



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

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

**DATE:** 31ST OCTOBER 2022

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## PLANNING APPLICATIONS

### PURPOSE OF REPORT

To consider the attached planning applications for determination by Council.

# REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE 31st OCTOBER 2022

**Application Ref:** 22/0202/HHO  
**Proposal:** Full: Erection of a first floor rear extension.  
**At** 151 Regent Street Nelson Lancashire  
**On behalf of:** Mr Tanveer Hussain  
**Date Registered:** 25.03.2022  
**Expiry Date:** 20/5/2022  
**Case Officer:** NW

## **Site Description and Proposal**

The application site consists of one of a pair of semi detached properties. The adjoining neighbour has a single storey extension at the side set back from the joint boundary

The neighbour to the west has a conservatory on the back of the house.

The application site faces Hodge House playing field.

## **Relevant Planning History**

No relevant planning history.

## **Consultee Response**

Highways: No objection provided a condition is placed requiring three off street parking spaces.

Parish/Town Council: No response.

## **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 second storey on top of the existing single storey extension.

The adjoining dwelling at 153 has a single storey rear extension with no openings between that and the proposed extension. There is one first floor window that is set away from the joint boundary and the development would not cross a 45 degree line to that. There are no openings in that elevation. The development would have an acceptable relationship with number 153.

Number 149 has a conservatory on the rear. The development is in excess of the 3m that would normally be allowed. The design guide indicates that where a 2 storey extension greater than 3m in length crosses a 45 degree line then it would not normally be acceptable due to the impact on living conditions. From the rear of the conservatory on the side nearest to the application site the 45 degree line is breached. From the front of the conservatory the 45 degree line is not breached as it is not from the far side. Whilst there is a small section of it affected the overall relationship is not and therefore overall the development has an acceptable relationship with nos 149. There are no openings proposed at first floor facing 149 and there is no loss of privacy.

The design is a simple one with a pitched roof at a lower height than the main roof. The design is simple and fits in with the street scene to the rear of the properties.

Car parking needs to be increased to three which can be required by condition.

Overall the development is acceptable.

### **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: Reg 02-20, Site Location Plan

**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 match in colour form and texture the external facing materials on the existing dwelling.

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

- 4 The development hereby approved shall not be brought into use unless and until three car parking spaces are provided to the front of the dwelling. They shall be surfaced in a bound porous material before first used and shall be thereafter retained for the parking of domestic vehicles associated with the house.

Reason: In order to ensure the development does not lead to on street parking which would be inimical to highway safety.

**Application Ref:** 22/0202/HHO

**Proposal:** Full: Erection of a first floor rear extension.

**At** 151 Regent Street Nelson Lancashire

**On behalf of:** Mr Tanveer Hussain

# REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE 31st OCTOBER 2022

**Application Ref:** 22/0241/HHO

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

**At** 10 Edge End Avenue Brierfield Nelson

**On behalf of:** Miss Shanaz Latif

**Date Registered:** 22.04.2022

**Expiry Date:** 6/17/2022

**Case Officer:** NW

## **Site Description and Proposal**

The application site has an extension to the side along the corner of the plot it is on. It has an open garden to the rear with a garage.

The neighbour has a conservatory to the rear along the joint boundary with a first floor bedroom window above.

The proposal is to erect an infill extension between the neighbouring conservatory and existing extension.

## **Relevant Planning History**

No relevant planning history.

## **Consultee Response**

LCC Highways: 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 to erect a rear extension that would sit between an existing extension on the dwelling and the side of a neighbouring conservatory.

IN design terms the proposal is simple and would infill between two existing buildings. It is not prominent the external appearance would be simple and appropriate for the building.

The development would be adjacent to a conservatory and but up to it. This would prevent have an impact on the living conditions in that building. The development is not however 4m in length which is the scale of development indicated in the Council's SPD on design as being acceptable.

The conservatory has two other open sides. The developer is able to erect a 2m high fence on the joint boundary which would have a similar impact that the development would have. The scale of the proposed extension is reasonable and not disproportionate to the neighbour and would not have an impact on living conditions in the conservatory that would be unacceptable.

There would be no windows in the side elevation and no overlooking or loss of privacy.

### **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: A303/A, A3/002 A, A3/001/A

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

- 3 No windows other than those shown on the approved plans shall at any time be inserted into any part of the extension hereby permitted.

**Reason:** in order to prevent loss of privacy to the neighbouring property.

**Application Ref:** 22/0241/HHO

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

**At** 10 Edge End Avenue Brierfield Nelson

**On behalf of:** Miss Shanaz Latif

# REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE 31st OCTOBER 2022

**Application Ref:** 22/0277/HHO

**Proposal:** Proposed Single storey rear extension, First floor side rear extension and first floor front balcony and rear Juliet balcony.

**At** 6 Wharfedale Avenue Reedley Burnley

**On behalf of:** Mr Ejaz Ahmed

**Date Registered:** 25/4/2022

**Expiry Date:** 20/06/2022

**Case Officer:** NW

## **Site Description and Proposal**

The application site is one of a pair of semidetached properties. It has a single storey side extension which has a flat roof. The dwelling to the side (nos 4) has a first floor window and rear ground floor windows in the side elevation.

There are dwellings to the rear which would lie beyond 21m from the proposed extension. There are also dwellings to the south west which have rear elevations facing this site lying at 90 degrees.

The attached dwelling has a single storey rear extension on the joint boundary. It has a first floor window above.

The proposal is to erect a second storey on the side and a single storey infill extension between the adjoining semi.

## **Relevant Planning History**

No relevant planning history.

## **Consultee Response**

Highways: No objections

Parish/Town Council

## **Public Response**

Parish/Town Council

## **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 for a two storey extension and a single storey extension with Juliette balconies to the front and back.

The site has parking for three cars at the front and the level of parking is acceptable.

The design of the extension is to extend the roof line of the property. There is a gap between that and the adjoining property. The design would not result in a terracing effect. The design is plain and appropriate for the location. The Juliette balcony is replicated on other houses in the street and would not look like an alien feature.

The two storey addition to the rear would use traditional proportions and would look acceptable including the Juliette balcony.

The single storey infill will not be seen and is plain in its design and is acceptable.

The impact on residential amenity needs to be considered terms of any overbearing impact on neighbours.

The single storey extension would sit gains a blank wall. It would not have any impact on the neighbour.

There is a window in the rear wall of the adjoining dwelling. The two storey additional would not subtend 45 degrees when measured from that window. No window is proposed in the side elevation facing the adjoining dwelling. It would not have any impact on privacy and would not lead to any adverse amenity issues with the attached dwelling.

The side elevation would face the side of the neighbouring dwelling. This has an application in (22/0161/HHO) for a single storey side extension. The additional of a second storey would face the side of the adjoining dwelling. The windows in it would not have any unobscured windows that would face it and hence would not result in overlooking.

The windows at ground floor are located to the rear of the side elevation. They would still have an outlook and light with the additional of the second storey and there would be no unacceptable impact on them. Otherwise the extension would face the side of the dwelling which would be an acceptable relationship.

The extension at nos 4 would have blank elevations facing nos 6. The addition of the second floor would not have any impact on this extension so the development would be acceptable if the application (22/0161/HHO) is developed or not.

The second floor will have windows at first floor facing dwellings to the rear. These are beyond 21m and that relationship is acceptable. There are dwellings to the south west. These are set at an acute angle and would not lose privacy with the first floor windows.

The Juliette balconies will not allow people to stand on them so there is no overlooking that will occur to the side.

### **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: PP001, PP003,

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

3. The windows in the side elevation facing number 4 shall at all times be obscurely glazed to level 5 on the standard scale.

**Reason:** In order to prevent the loss of privacy of the occupants of the adjoining dwelling.

4. The materials to be used externally on the development hereby permitted shall be as stated on the submitted plans and application forms.

**Reason:** These material are an acceptable design solution.

**Application Ref:** 22/0277/HHO

**Proposal:** Proposed Single storey rear extension, First floor side rear extension and first floor front balcony and rear Juliet balcony.

**At** 6 Wharfedale Avenue Reedley Burnley

**On behalf of:** Mr Ejaz Ahmed

# REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE 31st OCTOBER 2022

**Application Ref:** 22/0288/CND

**Proposal:** Approval of Details Reserved by Conditions: Discharge of Condition 3 (Materials), Condition 4 (Drainage) and Condition 6 (Landscaping) of Planning Permission 21/0216/FUL.

