the materials do not exactly match the existing dwelling, however, as the proposal is to the rear of the property and is not visible from public view points, then the proposed material and design would be acceptable.

The proposed detached garage would be located to the north east of the application site, it would measure 6m long, 4.5m wide, and 2.35m high to the eaves, with a slate pitched roof and a finish of K-Render. There would be a pedestrian door to the north elevation and a garage door to the front elevation, the front view of the garage would mostly be of the garage door resulting in the appearance of the K-Render being minimal from public view. The proposed garage would have a pitched roof of slate, a finish of K Render, and black uPVC rain water goods. The proposed garage is sited next to two commercial uses, the car showroom has a rendered gable end, and the siting of the garage to the rear of the application site, next to the two high blank walls of the commercial buildings would diminish the impact of the rendered garage in terms of appearance. Details for the finishing colour of the walls for the proposed development has not been submitted, therefore a suitable condition could be placed to ensure the colour would be acceptable in design terms.

Subject to suitable conditions, the proposed developments are acceptable in design and materials and conform to Policy ENV2 of the Local Plan: Part 1 Core Strategy.

Residential Amenity

Policy ENV2 and the Design Principles SPD seek to ensure that householder developments do not as a result of their design, scale, massing and orientation have an unduly adverse impact on amenity.

The existing dwelling has a front bay window, the proposed front extension would increase the length and depth and would have two windows to the front elevation. The adjacent property at No. 8 New Oxford Street has a habitable room window next to the application site, the proposed front extension would be 1.5m deep, the distance between the proposed front extension and the mid-point of the neighbour's window is circa 2.4m, the proposal would have no unacceptable impact on residential amenity. The proposed two front windows to the ground floor would be facing habitable room windows at No. 1, No.3 and No.5 New Oxford Street. The Design Principles advises that habitable room windows facing each other should maintain a distance of 21m. The distance between the front elevation of the application site to the front elevation of the properties opposite would be circa 16.5m. The application site has a mature hedge to the front boundary which is as wide as the dwelling and there is a public highway in between. The development does not detrimentally impact on these dwellings over and above the existing conditions. The relationship across the public highway is also acceptable.

The Design Principles SPD states that rear extensions up to 4m in depth are acceptable, the proposed rear extension would be 4m and therefore would not have an unacceptable impact on the neighbouring property. The proposed development does not have any side elevation windows. The proposed rear extension would have one window, two patio doors and two roof lights to the rear elevation which would face the existing timber outbuilding and the blank wall of the commercial premises behind it. The proposed rear window and patio doors would have no residential amenity issue. The proposed rear extension would have two rooflights, the neighbouring property at No. 8 New Oxford Street has a first floor bedroom adjacent to the application site, however, the rooflights are tilted towards the rear garden and the only view would be that of the commercial property blank wall which forms a high wall boundary treatment.

The proposed garage has a pedestrian door to the north elevation which faces the boundary treatment between No. 6 and No. 8, the boundary treatment has wooden fencing and shrubs which would screen any overlooking.

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 increase the number of bedrooms. The site currently has two off-street parking spaces. The proposal would provide for three off-street parking spaces: two off-street parking spaces and one parking space within the proposed garage. Therefore there are no highways issues with this proposal subject to suitable conditions.

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 extension is acceptable in terms of policy, design, amenity and highway safety. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approval

Subject to the following conditions:

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

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

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

- Location Plan: DR-004.
- Proposed Floor Plan, Elevations and Roof Plans: DR-002 Revision A.
- Proposed Garage Plans and Elevations: DR-003 Revision A.

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

3. 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.

4. Prior to the commencement of development details of the materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority. The materials to be used thereafter shall strictly comply with the details so approved.

Reason: In order that the Local Planning Authority can assess the materials in the interest of visual amenity.

Application Ref: 22/0533/HHO

Proposal: FULL: Erection of a single storey front and rear extension and detached garage.

At: 6 New Oxford Street, Colne

On behalf of: Emma Parker

REPORT TO FULL COUNCIL COMMITTEE ON 18TH OCTOBER 2022

Application Ref: 22/0534/CND

Proposal: Approval of Details Reserved by Condition: Discharge of Condition 5 (Details of stallriser) of Planning Permission 22/0135/FUL.

At: 104 Green Road, Colne

On behalf of: Mr M. Arif

Date Registered: 16/08/2022

Expiry Date: 11/10/2022

Case Officer: Laura Barnes

Site Description and Proposal

This application is made under article 21 of the Town and Country Planning (General Development Procedure) Order 2015 to seek confirmation of compliance with conditions on planning permission 22/0135/FUL.

