

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

TO: EXTRAORDINARY COUNCIL MEETING

DATE: 17TH NOVEMBER 2002

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

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

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 20/0047/LBC

Proposal: Listed Building Consent: Conversion of the mill to 36 no. residential apartments (Use Class C3) and external alterations.

At Brierfield Mill

On behalf of: Barnfield Construction

Date Registered: 30/10/2020

Expiry Date: 23/3/2020

Case Officer: K Hughes

Site Description and Proposal

The application site is the northern section of Brierfield Mill. This is a significant grade 2 listed building which is highly prominent when viewed from the M65 and surrounding areas.

The proposals are for the external treatment of the building including rainwater goods, windows, pointing, new openings and roof ventilation.

Relevant Planning History

13/13/0143P: Listed Building Consent: Installation of replacement windows and refurbishment of North Light roof - Granted 28th May, 2013.

13/15/0019P: Full: Major: Conversion and change of use of buildings to a hotel (Use Class C1), leisure use (Use Class D2), including 4 small retail units (Use Class A1) and car park (Use Class Sui Generis) with landscaping, car parking, infrastructure, demolition and associated works - Approved 24th February, 2015.

13/15/0020P: Listed Building Consent: External alterations to mill buildings and partial demolition of roof on north lights shed and removal of modern extensions to warehouse - Granted 24th February, 2015.

13/15/0600P - Full: Major: Conversion and change of use of building to sports facilities (Use Class D2), change cladding to outbuildings with associated landscaping, car parking, infrastructure and associated works – Granted 16th March, 2016.

13/15/0601P - Listed Building Consent: External alterations to mill building, demolition of bridge link and repairs to main shed roof – Granted 2nd March, 2016.

13/15/0603P - Listed Building Consent: Demolish gatehouse and balustrade, install gates to entrance, repair and replace stone surrounds and cills where necessary, replace windows and external doors and internal walls and doors – Granted 16th March, 2016.

13/15/0604P - Listed Building Consent: Demolish gatehouse and balustrade, install gates to entrance, repair and replace stone surrounds and cills where necessary, replace windows and external doors and internal walls and doors – Granted 2nd March,

2016.

Consultee Comments

Historic England: No comments

Lancashire Fire and Rescue: Comments about fire safety

Planning Policy

Policy

As with all applications the statutory requirement is that the application must be determined in accordance with the development plan unless material considerations indicate otherwise. The consideration of the application must also be in accordance with primary legislation which in this case is primarily the Planning (Listed Buildings and Conservation Areas) act 1990 („the Act“).

The Act states in section 16:

In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The development plan for the area is the adopted replacement Pendle Local Plan ("the Local Plan"). National planning policy is now contained in a single document - the National Planning Policy Framework ("the Framework"). Guidance on its implementation is contained in the online National Planning Practice Guidance.

Pendle Local Plan Part 1: Core Strategy

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

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

Brierfield Mills is a Grade II Listed Building with a conservation area and there is a duty under section 72(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of that area.

National Planning Policy Framework ("the Framework")

The Framework is the single composite national policy on planning matters in England. It replaced all previous national planning policy documents.

The Framework sets out that the purpose of planning is to contribute to achieving sustainable development. This comprises of three dimensions: social, environmental and economic. The Framework continues to place Local Plans at the heart of decision making. At paragraph 17 it sets out 12 core principles, one of which is to encourage the effective use of land by re-using land that has been previously developed. Another core principle is to conserve heritage assets in a manner appropriate to their significance.

Good design is seen as an important element in the built environment. Paragraph 64 states that planning permission should be refused for development of poor design.

The role the historic environment plays in society and in planning is principally dealt with in Part 12 of the Framework. Opportunities should be taken for sustaining and enhancing the significance of heritage assets ("HA") and the social, cultural and environmental benefits that conserving the historic environment brings is recognised.

The Framework sets out the mechanism for how heritage assets need to be assessed in planning applications. Applicants must assess the significance of the heritage asset with the detail being proportionate to the importance of the asset. The particular significance of the asset needs to be assessed.