**At:** 534 Colne Road, Reedley

**On behalf of:** Cross Construction Ltd

**Date Registered:** 27/04/2022

**Expiry Date:** 22/06/2022

**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 21/0216/FUL.

This application requests the discharge of condition numbers 3, 4 and 6 on the Planning Permission. These conditions are listed below:

### **Condition 3**

Within one month of the grant of planning permission, samples of materials including descriptions, name of source/quarry shall be submitted to the Local Planning Authority for written approval. The development shall be carried out using only the agreed materials.

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

### **Condition 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.

### **Condition 6**

The development hereby permitted shall not be occupied 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.

### **Relevant Planning History**

21/0216/FUL: Full: Erection of a detached house (Amended scheme) with vehicular access and erection of a double garage for No. 534.

Approved with conditions

### **Consultee Response**

As necessary

### **Public Response**

None necessary

### **Officer Comments**

This application requests the discharge of condition numbers 3, 4 and 6 on the Planning Permission.

### **Condition 3**

The applicant has provided a plan with a material schedule on. These materials have been reviewed on site by the case officer and are set out below for completeness:

- Marley Roof Tile
- Marshall Cromwell Artificial Stone

- UPVC framed doors & windows
- UPVC gutters and RWPs

The materials are acceptable in terms of appearance and the condition can be discharged, subject to implementation.

#### Condition 4

The condition requires an investigation of the drainage hierarchy. The applicant has submitted a drainage plan indicating that the foul water drainage is to be connected to the existing mains. The surface water is to be drained from rain water goods to a soakaway within the rear garden of the application site. The condition requires an investigation of drainage hierarchy to understand ground conditions and the potential for infiltration of surface water into the ground. A soakaway has been put forward and an assessment has been carried out to ascertain how quickly water infiltrates into this. The applicant has provided evidence of investigations of the infiltration rate as well as a rate of discharge for the surface water.

The details submitted of the proposed mitigation measures are acceptable and this condition can be discharged, subject to implementation.

#### Condition 6

The condition requires the submission of a 1:200 plan indicating the proposed soft landscaping in detail, as well as a scheme for maintenance of the soft landscaping going forward. In terms of hard landscaping the condition requires details of the surfaces surrounding the dwelling.

The applicant has submitted a plan which indicates the location of the soft landscaping and a landscaping schedule which sets out the species, number and size of the shrubs / trees to be planted. The proposal for soft landscaping is acceptable.

In relation to hard landscaping, the proposal sets out the driveway to be tarmacadam, with a gated entrance directly off Colne Road.

The applicant has provided elevation plans of the gated entrance and boundary fencing. These are acceptable and this condition can be discharge, subject to implementation.

## **Summary**

Condition 3 – details of the proposed materials are acceptable and this condition can be discharged, subject to implementation.

Condition 4 – this required detail of the surface water drainage to be submitted for approval. The information submitted has been reviewed and is acceptable.

Condition 6 – details have been submitted regarding the soft landscaping, including a landscaping schedule. The submitted details are acceptable in this regard. In relation to hard landscaping / boundary treatment the applicant has submitted detail of the proposed gated entrance and the boundary treatment around the property.

**RECOMMENDATION:** Discharge conditions 3, 4 & 6 relating to materials, drainage and landscaping, subject to implementation.

**Application Ref:** 22/0288/CND

**Proposal:** Approval of Details Reserved by Conditions: Discharge of Condition 3 (Materials), Condition 4 (Drainage) and Condition 6 (Landscaping) of Planning Permission 21/0216/FUL.

**At:** 534 Colne Road, Reedley

**On behalf of:** Cross Construction Ltd

## REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE 31st OCTOBER 2022

**Application Ref:** 22/0327/HHO

**Proposal:** Full: Retrospective application for single storey extension to rear.

**At** 154 Halifax Road Brierfield Nelson

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

**Date Registered:** 12.05.2022

**Expiry Date:** 7/7/2022

**Case Officer:** NW

### **Site Description and Proposal**

The site forms one of a pair of semi-detached properties. The extension has been erected. There are dwellings either side with windows that face the rear of their elevations.

### **Relevant Planning History**

No relevant planning history.

### **Consultee Response**

Highways

Parish/Town Council

United Utilities

Environment Agency

Environment & Conservation

### **Public Response**

This extension is a lot higher than 2.2 meters, Its not legal and is an obvious ploy to build into a second floor extension later on, which would minimise the chance of a failed application because it wouldn't change the building very much.

### **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 planning application is to erect a single storey rear extension. It has already been erected. The proposal is for it to be 5.2m and 2.4m wide.

The design is a simple one of a mono-pitched roof. It is compatible with the design of the exiting house.

There are no openings facing the north and a door on the other side elevation. This does not result in any loss of privacy to the neighbours. There are no dwellings to the rear so the windows on the back elevation do not impact on any dwelling.

The extension is set back from the boundaries of the adjoining neighbours. The size of the development means it does not subtend a 45 degree line drawn from the rear windows of the neighbours. There is no overbearing impact or loss of living conditions.

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The development is acceptable.

### **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: 2138/01.

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



3. The materials to be used externally on the development hereby approved shall at all times match in colour form and texture the facing materials on the existing dwelling.

**Reason:** These material would result in an acceptable design.

**Application Ref:** 22/0327/HHO

**Proposal:** Full: Retrospective application for single storey extension to rear.

**At** 154 Halifax Road Brierfield Nelson

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

## REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE 31st OCTOBER 2022

**Application Ref:** 22/0377/ADV

**Proposal:** Advertisement Consent: Display of 2 illuminated fascia signs, 31 non-illuminated fascia and direction and information signs.

**At:** B&Q, Churchill Way, Brierfield, Nelson.

**On behalf of:** Mr Ruth Amis

**Date Registered:** 8 June 2022

**Expiry Date:** 3 August 2022

**Case Officer:** Joanne Naylor

### **Site Description and Proposal**

The application site is a commercial premises located on Churchill Way (A682) and is adjacent to the Brierfield Mills Conservation Area. This area includes residential and commercial properties.

This application seeks consent for the replacement of existing signage, comprising of 2 No. illuminated signage, one on the front elevation and one on the side, 31 No. non-illuminated signage, 3 direction and information signs, and the removal of 2 B&Q signs on the front elevation.

Sign 001 "Shop Day or Night at diy.com": one non-illuminated fascia sign installed to cladding above entrance canopy, measures 0.7m high x 7m wide x 0.03m deep x 0.03 projection and 3m above the ground with aluminium and vinyl material with 0.35m high white text on anthracite background.

Sign 002 "Entrance Exit No Entry No Exit": one set of four non-illuminated fascia sign applied to outer and internal sides of cross bar to door, measures 0.07m high x 0.53m wide x 0.01m deep, 1m above the ground and vinyl material with 0.07m high white text.

Sign 003 "Automatic Door Keep Clear": eight of non-illuminated fascia signs to automatic doors, measures 0.04m high x 0.88m wide x 0.01 deep, 1m above the ground with vinyl material and white text 0.04m high.

Sign 004 "Trolley Park": two non-illuminated freestanding signs installed back to back, one folded panel applied vinyl graphics to face and two folded panel of vinyl graphics to face, measures 2.4m high x 1m wide x 0.07m deep, aluminium and vinyl material with maximum 0.12m high white and dark grey text on a background of dark grey and yellow background.

Sign 005 "Choose the Right Trolley": one non-illuminated fascia sign replacing existing, measures 0.8m high x 1m wide x 0.02m deep x 0.02m projection, and aluminium and vinyl material with 0.17cm white text on an orange background.

Sign 006 Loss/damage to vehicle disclaimer: three non-illuminated fascia signs replacing existing, measures 0.33m high x 0.6m wide x 0.02m deep x 0.02m projection, 0.75m above the ground, aluminium and vinyl material with 0.05m white text on a dark grey background.

Sign 007 "Disabled": three non-illuminated fascia signs replacing existing, measures 0.45m high x 0.45m wide x 0.02 deep x 0.02 projection, 1.5 above the ground, and aluminium and vinyl material with 0.17m high white text on orange, anthracite and blue background.

Sign 008 "Parent & Child": two non-illuminated fascia signs replacing existing, measures 0.45m high x 0.45m wide x 0.02m deep x 0.02m projection, 1.5m above the ground, and aluminium and vinyl materials with 0.17m high white text with orange, anthracite and blue background.

Sign 009 "B&Q Entrance": one non-illuminated sign installed over existing, measures 1.5m high x 1.996m wide x 0.07m deep, and aluminium and vinyl materials with 0.22m high white text on an anthracite and orange background, to the rear would be a blank panel.