This application requests the discharge of condition number 5 on the Planning Permission. This condition is listed below:

Condition 5

Within one month of the date of this permission, a detailed plan of the stall riser shall be provided and shall be fully installed within two months of the date upon which it is approved.

Reason: This is a retrospective application and the design of the shop front is unacceptable without the stall riser.

Relevant Planning History

22/0135/FUL: Full: Change of use of part of ground floor from Retail (A1) to Hot Food Takeaway (A5), insert doorway and shop front with roller shutter, including extraction duct and new wall and roof to enclose rear yard to rear elevation.

Consultee Response

As required

Public Response

None necessary

Officer Comments

This application requests the discharge of condition number 5 on the Planning Permission.

Condition 5

The condition required the applicant to submit a detailed plan indicating the stall riser, within one month of the permission for the insertion of the shop front. It also requires the applicant to install the shopfront two months from the date upon which the details are approved.

The applicant has submitted details of the stall riser including the following specification on the plan: New aluminium (Anthracite colour), window with (Anthracite colour) aluminium panel stall riser. The stall riser is to measure 600mm up from the existing floor level. The proposed design is acceptable.

This condition can be discharged subject to implementation.

Summary

Condition 5 – The details submitted are acceptable and this condition can be discharged, subject to implementation.

RECOMMENDATION: Conditions Discharged

Application Ref: 22/0534/CND

Proposal: Approval of Details Reserved by Condition: Discharge of Condition 5 (Details of stallriser) of Planning Permission 22/0135/FUL.

At: 104 Green Road, Colne

On behalf of: Mr M. Arif

REPORT TO FULL COUNCIL COMMITTEE ON 18TH OCTOBER 2022

Application Ref: 22/0539/CND

Proposal: Approval of Details Reserved by Condition: Discharge of Condition 4 (Phasing), Condition 5 (Contamination / Remediation), Condition 14 (Visibility Splay), Condition 15 (Landscaping Scheme) and 16 (Landscaping Management) of Planning Permission 21/0312/VAR.

At: Black Carr Mill, Skipton Road, Trawden

On behalf of: CRS Plant Ltd

Date Registered: 09/08/2022

Expiry Date: 04/10/2022

Case Officer: Laura Barnes

Site Description and Proposal

This application is made under article 21 of the Town and Country Planning (General Development Procedure) Order 2015 to seek confirmation of compliance with conditions on planning permission 21/0312/VAR.

This application requests the discharge of condition numbers 4, 5, 14, 15 & 16 on the Planning Permission. This condition is listed below:

Condition 4

Prior to commencement of development, a plan and written-brief detailing the proposed phasing of the site shall have been submitted to and approved in writing by the Local Planning Authority. Development shall not commence unless and until the scheme has been submitted and approved. Such detailing shall include details of the works involved in each phase and how each phase is to be completed in terms of the completion of roads , building operations, foul and surface water sewers and landscaping, and each phase shall be substantially completed before the next successive phase of the development is commenced.

The approved scheme shall thereafter be carried out in strict accordance with the plan and brief.

Reason: To secure the proper development of the site in an orderly manner.

Condition 5

Prior to the commencement of development the applicant shall have submitted to and have agreed in writing by the Local Planning Authority a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site. The method statement shall detail how:-

- a) an investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority; and
- b) A comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis

programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority.

All agreed remediation measures shall thereafter be carried out in accordance with the approved implementation timetable under the supervision of a geotechnical professional and shall be completed in full accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

In addition, prior to commencing construction of any building, the developer shall first submit to and obtain written approval from the Local Planning Authority a report to confirm that all the agreed remediation measures have been carried out fully in accordance with the agreed details, providing results of the verification programme of post-remediation sampling and monitoring and including future monitoring proposals for the site.

Advisory Notes: (i) Where land identified as having the potential to be contaminated is undergoing redevelopment, a copy of the leaflet entitled 'Information for Developers on the investigation and remediation of potentially contaminated sites' will be available to applicants/developers from the Council's Contaminated Land Officer. The leaflet will be sent to the developer by request.

(ii) Three copies of all contaminated land reports should be sent to the Local Planning Authority.

(iii) This condition is required to be fully complied with before development is commenced.

Failure to comply with the condition prior to commencement of work may result in legal action being taken.

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

Condition 14

There shall not at any time be erected, planted or allowed to remain on the land any building, wall, fence, hedge, tree, shrub or other device over 0.9 metres above road level. The visibility splay shall be 2.4 metres distant from the adjoining edge of carriageway of Skipton Road measured 38m in each direction offset 1m from the nearer edge of the carriageway of Skipton Road and shall be constructed and maintained at footway level in accordance with a scheme to be submitted and agreed in writing by the Local Planning Authority.