In making a decision on the application account needs to be taken of:

- The desirability of sustaining and enhancing the significance of the assets and putting them to a viable use consistent with their conservation.
- The positive contribution assets can make to sustainable communities
- The desirability of new development making a positive contribution to local character and distinctiveness

Great weight should be given to be given to the asset's conservation when the impact on the significance of a designated asset is considered. The more important the asset the greater that weight should be.

Harm to assets is not precluded from happening but this needs clear and convincing justification. If there is substantial harm or loss of a grade II listed building the justification for that should be exceptional.

Less than substantial harm to a designated asset should not be allowed unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefit that outweighs that harm unless the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

There would be public benefit to the development in terms of economic activity and potentially securing the future use of the building.

Officer Comments

For ease of

Air seals are proposed for the inside of the windows to ensure that the building is airtight and has thermal insulation values. These changes affect the interior of the windows and do not impact on the external appearance of the building. Curved internal reveals will be hidden behind thermal insulation. They do not

Rainwater goods will be replaced with aluminium goods and hoppers. The aluminium would be coated in material that would make it appear like cast. The profile would be appropriate but the material would not be that which would have been originally used.

Some replacement pointing is needed but not to all of the building. The pointing that would be used would match the existing pointing and this will not affect the listed building adversely.

There is a mixture of types of replacement windows proposed for the building. The existing windows are mainly white UPVC and are not ones that are appropriate on a listed building. The proposal is to have mainly wooden windows on the southern inner courtyard area but to have aluminium on the north elevation.

The new windows would replace UPVC which are inappropriate in both material and design. The proposals would result in a net improvement to the listed building's appearance and are more appropriate to the character of the building than those existing. There would be a net benefit from the replacements which are appropriate to the character of the building.

Internal ground floor lighting is proposed. This is internal and does not impact on the fabric of the building. Internal ventilation in the roof spaces is proposed and this is also acceptable having no impact on the listed building.

The courtyard entrance is proposed to have a modern glazing section in it. This would work well as a foil to the main imposing section of the building and would be an appropriate treatment for the section of the central building.

Some ventilation apparatus is proposed on the roof to ensure fire safety and necessary equipment. This is low key and would not be visible from the street level. It would not affect the historic fabric of the building.

New lifts are proposed in the existing shafts and a fire door is proposed.

A vehicular entrance on the ground floor east side is proposed. This would appear like a normal part of the opening.

Conclusions

The majority of the work proposed will benefit or be neutral to the historic value and design of the listed building. There would be some loss of internal features around the windows internally to create a better living environment and environmental sustainability of the building.

There would be some harm to the significance of the heritage asset by some of these works but the benefits of the redevelopment and securing the long term viability of the building would outweigh that harm.

Recommendation approval

1. The works approved shall be begun before the expiration of three years from the date of this consent. No later than three days after works first begin on site, written notice shall be given to the Local Planning Authority of the date on which works are first commenced.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and to ensure the Local Planning Authority is informed of the commencement of the first works on the site.