Sign 010 "Deliveries": one non-illuminated sign installed over existing, measures 1.5m high x 0.966m wide x 0.07, wide, with aluminium and vinyl material with 0.22m high white text on anthracite and orange background, the rear would be a blank panel.

Sign 011 "Garden Centre": one non-illuminated sign replacing existing, measures 1m high x 6m wide x 0.02m deep x 0.02m projection, with aluminium and vinyl materials with 0.3m high white text on an anthracite background.

Sign 012 solar film vinyl: three solar film vinyls installed on three existing windows, non-illuminated, measures 2.5m high x 3m wide x 0.01m deep, with solar vinyl material.

Sign 013 "B&Q": one illuminated fascia sign to the elevation facing the B&Q garden centre with replacement skin to existing signcase to side elevation, measures 3.5m high x 3.5m wide x 0.03m deep x 0.03m projection and 3.5m above the ground with vinyl decorated flex-face skin with 1.05m high white text on orange background. The sign would be internally illuminated with static LED's to 300 cd/m<sup>2</sup> illuminance levels.

Sign 014 "B&Q": one illuminated fascia sign with new signcase to the front elevation centrally fitted above the Entrance Canopy, measures 3.5m high x 3.5m wide x 0.03m deep x 0.03m projection and 4m above the ground with new aluminium signcase and vinyl face with 1.05m high white text on an orange and white background. The sign would be internally illuminated with static LED's of 300 cd/m<sup>2</sup> illuminance levels.

Sign 015 "Entrance": one non-illuminated fascia sign to the front elevation, measures 2.275m high x 1.9m wide x 0.01m deep x 0.01m projection and 4m above the ground with white painted aluminium entrance sign stood off from the cladding with 1.65m high white text.

Sign 16 frosted dots: twenty fascia signs to automatic door, measures 0.4m high x 1.1m wide x 0.01m deep and vinyl material with text and background of frosted dots.

Sign 017 "Trade Point": one fascia sign, measures 0.8m high x 2m wide x 0.02m projection and 1m above the ground with aluminium and vinyl materials with 0.17m high yellow text on a dark grey background.

The two existing "B&Q" signs to the front elevation will be removed.

### **Relevant Planning History**

21/0739/ADV: Advertisement Consent: Installation of 1 no. Aluminium panel sign, 1 no. entrance exit door vinyls, 8 no. auto door vinyls, 1 no. wall mounted trolley sign, 2 no. disclaimers, 3 no. disabled signs, 2 no. parent and child signs, 1 no. aluminium Garden Centre sign. Approved with Conditions, 2021.

13/14/0572P: Advertisement Consent: Erect three illuminated fascia signs, one non-illuminated fascia sign and one non-illuminated entrance sign. Approved with Conditions, 2015.

13/00/0654P: Extend garden sales compound. Approved with Conditions, 2001.

13/98/0013P: Advertisement Consent: Erect three illuminated fascia signs, one non-illuminated fascia sign and one non-illuminated entrance sign. Approved with Conditions, 1998.

13/96/0369P: FORM LOADING BAY COMPOUND ALONGSIDE GARDEN CENTRE. Approved with Conditions, 1996.

## **Consultee Response**

### LCC Highways

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

Due to the large amount of work being done on the site, a management plan should be produced to highlight how the works will be managed during dismantling and erection of the signs during the store opening times.

Reason: to minimise the impact of works on customers and employees.

I have no objection to this proposal providing the following conditions are applied to the formal decision notice.

### **Conditions**

- The limits of the illuminance shall not exceed 600 candela per square metre.

Reason: To avoid glare, dazzle or distraction to passing motorists.

- Any external source of lighting shall be effectively screened from the view of a driver on the adjoining public highway.

Reason: To avoid glare, dazzle or distraction to passing motorists.

### Canal & River Trust

Based on the information available our substantive response is that the Trust has no comment to make on the proposal.

Environmental Services (Health) – no response received

### Highway Agency

National Highways isn't able to comment on this application for new signs on the B&Q building at Churchill Way Nelson as the proposals don't relate to the section of the M65 that we're responsible for, which goes as far as Junction 10 (Burnley).

Parish/Town Council – no comment.

## **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.

The Design Principles SPD provides advice on advertisements.

The Conservation Area Design and Development Guidance SPD provides advice on the design of the shopfront and streetscene character.

### **Officer Comments**

The issues to consider in this application are the impact on Amenity and Highways.

#### **Design & Highways**

The Design Principles SPD advises that advertisements should be in proportionate with the style and design of the building, with materials and colour being sympathetic to the street scene and to not cause hazard to pedestrians or traffic. For illuminated signs, they should be discrete and sympathetic.

The proposed signage is located within a commercial area. There would be 31 non-illuminated signage, and three direction and information signage, these would be in keeping with the existing building. The proposed non-illuminated signage would replace the existing and would not have any additional impacts on amenity.

The proposal would have two illuminated signs, Sign 013 would be illuminated and replace the existing sign located on the side elevation facing the garden centre and Churchill Way. Sign 014 would be illuminated and would be a new sign on the front elevation over the entrance canopy facing the car park and the M65 with a boundary treatment of shrubs and mature trees. The two proposed illuminated signs would be 3.5m high x 3.5m wide and would be 4m above the ground, with static LED's to 300cd/m<sup>2</sup> illuminance levels. Both these signs would comprise of an orange box with B&Q logo in white text. Neither of these signs would raise any undue concerns in terms of scale or appearance and would be proportionate to the scale of the building and would not appear incongruous in the setting.

The non-illuminated signs would be replacements signs, with a new vinyl skin placed over the existing.

The advertisements would be visible to pedestrians and motorists when passing in the vicinity. As the development is existing, there would be no adverse harm to highway safety in this location. LCC Highways have raised no objection to this proposal and have recommended a limit of 600cd/m<sup>2</sup>, the proposed illuminance would be 300cd/m<sup>2</sup>. The luminance levels are acceptable and would ensure that glare, dazzle or distraction to passing motorists would be avoided.

The proposed scheme would not impact on highway safety and the size, colour and design of the proposal would conform to ENV2 and the Design Principles SPD.

## **Amenity**

The application site is within a commercial area, however there are residential properties to the north-east, the illuminated sign on the side elevation would face towards these dwellings, however the dwellings are a substantial distance from the illuminated signage and there would be no additional impacts on amenity.

The application site is adjacent to the Brierfield Mills Conservation Area but not within it. The application site already has existing signage to the front and side elevations. The proposed signage would be replacements and situated on the same elevations as the existing. The only new sign would be an illuminated Sign 014 to the front elevation above the entrance canopy. There is no signage proposed to the north-west elevations facing towards the conservation area. The Conservation Area Design and Development Guidance SPD advises that illumination of shopfronts should be sensitive to the design of the shopfront and streetscene character. In this case, the application site is a B&Q building with the typical shopfront and character of a warehouse and with a large carpark. The proposed illumination signage is 300cd/m<sup>2</sup> which would be viewed as being acceptable within a conservation area, this is considerably lower than the recommended limit from LCC Highways. The proposed illuminated signage is not within the conservation area and the illuminated signage would face away from the conservation area. The proposed development would have a slight impact on the conservation area which would be less than substantial harm. The public benefits would be that of providing work and employment to erect the signage. The scale of the development would mean these benefits would be small and this would have to be weighed against the less than substantial harm to the conservation area. The public benefits here would outweigh the harm.

The proposal would conform to ENV2 and the Design Principles.

## **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. B&Q\#SITES\SITES M TO R\NELSON (24.08.2021) Rev G (Rev Date 7.6.22).

b. B&Q\#SITES\SITES M TO R\NELSON (24.08.2021) Rev G (Rev Date 7.6.22).

**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:** 22/0377/ADV

**Proposal:** Advertisement Consent: Display of 2 illuminated fascia signs, 31 non-illuminated fascia and direction and information signs.

**At:** B&Q, Churchill Way, Brierfield, Nelson.

**On behalf of:** Mr Ruth Amis

## REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE 31st OCTOBER 2022

**Application Ref:** 22/0495/REM

**Proposal:** Reserved Matters: Major: application for the erection of 19 dwellings (appearance, landscaping and scale) of Outline Planning Permission 19/0900/OUT.

**At:** Land to the east of Bowland View, Brierfield

**On behalf of:** Cross Construction Ltd

**Date Registered:** 17/08/2022

**Expiry Date:** 16/11/2022

**Case Officer:** Alex Cameron

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

### **Site Description and Proposal**

The application site is a field located adjacent to the settlement boundary of Brierfield. The land is within the open countryside and of no designation in the Replacement Pendle Local Plan. To the west is the south is the rear of Sunningdale Gardens to the north is open land, to the east is open land and dwellings at Little Tom's Farm and to west are dwellings on Bowland View and Stoneyhurst Height.