Reason: In order to ensure satisfactory visibility splays are provided in the interests of highway safety

Condition 15

Notwithstanding the submitted landscaping plan, the development hereby permitted shall not be commenced until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:

- a. the exact location and species of all existing trees and other planting to be retained;
- b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
- c. an outline specification for ground preparation;
- d. all proposed hard landscape elements and pavings, including layout, materials and colours;
- e. 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.

Condition 16

A scheme for the management (including maintenance) of the landscaped areas shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwellinghouse. The approved scheme shall be carried out in full accordance with the agreed scheme before the first dwelling is occupied.

Reason: To ensure the site is properly maintained and managed in the interests of visual amenity.

Relevant Planning History

18/0768/FUL: Full: Major: Conversion of upper floors and part-ground floor of Mill building to form 8 dwellinghouses; Demolition of Weaving Shed and erection of 6 dwellinghouses and associated external works and raised access walkway (Re-Submission).
Approved with conditions

21/0312/VAR: Variation of Condition: Major: Removal of Condition 4 (Affordable housing) of Planning Permission 18/0768/FUL.
Approved with conditions

Consultee Response

Environmental Health

Potential to find future contamination at a later stage of the development. Therefore, a validation report is necessary.

Environment Agency

We have been consulted previously regarding the discharge of condition 5 (contaminated land) for this development proposal, your reference 21/0658/CND. The applicant sought to discharge condition 6 applied to the original planning consent for application 18/0768/FUL, relating to prior contamination of the site. At the time we reviewed the same Ground Investigation report submitted with the current application:

Ground Investigation Report, Black Carr Mill Trawden, produced by Betts Geo, ref. no. 18FRT004/GI, dated January 2020.

We recommended discharge of the contaminated land condition in our response dated 31 August 2021 and therefore have no objection to the discharge of condition 5 in relation to application 21/0312/VAR.

LCC Highways

Condition 4 – No objection to the discharge of this condition
Condition 14 – Visibility Splays, no objection

Lancashire Lead Local Flood Authority

The Lead Local Flood Authority is unable to assist with the discharge of Condition 8 of planning permission 21/0312/VAR, as the requirements of the condition are fundamentally different to the condition we recommended in our consultation response to planning application 18/0768/FUL, dated 15th March 2019. Specifically, condition 8 subsection B requires the applicant to demonstrate that the post development surface water run-off will not exceed 17l/s for rainfall events up to and including the 1 in 100 year return period. However, this is fundamentally different to the requirement set out in our response dated 15th March 2019 and significantly lower than the pre-development runoff rate calculated by the applicant in their Flood Risk Assessment (1000-007-R001-V2) and indicative surface water drainage strategy (drawing 1000-007-004). As it is not clear on what basis the maximum discharge rate was set by the Local Planning Authority, the LLFA is unable to assist with the discharge of the condition.

Public Response

None necessary

Officer Comments

This application requests the discharge of condition numbers 4, 5, 14, 15 and 16 on the Planning Permission.

Condition 4

The applicant has submitted a CMP and Phasing Plan. This information has previously been discharged under planning permission reference 21/0657/CND. The information submitted is satisfactory and this condition can be discharge, subject to implementation.

Condition 5

The applicant has submitted a Geo-Environmental Ground Investigation Report. This condition was previously part discharged subject to a validation report and implementation under application reference 21/0658/CND.

This condition can be partly discharged, subject to a validation report and implementation.

Condition 14

The applicant has submitted a soft landscaping plan which sets out the heights of all landscaping including trees and shrubs to be planted. This condition has previously been discharged under application reference 21/0656/CND. LCC Highways have been consulted on this information.

The information submitted is satisfactory and this condition can be discharged, subject to implementation.

Condition 15

This condition requires the submission of a landscaping scheme, which has been submitted by the applicant. Again, this condition has previously been discharged under planning application reference 21/0656/CND.

The information submitted is acceptable and this condition can be discharged, subject to implementation.

Condition 16

A scheme for the management and maintenance of the open space has been submitted and has previously been discharged under planning application reference 21/0656/CND.

This condition can be discharged, subject to implementation.

Summary

Condition 4: The information submitted is satisfactory and this condition can be discharge, subject to implementation.

Condition 5: This condition can be partly discharged, subject to a validation report and implementation.

Condition 14: The information submitted is satisfactory and this condition can be discharged, subject to implementation.

Condition 15: The information submitted is acceptable and this condition can be discharged, subject to implementation.