2. The works hereby approved shall not be carried out except in complete accordance with the details shown on the submitted plans: Roof layout & sections, 19012_A_Rev D, Ground floor plan lighting layout, First floor plan lighting layout, second floor plan lighting layout, third floor plan lighting layout, 857.01-10, 857.01-11, 857.01-12, A1118-LIB-B3-A1 20-ZZ-XX-E2-003-P3, A1118-LIB-B3-A1 20-ZZ-XX-E2-004-P3, A1118-LIB-B3-A1 20-ZZ-XX-E2-002-P2, A1118-LIB-B3-A1-31-ZZ-XX-AA-001-P2, A1118-LIB-B3-A131-ZZ-00-AE-007-P1, A1118-LIB-B3-A1-31-ZZ-00-AE-008-P3, A1118-LIB-B3-A1-31-ZZ-XX-SC-003-P7, A1118-LIB-B3-A1-31-ZZ-XX-SC-004-P5, A1118-LIB-B3-A1-31-ZZ-XX-SC-005-P5, A1118-LIB-B3-A1-31-ZZ-XX-SC-006-P6, A1118-LIB-B3-A1-20-Z4-00-S1-003-A, A1118-LIB-B3-A1 20-ZZ-00-P2-001-P4, A1118-LIB-B3-A1 20-ZZ-01-P2-001-P2, A1118-LIB-B3-A1 20-ZZ-02-P2-001-P2, A1118-LIB-B3-A1 20-ZZ-04-P2-001-P2, A1118-LIB-B3-A1 20-ZZ-B1-P2-001-P2, A1118-LIB-B3-A1-20-ZZ-LL-E2-002-P3, A1118-LIB-B3-A-20-ZZ-LL-S2-001-P4, A1118-LIB-B3-A1-20-ZZ-LL-S2-002-P4, A1118-LIB-B3-A1-39-Z4-00-P2-001-P1, A1118-LIB-B3-A1 39-Z4-01-P2-001-P1, A1118-LIB-B3-A1 39-Z4-02-P2-001-P8, A1118-LIB-B3-A1 39-Z4-03-P2-001-P6, A1118-LIB-B3-A1-39-ZZ-XX-AA-001-P1, A1118-LIB-B3-A1 42-Z4-00-P2-001-P1, A1118-LIB-B3-A1 42-Z4-01-P2-001, A1118-LIB-B3-A1 42-Z4-02-P2-001, A1118-LIB-B3-A1 42-Z4-03-P2-001, A1118-LIB-S1-S1-90-XX-00-P2-010.

Reason: For the avoidance of doubt

- 3 The windows to be used in the development shall be as set out in the replacement window strategy.

Reason: The windows are acceptable on the listed building.

- 4 The replacement pointing shall match in colour, profile and composition the existing pointing on the building.

Reason: These materials will match that on the existing building and is appropriate.

- 5 Prior to the installation of the new ground floor openings details of the finishes to the openings shall be submitted to an approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: In order to control the details of the openings to protect the fabric of the listed building.

Application Ref: 20/0047/LBC

Proposal: Listed Building Consent: Conversion of the mill to 36 no. residential apartments (Use Class C3) and external alterations.

At Brierfield Mill

On behalf of: Barnfield Construction

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0222/FUL

Proposal: Full: Major: Proposed development of B2/ B8 commercial units with associated parking, infrastructure and altered access following from the previous approved phase.

At: Former Spring Gardens Mill, Spring Gardens Road, Colne

On behalf of: Mr Mark Taylforth

Date Registered: 05/05/2022

Expiry Date: 04/08/2022

Case Officer: Alex Cameron

This application was delegated for approval by Colne Committee in August subject to subject to a satisfactory layout for highways and discussions take place with LCC on offsite highway works.

Site Description and Proposal

The application site is the site of the former Spring Gardens Mill located within the settlement of Colne. The site is accessed from Spring Gardens Road adjacent to the junction with Daisy Street, to the west are dwellings on Daisy Street and Green Road, Colne water runs to the north, there are commercial/industrial buildings to the east and a farm house to the south. The mill has been demolished and the site cleared but for a former engine house building that more recently housed a substation and a more modern industrial unit at the south end of the site which is accessed via Daisy Street.

Planning permission has been granted for the first phase of development comprising the demolition of the former engine house and erection of a building for general industrial / storage and distribution use in the central area of the site. This application is for the development of the remainder of the site with five buildings, divided into nine units with a total floor area of 5,770 m² for general industrial / storage and distribution use. It is proposed for the existing unit to be retained and the access to Daisy Street to be closed, with all access to be from the Spring Gardens Road access.

Relevant Planning History

13/99/0558P - Certificate of lawfulness to use premises for manufacturing, processing of waste materials and associated storage and warehousing. Approved.

13/13/0068P - Demolition Determination: Demolition of vacant mill building. Prior Approval Not Required.

19/0917/FUL - Full: Major: Demolition of substation building and erection of a commercial unit (1,273m²) for Use Class B2 (General industrial) / B8 (Storage and distribution) use with associated parking, infrastructure and altered access. Approved.