Public footpaths 19 and 30 run to the east and south of the site. Whilst there are no public rights of way running through the site on the definitive map there are informal routes running across the site which appear to have been in use for some time.

This is a Reserved Matters application following the grant of outline planning permission for access and layout for the erection of 19 dwellings. The development would consist of detached and semi-detached dwellings of 1 to 3 storeys arranged in 2 cul-de-sacs surrounded by green 'biodiversity area' spaces, provision is proposed to provide routes through the site with pedestrian links to through to Footpath 19 to the west and Sunningdale Gardens to the south.

### **Relevant Planning History**

19/0900/OUT - Outline: Major: Erection of 19 dwellings, access and associated works (access and layout). Approved

### **Consultee Response**

**LCC Highways** – An adequate level of off-road car parking has been provided for each dwelling. The parking provision, including garages, has been covered by Condition 10 applied to the Outlined Planning Permission 19/0900/OUT.

Secure, covered storage for at least two cycles can be provided in the garages or secure storage for Plots 1, 2 and 14.

A condition (11) covering the provision of electric vehicle charging points was applied to the Outline Planning Permission.

A footway along the northern boundary of the site is proposed linking it to the surrounding Public Rights of Way network. It is proposed to be surfaced in tarmac, although construction details,



including surface water drainage, have not been submitted at this stage. The footway should be drained so that surface water does not discharge onto the internal estate road and footway, where it could pose a hazard, especially during periods of heavy rainfall or sub-zero temperatures.

This footway link will not be considered for adoption and so the developer should provide details of the proposed arrangements for its future management and maintenance, although this could be included in the management and maintenance arrangements for the general landscaped areas.

**Lancashire Fire and Rescue** – Comments relating to Building Regulations.

**Burnley Borough Council** – Appearance:

The development will be screened from dwellings on the Burnley side by retention of a strip of land between it and the rear elevation of houses on Hillingdon Road and Sunningdale Gard, plus by creation and management of two small biodiversity areas along the south-western boundary and a large one to the east. Views into the development from the Burnley side will be restricted by these features, and by proposed supplementary tree planting within rear gardens of houses closest to the boundary.

Use of Marshalls reconstituted stone, whilst not the most attractive walling material until weathered, is appropriate for this development given the palette of materials already in the area.

From an appearance point of view and given that outline approval already exists, what is proposed will minimize the impact upon residents on the Burnley side.

From the Burnley perspective, creation and maintenance of biodiversity areas plus additional tree planting is a good thing as it will assist to mitigate the loss of a field on the District boundary. I note that the developer intends to plant species such as holly, field maple and common alder, all of which are fast-growing species and indigenous to northern Europe.

The scale of proposed house types together with the proportion of land proposed for biodiversity does appear appropriate, given the mix of housing types and spacing between to west and south.

Burnley Borough Council does not raise an objection to the proposal.

## **Public Response**

Press and site notices has been posted and nearest neighbours notified – Responses received objecting to the development on the following grounds:

- Concerns relating to traffic, highway safety, access and parking.
- Impact on local health, education and emergency services.
- Loss of public open space, walking and dog exercise areas.
- Impact on views from adjacent properties.
- Noise and disturbance.
- Impact on wildlife and ecology including protected species.

## **Officer Comments**

The principle of the development of this site for up to 19 dwellings, including its access and layout, has been set by the approval of the outline planning permission. The only matters for consideration in this application are the detailed design, scale and landscaping of the development.

## **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. Nelson (including Brierfield) is defined as a one of the Key Service Centres which will provide the focus for future growth in the borough and accommodate the majority of new development.

Policy SDP3 identifies housing distribution for the M65 Corridor as 70%, the amount of development proposed here is not disproportionate to the level of housing development Brierfield would be expected to provide, as a minimum, over the plan period.

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 ENV7 does not allow development where it would be at risk of flooding and appropriate flood alleviation measures will be provided and/or would increase the risk of flooding elsewhere.

Policy ENV4 seeks the promotion of sustainable patterns of travel.

Policy ENV 5 considers pollution and unstable land. Emissions and public exposure to pollution are required to be minimised.

Policy ENV7 considers water management. It sets out a sequential approach to site selection for flooding and the use of sustainable urban drainage systems. Surface water run off systems have to mimic the natural discharge process.

Policy LIV 1 sets out the minimum level of housing the Borough should achieve over the life of the Plan. It sets a minimum of 298 units to be delivered each year.

Policy LIV 4 sets out affordable housing targets. There is no requirement of affordable housing in the M65 corridor.

Policy LIV5 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.

## Replacement Pendle Local Plan

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

### **Visual Amenity and Landscape Impact**

There was an application refused and appeal dismissed for the erection of 70 dwellings on land to the east of Moorside Avenue 230m to the north of this site. The Inspector stated that:

“Impressive long range panoramic views are afforded from the appeal site to the moorlands to the east and south and Pendle Hill to the west. Although they are taken in the context of nearby development, these views are largely unobstructed by neighbouring development due to the site’s topography. Its elevated position above the adjacent urban area also increases the site’s sense of separateness from it and underlines its exposure to the elements and wildness in comparison to the adjacent built up area. As such, the site provides a discernible sense of escape from the urban influences nearby.”

“The site’s accessibility from the urban area, along with its topography, extensive footpaths and linkages and exceptional views, all foster the enjoyment of the countryside. The site’s scenic quality is appreciated by the many users of the footpaths crossing it and I consider that the appeal site has a good deal of recreational and perceptual value.”

The inspector concluded that the proposal would be harmful to the landscape character and appearance of the surrounding area, with specific reference made to the impact on views from and the character of the numerous public rights of way running through the site, including the route of the Pendle Way.

This site is fundamentally different in character to the Moorside Avenue site which was crossed by a number of public rights of way and was in a highly elevated position with a greater degree of perceived separation from the adjacent settlement. This site does not have the same perception of separation from the settlement, existing dwellings on Stoneyhurst Height and Sunningdale Gardens are clearly visible along the boundaries of the site from both the informal routes through the site and from the adjacent public rights of way looking across the site.

The proposed design of the development would be relatively low density with open spaces maintained around the site and the scale and design of the proposed dwellings would be in keeping with the character of the area. It would appear in the landscape as a natural rounding off of the settlement between Bowland View, Stoneyhurst Height and Sunningdale Gardens.

Taking these factors into account the proposed development would not result in an unacceptable impact upon the landscape character or visual amenity of the area and is in accordance with policies ENV1, ENV2 and LIV5.

### **Residential Amenity**

The houses adjacent to the boundaries of the site would be a sufficient distance from adjacent properties to ensure that they would not result in an unacceptable loss of privacy or light to those properties and would not result in an overbearing impact upon them. The proposed development is therefore acceptable in terms of residential amenity in accordance with policies ENV2 and LIV5.

Concerns have also been raised regarding the impact of the development on private views from nearby dwellings, provided that a development would not result in unacceptable loss of light or overbearing impacts, the impact on private view is not a material consideration in a planning application.

### **Ecology**

Ecology was considered in the outline application and conditions attached to the permission to ensure these mitigation measures are adhered to the proposed development. The details submitted for the reserved matters do not alter this, the development is acceptable in terms of its ecology impact in accordance with policy ENV1.

### **Open Space**

Policy LIV5 requires that provision for public open space and/or green infrastructure is made in all new housing developments. The applicant proposes biodiversity areas around the site on land within their control. This would be an acceptable green infrastructure provision in accordance with LIV5. Provisions for the long term maintenance of the areas are ensured by the conditions of the outline permission.

Concerns have been raised regarding the loss of the recreational use of this land. The site is private land with no public open space designation, it represents a relatively small area of the wider area of open land and the informal access routes across the site to that open land would be maintained.

### **Drainage and Flooding**

The applicant has submitted a flood risk assessment and drainage strategy for the site, it is proposed that surface water is drained to a surface water sewer at a rate equivalent to the existing greenfield runoff rate. This is being assessed by the Lead Local Flood Authority (LLFA) and their comments are awaited.

United Utilities have raised concerns that sufficient evidence has not been provided to rule out more sustainable drainage solutions. They have advised that a condition be attached requiring a surface water drainage scheme to be submitted and approved.

It is expected that the LLFA's response will be received prior to the Committee meeting, should it not be it is recommended that the determination of the application be delegated subject to there being no objection from the LLFA.

### **Highways**

The acceptability of the access and layout has been established by outline permission.