Condition 16: This condition can be discharged, subject to implementation.

RECOMMENDATION: Split Decision

Conditions 4, 14, 15 and 16 are discharged, subject to implementation.

Condition 5 is partially discharged, subject to the submission of a validation report and subject to implementation.

Application Ref: 22/0539/CND

Proposal: Approval of Details Reserved by Condition: Discharge of Condition 4 (Phasing), Condition 5 (Contamination / Remediation), Condition 14 (Visibility Splay), Condition 15 (Landscaping Scheme) and 16 (Landscaping Management) of Planning Permission 21/0312/VAR.

At: Black Carr Mill, Skipton Road, Trawden

On behalf of: CRS Plant Ltd

REPORT TO FULL COUNCIL COMMITTEE ON 18TH OCTOBER 2022

Application Ref: 22/0547/FUL

Proposal: Full: Demolition of existing workshops and construction of 3no. dwellings.

At: Wellhouse Road Garage, Wellhouse Road, Barnoldswick

On behalf of: Harrison Engineering Ltd

Date Registered: 12/08/2022

Expiry Date: 07/10/2022

Case Officer: Laura Barnes

Site Description and Proposal

The application site relates to a former garage which is located within the settlement boundary. There are no other statutory designations on the site according to the Local Plan Policies Map. The application site is directly opposite a works and is also bound by residential development to the south. To the east there is a church building. Directly adjacent to the west is also a garage which at the time of the site visit was vacant.

The proposal is for the demolition of the existing workshops and the erection of a terrace of three dwellings, each to be two and a half storeys in height. The dwellings are each to comprise a kitchen, dining and living room as well as a WC on the ground floor. To the first floor they are to have two bedrooms, a study, bathroom and store. To the second floor the dwellings are each to have a master bedroom with an ensuite bathroom, which is within the attic space of the building. The proposed dwellings are to be constructed of coursed stone walls with a natural slate roof and grey UPVC windows. The boundary treatment is to be a 1.8m high close boarded fence and 1.1m high bow top railings.

Relevant Planning History

None relevant

Consultee Response

LCC Highways

Initial comments:

The submitted drawings have been reviewed and the site was visited on 31 August 2022. The following initial comments are made.

Proposal

The proposal is for the demolition of an existing commercial building containing workshops and the construction of a row of three x two bed properties.

Car & cycle parking

The development site is surrounded on three sides mainly by terraced housing, with a church and commercial building to the south-east and another commercial building to the north-west.

No off-road parking within the development is provided, with car parking proposed to be accommodated on Wellhouse Road. There are no parking restrictions along the majority of Wellhouse Road which would limit or prevent on-road parking.

The Design & Access Statement (page 8) suggests that the level of on-road parking generated by the proposed development would be substantially lower than that generated by the site's previous use(s). However, those uses would have been during the day when demand by local residents, or those using the neighbouring church building, would have been lower. Parking patterns from the proposed development are likely to mirror existing patterns from residents etc, that is, a higher demand in the evenings and weekends, with no guarantee that there would be spare capacity immediately outside the development.

Nevertheless, this is a small development which reflects the surrounding terraced housing stock where there is only occasional or no off-road parking. The site is located within walking distance of the Town Centre of Barnoldswick with mainline bus services therefore residents could reside here without a vehicle. The impact of car parking on the surrounding highway network therefore is likely to be low.

Secure, covered storage for two cycles should be provided within each dwelling's curtilage, in line with the borough council's Parking Standards. If adequate details are not provided prior to determination, then these can be controlled by condition.

Electric vehicle charging

All new dwellings should be provided with electric vehicle charging points. In the future, the lack of off-street car parking would lead to cables running from the dwelling, across the adopted highway, to the vehicle which would be parked on-street. The Highway Authority does not authorise this and this would be an offence under the Highways Act 1980.

To resolve this issue, we would seek off-street car parking at the site with an electric vehicle charging point provided for the residents to access.

Red edge

The area between the bin store and Wellhouse Road is within the red edge but there are no details about its proposed use and construction on the site plan. This area is approximately 2.7m wide by 4.5m long. It could be increased in length to at least 5m and 3.2m wide to provide an off-street car parking place to accommodate the electric vehicle charging provision and bin access.

There is also an area to the rear, adjacent to the side street which is within the red edge but there are no details again. This area is not highway and the boundary should be amended to enclose this area within Plot 1 otherwise this area will not be maintained in the future.

Further information should be submitted for these areas.