Consultee Response

Environment Agency – We have reviewed the amended FRA and, in so far as it relates to our remit, and we have no objection to the development proposed. The proposed development must proceed in strict accordance with this FRA and the mitigation measures identified as it will form

part of any subsequent planning approval. Any proposed changes to the approved FRA and / or the mitigation measures identified will require the submission of a revised FRA.

LCC Highways – The site is located within walking distance of mainline bus services and Colne Town Centre. A footway is proposed alongside the access road which will provide a safe walking route for pedestrians from the public highway to the buildings however pedestrian routes from the access road to the main entrances should be included on the plan. Also the provision of a secure, covered cycle store is necessary. This will support the travel of staff by sustainable modes to support the sustainability of the site.

Delivery management plan submitted identifies a route, Green Road, Knotts Lane, Burnley Road for the HGV traffic. The route via Shaw Street and Bridge Street is most suitable for large vehicles to the A56 for both construction vehicle routing and thereafter once the site is trading.

The existing access arrangement has sufficient visibility within the adopted highway on Spring Gardens Road which is unclassified and 20mph speed limit. The previously agreed scheme for Phase 1, to realign the site access is acceptable and is required for this application.

The works within the adopted highway, including the closure of the access on Daisy Street, must be completed under a S278 agreement with Lancashire County Council.

Public footpath 193 runs through the site and the Phase 1 site layout proposed to divert the footpath along the northern boundary of the site. The FP is not shown on the site layout submitted with this application. Please provide details.

The swept path for unit 5 conflicts with the 9 car parking spaces shown on the site layout drawing 18162.001 Rev O. Please amend the swept path or car parking to ensure these do not conflict.

The end users are unknown and the TA states the B2/8 split will be 70/30 which would require a maximum car parking provision of 99 spaces. There are 67 spaces proposed in total which is a shortfall from the maximum.

If there is a shortfall of car parking once the units are occupied, there are areas where staff can park in tandem to maximise space. Parking on the internal estate roads is likely to be detrimental to large vehicle movements.

Updated comments following August's meeting:

The amended tracking drawing 1000 Rev P01 is acceptable. Please could the drawing be conditioned to ensure that the area is kept clear for the purposes of large vehicles turning.

Having reviewed the flood risk assessment for this application Public Rights of Way would not support a diversion of footpath 13-4-FP193 around the perimeter of the site as it would place the footpath lower than the flood defence bund leaving the path prone to flooding.

Lead Local Flood Authority – No objection subject to conditions compliance with the FRA, surface water drainage strategy, surface water management, surface water maintenance and verification.

PBC Environmental Health – please attach conditions for a noise survey, hours of deliveries, contaminated land and construction management.

Lancashire Fire and Rescue – Comments relating to Building Regulations.

Colne Town Council – Concerns with regard to surface drainage as accumulation of surface water can be a problem in this area. Access to and from the main road and the motorway, will also be problematic for larger vehicles. During the previous phase of development, LCC Highways stated

that 'the route via Spring Garden Road and Shaw Street is more suitable as it avoids the residential area of Green Road and Knotts Lane which has a limited carriageway width due to on-street parking'. It is not understood why LCC have altered their stance on this. Should PBC be minded to approve this application, it is suggested that access to and from the site be readdressed and a suitable solution be implemented.

Public Response

Press and site notices posted and nearest neighbours notified – One response received making the following comments:

Whilst I can have no real objections to a brownfield site being developed I would like to ask the developer to:

Have the roofs on units 6 and 7 made from a dark green roofing so as to be as unnoticeable as possible. These units about my end wall and are in my direct line of sight.
Ensure that the units are not let to businesses that will add motorised roof vents, for example, a welding shop, as the noise from these units will be a significant irritation.

There is an existing unit already against my wall which I believe is used as a redistribution centre. This sort of business is quiet and if the new adjacent units were used for a similar purpose then we can all exist together without issue.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

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

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

Policy SDP2 (Spatial Development Principles) States that proposals to develop outside of a defined settlement boundary will only be permitted for those exceptions identified in the Framework, or policies in a document that is part of the development plan for Pendle.