The submitted plans would provide adequate off-street car parking. Concerns have been raised by LCC Highways in relation to the drainage of a footpath detailed in the landscaping scheme, details of drainage can be required by condition.

The submitted reserved matters are acceptable in highway terms.

### **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 details submitted for reserved matters of appearance, scale and landscaping are acceptable in all relevant regards. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

### **RECOMMENDATION: Delegate Grant Consent**

Subject to the following conditions:

1. This notice constitutes an approval of matters reserved under Condition 1 of Planning Permission No.19/0900/OUT and does not by itself constitute a planning permission.

Reason: The application relates to matters reserved by Planning Permission No. 19/0900/OUT.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: 00, 02C, 03, 06, 07, 08, 09, 10, 11.

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 external materials / finishes of the walls and roofs shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved materials.

Reason: To allow the Local Planning Authority to control the external appearance of the development.

4. The landscaping scheme hereby approved 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. Notwithstanding any indication in the submitted plans and details the 'footpath link' shall be surfaced in a bound porous material unless alternative details, including proposals for drainage, have been submitted to and approved in writing by the Local Planning Authority.

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

**Application Ref:** 22/0495/REM

**Proposal:** Reserved Matters: Major: application for the erection of 19 dwellings (appearance, landscaping and scale) of Outline Planning Permission 19/0900/OUT.

**At:** Land to the east of Bowland View, Brierfield

**On behalf of:** Cross Construction Ltd

## REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE 31st OCTOBER 2022

**Application Ref:** 22/0513/NMA

**Proposal:** Non-Material Amendment: Change to timing of off-site highway works of Planning Permission 19/0901/FUL.

**At:** Housing Development On The Site Of The Former J Nelson Sports Club  
Wickworth Street Nelson

**On behalf of:** MCI Developments

**Date Registered:** 28/07/2022

**Expiry Date:** 25/08/2022

**Case Officer:** Alex Cameron

### **Site Description and Proposal**

The application site is a residential development of 114 dwellings.

This is an application for a non-material amendment to alter the timing of off-site highway works in condition 9 of the planning permission.

Condition 9 - No part of the development hereby approved shall be occupied until all the off-site highway works have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority. These shall include:

- Installation of parking bays along the frontage of 184-204 Barkerhouse Road to formalise parking and maximise visibility splays at the junctions;
- Installation of 2 tarmac round top humps in the vicinity of 27 & 49 Priory Chase.

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.

The application seeks to alter this to:

No part of the development hereby approved shall be occupied until all the off-site highway works have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority. These shall include:

- Installation of parking bays along the frontage of 184-204 Barkerhouse Road to formalise parking and maximise visibility splays at the junctions;
- Installation of 2 tarmac round top humps in the vicinity of 27 & 49 Priory Chase.

All the off-site highway works shall have been constructed in accordance with a scheme prior to the occupation of the 50th dwelling unless details of a legal agreement for construction of the works at a later date has been submitted to an approved in writing by the Local Planning Authority.

### **Relevant Planning History**

19/0901/FUL - Full: Major: Erection of 114 dwelling units (15 Apartments and 99 houses) with associated estate roads (New primary vehicular and pedestrian access off Priory Chase) and ancillary associated infrastructure. Approved

## **Public Comments**

Site notices posted – No response.

## **Officer Comments**

The Non-Material Amendment Practice Note states that all of the following criteria must be met for amendments to be approved:

1. There would be no alteration to the application site boundary.
2. The amendment would not conflict with Development Plan Policies.
3. There would be no conflict with any conditions of the planning permission.
4. There would be no conflict with any comment expressed by any party on the planning application.
5. No external wall will be moved outwards by more than 1 metre.
6. The height of the building or extension would not be increased.
7. The amendment would not result in any potential overlooking of any neighbouring property.
8. There are no other circumstances that would warrant refusal of the request.
9. The amendments must not result in a fundamental change in the design of the building.

The revised wording of the condition has been agreed by LCC Highways, there would be no unacceptable highway safety impact from altering the timing of the off-site highway works and it would be beneficial as it would allow those works to be carried out after the majority of significant construction traffic movements which could cause damage to the works.

Whilst there were comments on the planning application relating to highway matters, they were not specific to these works and their timing

The amended timing is therefore acceptable.

## **Reason for Decision**

The proposed amendment to the wording of condition 9 in accordance with the Non-Material Amendment Practice Note and is acceptable as a non-material amendment.

## **RECOMMENDATION: Approve**

Condition 9 - No part of the development hereby approved shall be occupied until all the off-site highway works have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority. These shall include:

- Installation of parking bays along the frontage of 184-204 Barkerhouse Road to formalise parking and maximise visibility splays at the junctions;
- Installation of 2 tarmac round top humps in the vicinity of 27 & 49 Priory Chase.

All the off-site highway works shall have been constructed in accordance with a scheme prior to the occupation of the 50th dwelling unless details of a legal agreement for construction of the works at a later date has been submitted to an approved in writing by the Local Planning Authority.

**Application Ref:** 22/0513/NMA

**Proposal:** Non-Material Amendment: Change to timing of off-site highway works of Planning Permission 19/0901/FUL.

**At:** Housing Development On The Site Of The Former J Nelson Sports Club  
Wickworth Street Nelson

**On behalf of:** MCI Developments



## REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE 31st OCTOBER 2022

**Application Ref:** 22/0558/HHO  
**Proposal:** FULL: Erection of a single storey rear extension.  
**At:** 163 Halifax Road, Brierfield, BB9 5BL.  
**On behalf of:** Miss Nigat Sultana.  
**Date Registered:** 17/08/2022.  
**Expiry Date:** 12/10/2022.  
**Case Officer:** Joanne Naylor.

### **Site Description and Proposal**

The application site is a two-storey terraced dwellinghouse within the settlement boundary of Brierfield, with on-street parking, front garden and rear yard. Beyond the rear yard is the original back lane which is grassed over. The dwellinghouse has natural stone walls to ground floor and pebble dash to first floor, with a pitched slate roof.

The proposed development is for the erection of a single storey rear extension for a kitchen, it would have artificial stone walls and a flat rubber membrane roof and windows and doors to match the existing.

### **Relevant Planning History**

None relevant.

### **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.

#### Town/Parish Council

No comment.

#### PBC Environmental Health

With regards to this development, we would like the following informative placed on the development:

#### **Contaminated Land Informative**

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.

### **Public Response**

The nearest neighbours have been notified by letter, three responses received, two objecting and one supporting. The comments related to:

- The proposed development would deprive adjoining properties of natural light.
- It will cut off No. 165 from the other properties on the row
- If the proposal is approved it will set a developmental precedent.
- The party wall between No. 163 and No. 165 has been demolished and has impacted on the rear yard used for growing plants and hanging laundry.
- The would halve the amount of light reaching the rear of the property and negatively impact on the dining room and cast shadow.
- The proposed extension extends the length of the rear yard, no other property on the row has an extension to the rear yard wall.
- The proposed extension would adversely affect the health and wellbeing of neighbours.
- To ensure that access to the back lane is maintained.

### **Officer Comments**

#### **Policy**

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

The main issues to consider in this application are 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 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 (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 and Materials**

The Design Principles SPD advises that extensions should match the materials of the existing, have a pitched roof and appear subordinate to the existing dwelling. The existing dwelling has

natural stone walls with render above and a pitch roof of slate tiles. There is a range of materials to the rear elevation of the terrace, including red brick, natural stone, breeze block and painted render, there is also a range in roof with mono pitch and flat roof, and a range of roofing materials. The proposed extension would have artificial stone walls with a flat roof with rubber membrane, the Design Principles advises that flat roofs are normally viewed as poor design, the proposal is to the rear of the property and is not visible from the highway. As there is a range of materials and design to the rear of the terrace, the proposed materials and design would be acceptable.

There are a range of rear extension sizes along the terrace but none extend to the full length of the yard. The proposed development would be out of scale with the existing rear extensions and would be uncharacteristic to the terrace.

The proposal would have a window to the side elevation facing No. 161. The window would look onto the rear extension of No.161 and the circa 1.8m high wall. This would prevent direct overlooking and loss of privacy.

The materials would be acceptable, however the proposed extension is not acceptable in terms of scale and harmony and design with its surroundings, the proposed extension is larger than the extensions of neighbouring properties and the development would not reflect the characteristics of the terrace. The proposed development would be contrary to Policy ENV2 and the Design Principles SPD.

### **Residential Amenity**

The Design Principles SPD advises that single storey rear extensions should be designed to avoid overshadowing, loss of outlook and privacy to neighbours.