Off-site highways works

The existing dropped kerbs on the footway of Wellhouse Road in front of the loading doors should be removed and the adopted footway re-constructed to Lancashire County

Council's specification, including full height kerbs, across the site frontage for a length of approximately 19.5m. This is necessary to dissuade vehicles from parking on the footway so reducing its width and posing a hazard to pedestrians.

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.

Retaining wall

The existing south-east gable end of the building provides support to the unnamed adopted side road between the site and the church boundary wall. This road provides both vehicular access to the rear of residential properties on East Parade, the church and commercial property and also pedestrian access from Wellhouse Road through residential streets to the town centre.

The Proposed Elevations & Site Plan (Drawing No 002) indicates a retaining wall with 1100mm high bow top railings over will be constructed along the south-east edge of the site. Prior to the commencement of any development, including demolition of the existing building, full technical details will need to be submitted of the retaining wall designed by a suitably qualified engineer to demonstrate that the retaining wall and railing to be provided are suitable to support the highway and contain vehicles and pedestrians from falling.

Details of the future ownership and maintenance of the retaining wall and boundary treatments, which will be transferred to the resident or kept under the control of a management company, must be submitted.

Construction traffic

Wellhouse Road is a C classified road, well-used by both vehicles, cyclists and pedestrians on the surrounding highway network to and from Skipton Road and the town centre facilities and amenities. As stated previously, it is also located within a residential area and therefore a construction traffic management statement and plan would need to be submitted demonstrating that the development, including during the demolition phase, would not have a detrimental impact on the surrounding highway network. This should include timing of deliveries by HGVs during the construction and fit-out phases, which should only be accepted outside periods of peak traffic on the surrounding highway network. The highway authority recommends that deliveries are only accepted between the hours of 9.00am and 3.00pm.

Conclusion

Further information is requested regarding the treatment of the areas within the red edge and the electric vehicle charging provision.

Matters relating to construction traffic management, the retaining wall, the off-site highway works and cycle parking can be dealt with by planning conditions.

We would request an opportunity to provide conditions should the application be considered for approval.

Final comments:

The applicant has submitted some amended plans, following the submission of these LCC Highways have been re-consulted and have the following comments:

A revised Proposed Elevations & Site Plan (Drawing 002 Rev A) has been submitted on 30 September, which seeks to address points raised in the highway authority's initial response dated 9 September 2022.

The highway authority makes the following additional comments.

Cycle parking

Covered cycle storage is proposed in the form of timber bike stores in the rear gardens of the properties. The details submitted are considered acceptable and would, therefore, not need to be covered by condition.

Electric vehicle charging

An off-road car parking space is proposed to the North of the site, with an electric vehicle charging point on the gable end of the adjacent dwelling. Access to this space will need to be constructed to an appropriate standard, including dropped kerbs. The highway authority also recommends that a 'H' bar carriageway marking is provided to ensure that access/egress from this space is maintained at all times.

Red edge

The red edge of the extent of the development has been amended and further information submitted, which address the points raised previously.

Off-site highways works

The existing dropped kerbs on the footway of Wellhouse Road in front of the loading doors should be removed and the adopted footway re-constructed to Lancashire County Council's specification, including full height kerbs, across the site frontage for a length of approximately 17m. A dropped vehicle crossing should also be constructed to an appropriate standard to provide access to the electric vehicle charging point including a 'H' bar carriageway marking, and a street lighting assessment carried out. These works would need to be carried out under a legal agreement (Section 278) with Lancashire County Council as the highway authority.

If planning approval is granted the developer is advised to contact Lancashire County Council as soon as possible to start the Section 278 process and should not wait until condition discharge. 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.

The following conditions and note should be applied to any formal planning approval granted.

Conditions

1. No part of the development hereby approved shall commence until a scheme for the construction of the off-site works of highway improvement has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. The works should include, but not be exclusive to, the re-construction of the footway along the front of the site on Wellhouse Road (approximately 17m) to an appropriate standard, including full height kerbs; a dropped vehicle crossing with 'H' bar carriageway marking at the North of the site, and a street lighting assessment.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.

2. No part of the development hereby approved, including any works of demolition shall commence until a scheme including full technical details for the retaining structure and parapet boundary treatment adjacent to the adopted highway network to the southeast of the site has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the retaining structure are acceptable before work commences on site.

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

i) The parking of vehicles of site operatives and visitors

- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Wheel washing facilities
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
- viii) Details of working hours
- ix) Timing of deliveries
- x) Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties.

Reason: In the interest of highway safety

4. Prior to first occupation of any approved dwelling all the off-site highway improvement works in the approved scheme referred to in Condition 1 shall be constructed and completed in accordance with the scheme details.

Reason: In the interest of highway safety and to maintain the proper construction of the adopted highway network.