Policy SDP4 (Employment Distribution) states that the provision of employment land should follow the settlement hierarchy set out in Policy SDP2.

Policy WRK2 (Employment Land Supply) Major employment proposals, particularly those requiring good transport links, should be located in the M65 Corridor, unless the proposal needs to be in close proximity to one or more existing businesses.

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.

Principle of the development

The site is within the settlement of Colne, which is defined as a key service centre within the M65 Corridor in policy SDP2, it previously accommodated industrial buildings and is in a sustainable location adequately served by public transport. This is an acceptable location for the proposed development in accordance with policies SDP2, SDP4 and WRK2.

Visual Amenity

The proposed development would be located on a site which previously accommodated a large complex of industrial buildings, the proposed buildings would be typical modern industrial buildings which would be in keeping with the industrial nature of the site and other adjacent industrial uses. With appropriate landscaping to soften the edges of the site, which can be controlled by condition, the development would not result in unacceptable visual impacts.

The committee requested details of the colour of the roofs to be submitted. This has been requested from the applicant, however, it would be controlled by the recommended material samples condition.

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

Residential Amenity

There are dwellings to the west on Daisy Street / Spring Gardens Road and to the south at Spring Gardens Farm.

The existing unit on the site is accessed via Daisy Street and there is a condition controlling of the times of access to that unit from Daisy Street.

Environmental Heath have requested assessment of the noise impacts of the development and a condition restricting hours of deliveries. This is an industrial site that previously housed an extensive complex of industrial buildings, the demolition of those buildings would not have extinguished the lawful use of the site. The site could still potentially be used for noise and traffic generating uses of the open land and remaining buildings without the need for permission.

The proposed layout of the site would involve the closure of the Daisy Street access and the main servicing areas would be within the site, with inward facing buildings between them and the adjacent dwellings. The use of the proposed access would not result in unacceptable impacts upon the residential amenity of adjacent dwellings.

Taking these factors into account, with a condition to require that a noise assessment is submitted for units 5, 6 or 7 prior to the commencement of their use the proposed development is acceptable in terms of the potential for residential amenity impacts.

The proposed development would also not result in any unacceptable loss of privacy, loss of light or have an overbearing impact upon any residential property. External lighting of the development

and external plant and ventilation in the units close to dwellings could be controlled by condition to ensure that it does not result in unacceptable impacts.

The development is therefore acceptable in terms of residential amenity impacts in accordance with Policies ENV2 and ENV5.

Highway Issues

A Transport Statement has been submitted with the application, this acceptably demonstrates that the access and highway network can adequately accommodate the traffic impact of the proposed development in terms of safety and capacity.

Following the Committee meeting in August the plans have been amended to clarify the proposal for the public right of way through the site. The public right of way would be maintained on its current route, which would follow the footway of the road through the site. LCC Highways have confirmed that this is acceptable and preferable to diverting the public right of way around the site, which would not be likely to be acceptable. Acceptable clarification in relation to car parking and routing of traffic has also been provided. The development is acceptable in highway terms in accordance with policy ENV4.

Flood Risk

Parts of the site fall within flood zones 2 and 3, the Environment Agency have raised no objection to the proposed development subject to the implementation of the compensatory storage in accordance with the Flood Risk Assessment for the whole site, including the previously approved site. The Lead Local Flood Authority have raised an objection due to the submitted drainage strategy being inadequate. The applicant has been requested to submit details to address their objection.

Ecology

An ecology survey has been submitted and identifies potential for bat roosting in an opening in the retaining wall to the west of the site, which would not be directly impact by the building, it assesses the existing building as having low potential for roosting and identifies bat foraging within the site. There is also identified potential for bird, mammal, and invertebrates. The report makes recommendations for mitigation and enhancement measure and further survey work if the potential bat roosting site is to be impacted. With a condition to control those measures the proposed development is acceptable in terms of its impact on ecology.