The proposed development would have one door and one window to the side elevation facing No. 161 which has a rear extension and a yard wall circa 1.8m high, there would be no unacceptable amenity issues to No. 161.

The proposed extension would be located on the party boundary with a neighbouring property. The Design Principles SPD advises that an extension projecting up to 4m from the rear elevation would normally be acceptable. Where an extension has a greater depth it would be acceptable where it does not breach the 45 degree guideline. The proposed extension projects 4.35m, the adjoining neighbour has a habitable room window to the rear elevation, the 45 degree guideline would be breached. The proposed extension would appear as a solid blank wall to No. 165 at a height of 3m and 4.35m in length. No. 165 outdoor space comprises of a small front garden and a small rear yard, the proposed extension would negatively impact on the outside space and would have a detrimental impact on the living environment. The proposal would have an overbearing affect and loss of outlook to the adjoining neighbour.

The development would be overbearing and oppressive to the occupant of the neighbouring house and would be unacceptable in that respect. The proposed development would be contrary to Policy ENV2 and the Design Principles SPD.

### **RECOMMENDATION: Refuse**

1. The design of the extension is poor and it poorly relates to the existing built form of the properties. The poor design would be contrary to Policy ENV2 of the adopted Pendle Local Plan – Core Strategy and contrary to the Design Principles SPD.

2. The development would have a detrimental impact on the living environment of the adjoining neighbour in terms of their amenity and ability to enjoy their outside space. The development would be contrary to Policy ENV2 of the adopted Pendle Local Plan – Core Strategy and contrary to the Design Principles SPD.

**Application Ref:** 22/0558/HHO

**Proposal:** FULL: Erection of a single storey rear extension.

**At:** 163 Halifax Road, Brierfield, BB9 5BL.

**On behalf of:** Miss Nigat Sultana.

## REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE 31st OCTOBER 2022

**Application Ref:** 22/0569/FUL

**Proposal:** Full: Insertion of dormer to east elevation, relocation of fire exit from the south elevation to east, insertion of a window to the south elevation and new drain to east elevation.

**At:** Lighthouse Christian Centre, 15a Halifax Road, Brierfield

**On behalf of:** Mr Richard Halstead

**Date Registered:** 24/08/2022

**Expiry Date:** 19/10/2022

**Case Officer:** Laura Barnes

### **Site Description and Proposal**

The application site relates to a two storey detached building, currently used as a Christian Centre. It is surrounded on all sides by public highways, including Halifax Road, Walter Street, Hill Street and back Hope Street. The application site is within the settlement boundary.

The application seeks to insert a dormer window to the east elevation, which would face the rear of properties on Hope Street. This would allow more natural light into the proposed first floor multi-purpose room, office and a corridor. The application also seeks to relocate the fire exit from the south elevation to the east, due to the internal reconfiguration to the ground floor. It includes inserting a window to the south elevation and a new drain to the east elevation.

### **Relevant Planning History**

None relevant

### **Consultee Response**

LCC Highways

No objection

### **Public Response**

Nearest neighbours have been notified, no response received

### **Officer Comments**

#### **Policy**

Pendle Local Plan Part 1: Core Strategy (LPP1)

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

Replacement Pendle Local Plan (RPLP)

Policy 31 (Parking) 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 located within the settlement boundary where the principles of development is acceptable, subject to appropriate design and amenity issues. The justification which has been put forward for this additional roof space is to allow for an internal reconfiguration to the first floor, to include a place of Christian worship, place for a foodbank, meetings, classes and social events.

### **Design & Visual Amenity**

The proposed development seeks to insert a dormer to the roof slope which is closest to the rear of properties on Hope Street. This is the least visible roof slope, given that the other three sides of the application site are facing a public highway. The application site boundary with Hope Street is a back street. Albeit, the proposed dormer is such that it would be visible in views of the building from the front and rear. The proposed dormer is not disproportionate in size, when compared with the remaining roof slope, indeed it is to extend to approximate one third of the existing length of the roof. The height of the dormer is not out of keeping with the rest of the building and is acceptable in this regard. Although the dormer is to extend just beyond the existing eaves line, it is not detrimental to the overall design of the character and appearance of the building.

The proposed materials for the dormer are for a zinc standing seam panel face, with a pre-painted dark grey finish. Although this is a modern choice of materials, it is not out of character with the overall design of the building as this would be read as a modern extension to the original building itself. The proposed development is not within a Conservation Area and has been positioned upon the roof in the last visible location in terms of views of the building from the wider street scene.

In terms of the other proposed minor alterations these would not have a detrimental impact upon the design and appearance of the building.

Overall, the design of the proposed development is acceptable and accords with Policy ENV1 of the Local Plan: Part 1 Core Strategy and the Design Principles SPD.

### **Amenity**

Although the proposed dormer is positioned to the rear of No. 1 Hope Street. This is the only property which would be directly opposite it. Given the position of the building, surrounded on all sides by residential terraced properties wherever the dormer is to be positioned on the roof there will inevitably be some properties which will be directly opposite it. However, the applicant has chosen a position which affects the least amount of properties in this case. Given that the proposed development is not a habitable room, it would not result in an unacceptable impact upon neighbouring amenity.

In terms of the relocation of the fire escape, this would not impact upon any adjacent dwelling in an unacceptable way. Similarly, the insertion of a window to the south elevation would not result in an unacceptable neighbouring impact.

As such, the proposed development is in accordance with policies ENV2 of the Local Plan: Part 1 Core Strategy.

### **Highways**

The proposed use would not be likely to result in a significant increase in vehicular traffic. There is currently no off-street car parking and none is proposed. There is no concern over highway safety in this particular case. Although LCC Highways have requested a Construction Method Statement this is not proportionate to the size of the development and is therefore unjustified.

## **Reason for Decision**

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

## **RECOMMENDATION: 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, 042 / 01 / 001 Rev A
- Existing and Proposed Floor Plans 042 / 01 / 003 Rev A
- Existing and Proposed Elevation Plans 042 / 01 / 006 Rev A
- Existing and Proposed Elevation Plans 042 / 01 / 005 Rev A
- Existing and Proposed Elevation Plans 042 / 01 / 004 Rev A
- Existing and Proposed Elevation Plans 042 / 01 / 007 Rev A

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

- 3 All materials to be used in the elevations and roof of the proposed development shall be as stated on the application form and approved drawings and shall not be varied without the prior written permission 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.

## **Note**

The developer should be aware that any works on, or immediately adjacent to the adopted highway network, would require the appropriate permits from Lancashire County Council's Highway Regulation Team, who would need a minimum of 12 weeks' notice to arrange the necessary permits. They can be contacted on [lhsstreetworks@lanashire.gov.uk](mailto:lhsstreetworks@lanashire.gov.uk) or on 01772 533433.

**Application Ref:** 22/0569/FUL

**Proposal:** Full: Insertion of dormer to east elevation, relocation of fire exit from the south elevation to east, insertion of a window to the south elevation and new drain to east elevation.

**At:** Lighthouse Christian Centre, 15a Halifax Road, Brierfield

**On behalf of:** Mr Richard Halstead



## REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE 31st OCTOBER 2022

**Application Ref:** 22/0572/RTD

**Proposal:** Prior Approval Notification: Change of Use from office (Use Class E) to 1. No dwelling (Use Class C3).

**At:** 11 Market Square, Nelson

**On behalf of:** YB Partnership Ltd

**Date Registered:** 22/08/2022

**Expiry Date:** 17/10/2022

**Case Officer:** Laura Barnes

### Site Description and Proposal

The application site relates to a two storey end terraced property within the settlement boundary and the Town Centre Boundary on the Local Plan policies map. The application site is not within a Conservation Area or any other statutory designation.

This is a prior notification application seeking to change the use of the building to 1 No. dwellinghouse under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015.

### 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.

#### Proposal

The proposal is for the change of use from an existing office building to a three bedroomed dwelling.

#### Car & cycle parking

There is no off-street parking associated with the site. However, it is in a town centre location with good links to local amenities and facilities, including the public transport network. Therefore, a car-free dwelling could be considered acceptable here.

The application form states storage for two cycles could be provided in the rear yard, although details have not been provided. This, however, could be covered by condition.

#### General

There are on-street parking restrictions on Market Square and the surrounding highway network, which would need to be taken into consideration during the conversion works.

The following condition should be applied to any formal planning approval granted, if further details are not submitted prior to determination.

## Condition

Prior to first occupation of the approved dwelling cycle storage facilities shall be provided in accordance with a scheme to be approved by the Local Planning Authority and permanently maintained thereafter. Reason: To ensure that the development provides the infrastructure to support sustainable forms of transport.