5. Prior to first occupation of any approved dwelling details of the proposed arrangements for the future management and maintenance of the retaining wall and boundary treatments along the south-east of the site shall be submitted to and approved in writing by the Local Planning Authority.

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

6. Prior to first occupation of any dwelling the off-street car parking space and electric vehicle charging point shall be provided in accordance with a scheme to be approved by the Local Planning Authority and shall be permanently maintained thereafter for the shared use of the three dwellings hereby approved. Reason: To ensure that the development provides the infrastructure to support sustainable forms of transport.

Informative note

1. The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as the Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to, the re-construction of the footway along the front of the site (approximately 17m) on Wellhouse Road to an appropriate standard, including full height kerbs, a dropped vehicle crossing with 'H' bar carriageway marking at the North of the site, and a street lighting assessment. The applicant should contact the county council for further information by telephoning the Development Control Section (Area East) on 0300 123 6780 or by email on developeras@lancashire.gov.uk , in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number

Environmental Health

Suggested conditions relating to contaminated land, construction method, control of dust and burning on site.

United Utilities

With reference to the above planning application, United Utilities wishes to draw attention to the following as a means to facilitate sustainable development within the region.

Drainage

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

We recommend the applicant implements the scheme in accordance with the surface water drainage hierarchy outlined above.

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, the proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer as we need to be sure that the proposal meets the requirements of Sewers for adoption and United Utilities' Asset Standards.

Public Response

Nearest neighbours notified by letter, without response

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

Policy SDP3 (Housing Distribution) sets out the location of new housing in the Borough in conjunction with SDP2 and LIV1.

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

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

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

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

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

Design Principles SPD

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

Replacement Pendle Local Plan

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

National Planning Policy Framework

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

Principle of Development

The proposed development is located within the settlement boundary and is a brownfield site, as such the proposed development is in accordance with Policy SDP2 subject to compliance with policies which relate to design and amenity.

Design

The proposed development comprises three dwellings arranged in a terrace. They are to be two and a half storey in height, owing to the master bedroom being within the roof space. The dwellings are to be constructed of stone walls with a slate roof and grey UPVC windows. The form and massing of the dwellings is simple and fits with the surrounding character of terraced streets.

The height of the ridge would be 8.6m, with an eaves height of 5.7m. Given that the existing building has an overall height of 8.1m, the proposed dwelling would not be noticeably greater in height than the building they are to replace. The boundary treatment is to include the existing retaining wall, along with a 1.8m timber high close boarded fence to the rear gardens and 1.1m high bow top railings along the side boundary closest to the church.

The surrounding area is made up of two storey terraced dwellings as well as an industrial / commercial building directly opposite. The proposed dwelling would complement the character of the surrounding street scene and bring a vacant site back into use. It would relate acceptably to the adjoining properties and would not result in a development that adversely affected the street scene.

Overall, the proposed development accords with Policy ENV2 of the Local Plan: Part 1 Core Strategy and the Design Principles SPD in relation to design.

Residential Amenity

The Design Principles SPD sets out that proposed dwellings should be sited so that any habitable room windows are at least 21m from neighbouring habitable room windows. The proposed plans indicate that there is a distance of 9.5m between the boundary of the site and the church. There are windows to the side elevation of the church building. However, the proposed dwelling is to have a blank elevation with no windows to this side. In terms of an overbearing effect, the proposed terrace is to be 0.5m greater in height than the existing building, as such it would not result in an unacceptable impact upon neighbouring amenity.

Turning next to the rear, the proposed dwellings are to have habitable room windows serving the living room and bedrooms which face towards the rear of the properties on South Avenue. There is a distance of 6.5m between the rear of the application site boundary and the rear of the dwellings on South Avenue. However, there is a significant change in levels between the two pieces of land, with South Avenue taking a much elevated position than the application site. There are also trees along the rear boundary of the properties on South Avenue and vegetation in the rear yards / back street which acts as an effective screen to the application site. Although the distance between the properties is not 21m there is a prevailing street pattern in this area which the proposed development is mirroring. Given that the existing properties are less than 21m in separation, the change in levels and the vegetation to the rear gardens the proposed development would not result in an unacceptable neighbouring amenity issue.

To the opposite side, again there are no proposed windows to the dwellings. At the time of the site visit the neighbouring use was an MOT garage which appeared to be vacant. As such, there is no unacceptable neighbouring amenity issue here. To the front elevation, the proposed development is bound by Wellhouse Road and a commercial use which has a 2m high stone wall to the back of the highway. Therefore, the proposed development would not result in any unacceptable neighbouring amenity issue.