## Public Response

Nearest neighbours have been notified by letter, one letter of objection has been received, raising the following points:

- Concerns regarding parking on Market Street
- Issues relating to the loss of a commercial premises and the impact this would have on the Town Centre

## Officer Comments

Under Schedule 2, Part 3, Class MA of the General Permitted Development Order 2015 (GPDO), commercial buildings are able to change to one or more dwellings (Use Class C3)

Development is not permitted by Class MA-

- (a) unless the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval;
  - (b) unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;
  - (c) if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;
  - (d) if land covered by, or within the curtilage of, the building—
    - (i) is or forms part of a site of special scientific interest;
    - (ii) is or forms part of a listed building or land within its curtilage;
    - (iii) is or forms part of a scheduled monument or land within its curtilage;
    - (iv) is or forms part of a safety hazard area; or
    - (v) is or forms part of a military explosives storage area;
  - (e) if the building is within—
    - (i) an area of outstanding natural beauty;
    - (ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981;
    - (iii) the Broads;
    - (iv) a National Park; or
    - (v) a World Heritage Site;
  - (f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or
  - (g) before 1 August 2022, if—
    - (i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and
    - (ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.
- (2) The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order—
- (a) the following classes of the Schedule as it had effect before 1st September 2020—

- (i) Class A1 (shops);
- (ii) Class A2 (financial and professional services);
- (iii) Class A3 (food and drink);
- (iv) Class B1 (business);
- (v) Class D1(a) (non-residential institutions – medical or health services);
- (vi) Class D1(b) (non-residential institutions – crèche, day nursery or day centre);
- (vii) Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;
- (b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.

## **Compliance with limitations of Class MA**

There is no reason to believe that the building has not been vacant for at least 3 months. At the time of the site visit, the building was vacant. A search on Companies House indicates that the accountancy business which was operating from this building ceased use in 2016. This has been confirmed with the Council's Business Rates Department.

The last known use of the building was Use Class A2 professional services (now Use Class E).

The development would not result in the cumulative floor space of more than 1,500 sqm.

The proposed development is not within a SSSI, Listed Building, Scheduled Monument, safety hazard area or forms part of a military explosives storage area.

The building is not within an AONB, an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981, it is not in the Broads, a National Park or World Heritage Site.

The building is not occupied under an agricultural tenancy.

Therefore, the building appears to meet the requirements of Class M.

## **Prior approval considerations**

### The transport and highway impacts of the development

Given the site's location within a built up area within the settlement boundary, in a sustainable location, with good access to public transport links no on plot parking is required. As such, no objections are raised in this regard.

### Contamination risks in relation to the building

There are no known contamination risks on the site.

### Flooding risks in relation to the building

The site falls within Flood Zone 1 and as such is at low risk of flooding.

### Impacts of noise from commercial premises on the intended occupiers

The building is surrounded by a mix of uses. The former Elliot House adjacent contains a number of different uses including a gym. However, the proposed development site is physically detached from the adjacent use and the adjacent use does not have permission to operate at unsociable

hours of the night. It is not anticipated that there would be an unacceptable impact upon future occupants of the proposed development.

#### Adequate natural light in all habitable rooms

Each of the habitable rooms are served by at least one window which provides natural light.

#### Safety impacts of fire risk

Development meets the fire risk condition referred to in the General Development Management Procedure Order if it relates to a building which will contain two or more dwellinghouses and satisfies the height condition in para 3 and para 7 of article 9A (fire statements) of the Town and Country Planning (Development Management Procedure Order). This relates to buildings which are more than 18m in height or more than 7 storeys and is not applicable in this case.

#### **Other Matters**

Although a member of the public has raised some concerns about the loss of a commercial premises close to the Town Centre and this impact this would have on the vitality of other Town Centre Uses, this is not something which can be taken into consideration in the determination of this type of prior notification. This is because the GPDO is very prescriptive about the type of issues which can be assessed in these cases.

#### **Summary**

Based on the information provided, the development subject to this prior notification submission would meet the criteria detailed within Class MA of the GPDO and is acceptable with regard to transport impacts, contamination, flood risk, noise and natural light. Therefore, prior approval is not required.

#### **RECOMMENDATION: Prior Approval is Approved, subject to conditions**

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Location Plan LU244-P01
  - Proposed Floor Plans LU244-P03

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

**Application Ref:** 22/0572/RTD

**Proposal:** Prior Approval Notification: Change of Use from office (Use Class E) to 1. No dwelling (Use Class C3).

**At:** 11 Market Square, Nelson

**On behalf of:** YB Partnership Ltd

## REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE 31st OCTOBER 2022

**Application Ref:** 22/0622/ADV

**Proposal:** Advertisement Consent: Display of Non-illuminated vinyl sticker to front elevation of building.

**At** Nelson And Colne College Scotland Road Nelson

**On behalf of:** Nelson And Colne College Group

**Date Registered:** 30.09.2022

**Expiry Date:** 11/25/2022

**Case Officer:** NW

### **Site Description and Proposal**

The application site is the Nelson and Colne Collage main building that faces onto the A682.

The proposal is to display a large advertisement on the front of the building measuring 36m long and 4m high

### **Relevant Planning History**

No relevant planning history.

### **Consultee Response**

Highways: No objection

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**

Applications for advertisement consent fall to be determined under two specific grounds. One is whether they are a danger to the public and the other is if they affect the amenity of the area.

The advert here would not be a danger to the public.

The advert would be large and cover a significant portion of the building. Its purpose is to advertise the success of the college and would clearly be a visible and dominant feature on the front of the building.

The advert would be large and would change the character of the building. It would however sit on the front of the building which is clearly commercial in nature. It would sit on a modern building and would not impact on the amenity of neighbours. The building is one that is actively used and has adverts displayed from time to time to advertise events. The area is also a commercial one with businesses surrounding and transport infrastructure so can take some degree of advertising whilst not affecting unacceptably the amenity of the area.

On balance, although large and noting it will have an impact on the amenity of the area, the advert would not affect amenity to the extent that would be detrimental to the overall area and it is therefore recommended the application be approved.

### **Reason for Decision**

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

### **RECOMMENDATION: Approve**

Subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: A(00)400, 1418(00) 02,

**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 site entitled to grant permission.

**Reason:** Condition required by the advertisement 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 required by the advertisement 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 required by the advertisement 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. 5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

**Reason:** Condition required by the advertisement regulations

7 This permission shall inure for a maximum period of 5 years after which the advertisement shall be removed from the building in its entirety.

**Reason:** Condition required by the advertisement regulations

**Application Ref:** 22/0622/ADV

**Proposal:** Advertisement Consent: Display of Non-illuminated vinyl sticker to front elevation of building.

**At** Nelson And Colne College Scotland Road Nelson

**On behalf of:** Nelson And Colne College Group

## REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE 31st OCTOBER 2022

**Application Ref:** 22/0639/HHO

**Proposal:** Full: Erection of a single storey side and rear extension, front porch and detached garage/store.

**At** Pinfold Barn, Southfield Lane

**On behalf of:** SAJ

**Date Registered:** 4/10/2022

**Expiry Date:** 29/11/2022

**Case Officer:** NW

### **Site Description and Proposal**

The application site sites on the side of Southfield Lane in a line of three cottages. It is stone built with a canopy over the front door of the adjoining property. To the rear there is a single storey extension that protrudes beyond the back wall of the house and neighbour.

There are extensive grounds to the side and a thick cover of vegetation along the roadside affording screening.

The proposal is to erect a porch, replacement rear extension and a garage.

### **Relevant Planning History**

No relevant planning history.

### **Consultee Response**

Highways:

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

Public rights of way 13-6-Fp 114 or 13-6-Fp115 should not be obstructed during the proposed development.

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 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 that would be inimical to highway safety.

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 carry out three developments as applied for those of a front porch, rear extension and the erection of a garage.

The porch as submitted would not fit in with the style of the traditional row of cottages. The design is too urban and does not reflect the robust and strong lines of the row of cottages. Requests have been made to refine the design and the agent has indicated that amended plans will come forward.

The garage proposed would lie to the side of the property. The location is away from the road behind a good belt of screening. The design is a simple wooded structure that would be in keeping with the location. No neighbours would be affected by it.

The dwelling has an existing garage incorporated into a rear extension. That also has a greenhouse on the rear.

The neighbours have a wall next to their rear windows that already has an impact on them. The proposal would be to retain this wall but reduce it in height for the flat roof that is proposed to replace the monopitched roof. There would be no alteration in the relationship with the neighbour that already exists in terms of an overbearing impact. The rear garden room would not be seen from the windows of the immediate neighbour. The relationship is acceptable.