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 is to have one off street car parking space, which is to be served by an electric vehicles charging point. The site plan indicates that the other properties would be served by on-street car parking. There is no right to park on a public highway. However, there is a right to pass and re-pass. The application site is located in an area where on-street car parking is not an issue. At the time of the site visit there were no cars parked either immediately in front of the site or on the opposite side of the road. The highways authority have not objected in this regard. Given the proximity of the site to Town Centre facilities and services, it is situated in a sustainable location, within easy access to public transport and within a walkable distance to shops etc. the lack of car parking does not amount to an unacceptable highway safety issue.

The Highways Authority have requested that the retaining structure and parapet boundary treatment adjacent to the adopted highway network to the southeast of the site are controlled by condition.

Overall in relation to car parking and highway safety the proposal is acceptable.

Drainage

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

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 1025 drawing 001
- Proposed Site Plan, Proposed Elevation Plans and Proposed Floor Plans 1025 drawing 002 Rev A

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

3. All the external materials to be used in the elevations and roof of the development hereby permitted shall be as stated on the application form and approved plans and there shall be no variation without the prior written consent of the Local Planning Authority.

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

4. Prior to commencement of works on site, a foul and surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority and has been fully installed and completed in accordance with the approved details.

The drainage scheme must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
- (iii) A timetable for its implementation.
- (iv) Details of how foul and surface water will be disposed of.

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

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

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

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

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

6. The development hereby permitted shall not be commenced until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:
- a. the exact location and species of all existing trees and other planting to be retained;
 - b. all proposals for new planting including the replacement trees for those which have been removed, 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.

7. No part of the development hereby approved shall commence until a scheme for the construction of the off-site works of highway improvement has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. The works should include, but not be exclusive to, the re-construction of the footway along the front of the site on Wellhouse Road (approximately 17m) to an appropriate standard, including full height kerbs; a dropped vehicle crossing with 'H' bar carriageway marking at the North of the site, and a street lighting assessment.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.

8. No part of the development hereby approved, including any works of demolition shall commence until a scheme including full technical details for the retaining structure and parapet boundary treatment adjacent to the adopted highway network to the southeast of the site has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the retaining structure are acceptable before work commences on site.

9. No development shall take place, including any works of demolition, until a construction traffic management statement including plan has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:
- i) The parking of vehicles of site operatives and visitors
 - ii) The loading and unloading of plant and materials
 - iii) The storage of plant and materials used in constructing the development
 - iv) The erection and maintenance of security hoarding

- v) Wheel washing facilities
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
- viii) Details of working hours
- ix) Timing of deliveries
- x) Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties.

Reason: In the interest of highway safety

10. Prior to first occupation of any approved dwelling all the off-site highway improvement works in the approved scheme referred to in Condition 7 shall be constructed and completed in accordance with the scheme details.

Reason: In the interest of highway safety and to maintain the proper construction of the adopted highway network.

11. Prior to first occupation of any approved dwelling details of the proposed arrangements for the future management and maintenance of the retaining wall and boundary treatments along the south-east of the site shall be submitted to and approved in writing by the Local Planning Authority.

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

12. Prior to first occupation of any dwelling the off-street car parking space and electric vehicle charging point shall be provided in accordance with a scheme to be approved by the Local Planning Authority and shall be permanently maintained thereafter for the shared use of the three dwellings hereby approved. Reason: To ensure that the development provides the infrastructure to support sustainable forms of transport.

Reason: In order to satisfy the Local Planning Authority and that the final details of the highway scheme/works are acceptable before work commences on site.

13. Before any dwelling unit is occupied waste containers shall be provided and shall be stored to the rear of the property.

Reason: To ensure adequate provision for the storage and disposal of waste.

14. A Construction Method Statement shall be submitted to and be approved in writing by the Local Planning Authority prior to commencement of development. The Method statement must cover the topics detailed below, including:

- Parking of vehicles of site-operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- The erection and maintenance of security hoardings including decorative displays, where appropriate
- Hours of operation
- Construction site noise and vibration
- Control of Dust
- Wheel washing facilities

- A scheme for re-cycling / disposing of waste resulting from demolition and construction works
The development shall proceed strictly in accordance with that method

Reason: To protect the amenities of occupiers of adjoining and nearby properties and in the interests of highway safety.

15. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must then be undertaken, which shall be submitted to and approved in writing by the Local Planning Authority. The site shall then be remediated in strict accordance with the approved scheme.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To identify contamination from previous uses, ensure any remediation is undertaken and safeguard future uses, occupiers and the environment beyond

Informative note

1. The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as the Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to, the re-construction of the footway along the front of the site (approximately 17m) on Wellhouse Road to an appropriate standard, including full height kerbs, a dropped vehicle crossing with 'H' bar carriageway marking at the North of the site, and a street lighting assessment. The applicant should contact the county council for further information by telephoning the Development Control Section (Area East) on 0300 123 6780 or by email on developeras@lancashire.gov.uk, in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number

No part of the development hereby approved shall commence unless and until a scheme for the construction of the site access, drive and internal parking has been submitted to, and approved by, the Local Planning Authority. This shall include details of surfacing, visibility splays and drainage. No dwelling shall be occupied unless the access and other works have been completed in their entirety in accordance with the approved details.

Application Ref: 22/0547/FUL

Proposal: Full: Demolition of existing workshops and construction of 3no. dwellings.

At: Wellhouse Road Garage, Wellhouse Road, Barnoldswick

On behalf of: Harrison Engineering Ltd

REPORT TO FULL COUNCIL COMMITTEE ON 18TH OCTOBER 2022

Application Ref: 22/0559/HHO

Proposal: Full: Demolition of existing swimming pool and erection of replacement dining/kitchen extension, internal layout reorganisation and alterations to existing fenestration (Re-submission).

At 11 Noyna View Colne Lancashire

On behalf of: Mr and Mrs David and Karen Earing

Date Registered: 17/8/2022

Expiry Date: 10/12/2022

Case Officer: NW

Site Description and Proposal

The application site is a large detached property which faces lake Burwain with an extensive lawn in between. The dwelling is split level with it being single storey to the front and two storey to the rear.

On the lower north side there is conservatory with a swimming pool that runs parallel with the east boundary.

The proposal is to remove the conservatory and erect a single storey rear extension along the whole of the rear elevation. A first floor balcony is proposed for the western third of the extension.

The site lies in the green belt.

Relevant Planning History

No relevant planning history.

Consultee Response

Highways: No comment but recommend a construction code of practice condition be added.

Parish/Town Council:

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.

The National Planning Policy Framework indicates that inappropriate development is by definition harmful to the openness of the green belt. Development that extends an existing building but that extension is not disproportionate to the existing building is acceptable and does not affect the openness of the green belt.

Officer Comments

The application seeks to replace a single storey conservatory that projects away from the rear of the dwelling with a single storey extension that runs the whole length of the rear elevation. The area on which the conservatory is currently situated would be used for a patio.

The principle of development of an extension is acceptable provided that the extension is not disproportionate to the existing dwelling.

This application seeks to demolish an existing large conservatory and replace it with a single extension to the rear. The extension would be of an equitable size to the existing conservatory and there would not be any increase in size overall. The development would therefore be proportionate to the existing dwelling and would be in line with green belt policy.

The land on which the dwellings on the lakeside are situated runs down to the lakeside. The houses have taken advantage of this and have put conservatories and other structures to the rear to take advantage of the views. This has resulted in a number of different designs that are present and there is no overarching or uniform style.

The extension would replace the conservatory currently present. The new extension would be more compact not visually extending behind the house like the current conservatory does. The extension would have a balcony but this would fit in with the appearance of the modern building. The development would therefore look acceptable in terms of design.

The current conservatory has open views to the neighbour to the east. The new extension would have a single window facing with a patio. The development would not alter the existing relationship with the neighbour to the east and is acceptable.

A balcony at first floor is proposed which would potentially lead to a loss of privacy to the dwelling to the west. The balcony would be at an oblique angle to the windows in the dwelling to the west. There are also mature trees in between. This combination means there would not be any direct overlooking into windows and in combination they would ensure there is no loss of privacy. Were there to have been a privacy screen could have been controlled by condition. The garden will be able to be seen but the garden can be seen from existing windows. Overall the development will not adversely affect privacy over and above existing conditions.

There is a large car parking area to the front of the property and there are no highway issues.

Reason for Decision

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

RECOMMENDATION: Approve

Subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 02, 03,

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 be as stated on the approved plans and application forms.

Reason: In order to ensure the development is of an acceptable design.

- 4 The existing conservatory on the rear of the house shall be removed in its entirety prior to the first use of the extension hereby approved.

Reason: In order to ensure the cumulative extensions do not result in developments that are disproportionate to the original dwelling in the green belt.

Application Ref: 22/0559/HHO

Proposal: Full: Demolition of existing swimming pool and erection of replacement dining/kitchen extension, internal layout reorganisation and alterations to existing fenestration (Re-submission).

At 11 Noyna View Colne Lancashire

On behalf of: Mr and Mrs David and Karen Earing

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 03RD OCTOBER 2022