The design is no one that would be normal for such a property. However it is simple in design and would not be seen from public vantage points. It would be low key and made of stone. Although upvc windows are proposed these tie in with what is already on all of the cottages.

### **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: Delegate approval subject to satisfactory plans being received for the front porch**

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: 66B2, 66B3, 66B4A, 66B5, 66B1

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

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

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

**Application Ref: 22/0639/HHO**

**Proposal: Full: Erection of a single storey side and rear extension, front porch and detached garage/store.**

**At Pinfold Barn, Southfield Lane**

**On behalf of: SAJ**

## REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE 31st OCTOBER 2022

**Application Ref:** 22/0660/FUL

**Proposal:** Full: Erection of perimeter fencing (2.4m height) and entrance gates.

**At** Garage Site To The North Of 203 To 205 Barkerhouse Road Nelson

**On behalf of:** Mr Wajed Iqbal

**Date Registered:** 03.10.2022

**Expiry Date:** 11/28/2022

**Case Officer:** NW

This application is made by an officer of the Council who works in the Planning, Economic Development & Regulatory Services department.

### **Site Description and Proposal**

The application site is located behind a row of terraced houses off Barkerhouse Road. It is a garage site which has houses with fencing on the west and east sides. There is a path and fences on the north and the site is open to the southern side where garages are adjacent to the entrance.

The proposal is to erect fencing around the site to a height of 2.4m. The materials are to be green metal.

### **Relevant Planning History**

No relevant planning history.

### **Consultee Response**

Highways

Parish/Town Council

### **Public Response**

None at the time of writing.

### **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 fencing around the perimeter of the land. The main issues are whether the design would be acceptable, highway safety and if the fencing would impact on the amenity of residents.

The residents back onto the west and east side of the site. There have a mixture of fences in varying states of repair that back onto the land. They all have gardens that give a buffer between the rear of the houses and the rear gardens.

The developer would be able to erect a fence at the rear of the properties up to 2m n height. The additional 40cm proposed would be able to be seen at the back of the gardens but would not be overbearing and cause a detrimental impact on the ability to enjoy the rear gardens.

In terms of the highway the access is onto a back street that is lightly trafficked. Provided the gates open inwards there would not be any highway hazard generated by the development.

The site is not in a publicly visible location. The front of the site is the only one that has any prominence. This is set back from the road to the rear of properties. A 2.4m high fence, of the right design, could be accommodated on site without detriment to the visual amenity of the area.

Overall with the conditions set out the development would be acceptable.

### **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: AB0103

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

3 The gates shall not at any time open outwards onto the public highway.

Reason: In order to ensure the development does not lead to a danger on the highway.

4 Prior to the erection of the fencing samples of the proposed materials shall be submitted to and agreed in writing by the Local Planning Authority. The materials used thereafter shall strictly comply with the details so approved.

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

**Application Ref:** 22/0660/FUL

**Proposal:** Full: Erection of perimeter fencing (2.4m height) and entrance gates.

**At** Garage Site To The North Of 203 To 205 Barkerhouse Road Nelson

**On behalf of:** Mr Wajed Iqbal

## REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE 31st OCTOBER 2022

**Application Ref:** 22/0667/HHO  
**Proposal:** Full: Insertion of dormers to front and rear roof slopes.  
**At:** 208 Every Street, Nelson  
**On behalf of:** Mr Nisar Ahmed  
**Date Registered:** 04/10/2022  
**Expiry Date:** 29/11/2022  
**Case Officer:** Alex Cameron

### **Site Description and Proposal**

The site is an end-terrace shop unit with flat above located on the junction of Every Street and Lomeshaye Road surrounded by terraced dwellings. The site lies within the Whitefield Conservation Area. The majority of the properties within the terraced block on Lomeshaye Road have flat roofed dormer windows to the front but not to the rear.

The proposed development is the erection of dormer windows to the front and rear roof slopes. The proposed dormer windows would be rubber roofed with white upvc cladding and white upvc windows.

### **Relevant Planning History**

None

### **Consultee Response**

LCC Highways - No objection.

Nelson Town Council

### **Public Response**

Site and press notices posted and nearest neighbours notified. No response publicity expires 8<sup>th</sup> November.

### **Officer Comments**

#### **Policy**

Policy ENV1 states that the historic environment and heritage assets of the borough (including Listed Buildings, Conservation Areas, Scheduled Monuments, non-designated assets and archaeological remains), including and their settings, will be conserved and where appropriate should be enhanced.

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

Design Principles SPD and Conservation Area Design and Development Guidance support both these policies SPD.

The Design Principles SPD states that the roof is an important element of a building's design and unsympathetic extensions can have a negative impact. It sets out several criteria that dormers should adhere to. Dormers should not be so large as to dominate the roof slope resulting in a property which looks unbalanced. Roof alterations should be minor and sympathetic to the original design of the building.

It states that flat roofed dormer windows will not be acceptable on front elevations or any elevation clearly visible from a public vantage point.

In general front dormers will not be acceptable unless that are a feature of at least 25% of properties in the terrace block or street frontage.

The Conservation Area Design and Development Guidance SPD also contains guidance on development. It emphasises a need to retain historic elements, specifically identifying Whitefield as an area where original dormer windows exist. It states that new dormers should always be sympathetic to the building.

### **Design and impact of the Conservation Area**

The property is located within the Whitefield Conservation Area, Local Authorities have a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve and enhance the appearance and character of Conservation Areas.

Part of the significance of the conservation area derives from the distinctive and consistent blue slate roofslopes of the terraces. Dormer windows are not generally a characteristic feature of the Conservation Area.

A number of the properties on Lomeshaye Road do have front dormers, including the majority of properties in this block. Therefore a front dormer is acceptable in principle on this property. The materials of the proposed dormer include white upvc cladding in contrast to the slate cladding of the other dormers in the block, this is not acceptable but acceptable materials could be required by condition.

However, rear dormers are not a feature of the block, other than one on a mid-terrace property on the block opposite. The design principles SPD is clear that new flat roofed dormers are not acceptable on any elevation clearly visible from a public vantage point. As this is a corner plot the rear dormer would be clearly visible from the north east on Every Street, in that view the dormer proposed to the rear elevation would be clearly at odds with, and detract from the design and clean lines of the frontage of Every Street from that viewpoint.

The proposal would fail to preserve or enhance the character or appearance of the conservation area, as required by S72 of the 1990 Act. Though the harm caused to the significance of the Conservation Area would be less than substantial, this would not be justified by any public benefit, as required by para 202 of the National Planning Policy Framework and the proposal would also conflict with guidance in the Conservation Area Design and Development Guidance SPD paras 4.19-4.20.

This proposal therefore fails to accord with policies ENV1 and ENV2, the Conservation Area Design and Development Guidance SPD and the Design Principles SPD.

### **Residential amenity**

The site is located within a typical terrace layout, with many properties having facing primary windows. The introduction of this development would not have an unacceptable impact on adjacent neighbours in terms of privacy.

## **Highways**

The proposed development would increase the number of bedrooms from three to four. Taking into account that the property is in a sustainable location within walking distance of public transport and the area is characterised by properties without off-street parking, the proposed increase in bedrooms would not result in an unacceptable on street parking or highway safety impact.

## **Summary**

The proposed development would introduce a rear dormer which would harm the appearance of the conservation area. The proposed development thereby fails to accord with Policies ENV1 and ENV2 of the Replacement Pendle Local Plan and also the guidance contained within the Design Principles and Conservation Area Design and Development Guidance SPD's.

The proposed development would not preserve or enhance the character and appearance of the conservation area and therefore should be refused.

## **RECOMMENDATION: Refuse**

For the following reasons:

1. The proposed dormer windows would lead to a considerable reduction in the design quality of the area to the detriment of the character and appearance of the Whitefield Conservation Area, this would result in less than substantial harm to the significance of the Conservation Area which would not be outweighed by public benefits, contrary to paragraph 202 of the National Planning Policy Framework, policies ENV1 and ENV2 of the Pendle Local Plan Part 1: Core Strategy and guidance of the Conservation Area Design and Development Guidance SPD.

**Application Ref:** 22/0667/HHO

**Proposal:** Full: Insertion of dormers to front and rear roof slopes.

**At:** 208 Every Street, Nelson

**On behalf of:** Mr Nisar Ahmed

## **LIST OF BACKGROUND PAPERS**

Planning Applications

**NW/MP**

**Date: 20th October 2022**