Conclusion

The issues that the application what delegated to resolve have been satisfactorily addressed, it has been confirmed that the development does not proposed to alter the route of the public right of way through the site and would not unacceptably impact upon it and it has been demonstrated that the parking and manoeuvring layout is acceptable. It is therefore recommended that the application be approved.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in terms of design, amenity, highways impacts and all other 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: 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: 18.162.001Q, 18.162.002A, 18.162.02.001C, 18.162.02.002C, 18.162.03.001B, 18.162.03.002C, 18.162.04.001B, 18.162.04.002D, 18.162.05.001B, 18.162.05.002C, 18.162.06.001B, 18.162.06.002C, 1000 Rev P01.

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

- 3 Prior to the commencement of above ground works involved in the erection of the external walls of the development hereby approved samples of the external materials of the walls and roof the development, including their colour and finish shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: In the interest of visual amenity.

- 4 The access, parking and manoeuvring areas for each unit shall be laid out in accordance with the approved plans and surfaced in a bound material prior to the commencement of the use of the unit they serve. The parking spaces and manoeuvring areas shall at all times remain free from obstruction and available for parking and manoeuvring.

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

- 5 Prior to the commencement of the use of the development hereby approved details of works to form the access and access road shall have been submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details prior to the commencement of the use of the development hereby approved.

Reason: To ensure adequate access in the interest of highway safety.

- 6 Prior to the commencement of the use of each unit cycle storage facilities for that unit shall be provided in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development provides sustainable transport options.

- 7 Prior to the commencement of the use of each unit electric vehicle charging points shall be installed accordance with details submitted to and approved in writing by the Local Planning Authority and thereafter retained in accordance with the approved details.

Reason: To ensure that the development provides sustainable transport options.

- 8 There shall be no external storage within the application site unless otherwise approved in writing by the local planning authority. Any external storage thereafter shall at all times be

carried out only in strict accordance with the approved details.

Reason: In the interests of visual amenity.

- 9 The development shall be carried out and operated in strict accordance with the recommendations of the ecological appraisal Ref: BOW17.1053. Prior to the commencement of the use of the development a scheme of ecological mitigation and enhancement measures shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented in accordance prior to the commencement of the use of the development or an alternative timescale approved as part of the scheme.

Reason: To ensure the protection and enhancement of ecology and protected species habitats.

- 10 No external lighting shall be installed unless and until details of the lighting have been submitted to and approved in writing by the Local Planning Authority. The details shall include the type, size, wattage, location, intensity and direction of the lighting. Any external lighting shall at all times be in strict accordance with the approved details.

Reason: In the interest of residential amenity and to preserve the habitat of protected species.

- 11 Details of any external plant or mechanical ventilation relating to units 5, 6 and 7, including noise levels and attenuation, shall be submitted to and approved in writing by the Local Planning Authority prior to its installation and it shall thereafter be operated and maintained in strict accordance with the approved details.

Reason: In the interests of residential amenity.

- 12 Prior to the commencement of the use of units 5, 6 and 7 an assessment of indoor and outdoor activity noise following BS 4142:2014 shall have been submitted to and approved in writing by the Local Planning Authority. Any noise attenuation shall be fully installed in accordance with the recommendations of the approved assessment for that unit prior to the commencement of the use of that unit and the unit shall be operated in accordance with the approved assessment at all times thereafter unless an alternative assessment is submitted to and approved in writing by the Local Planning Authority.

Reason: In order to protect the vitality and viability of town centres.

- 13 No development shall commence unless and until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) Wheel washing facilities
- v) A scheme for recycling/disposing of waste resulting from clearance and construction works
- vi) Details of working hours
- vii) Timing of deliveries
- viii) Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties.
- ix) Measures to control construction noise and vibration

x) Measures to control dust.

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

14 No development shall commence unless and until a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site has been submitted to and approved in writing by the Local Planning Authority. The method statement shall detail how:-

a) an investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority; and

b) a comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority.

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

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

Advisory Notes:

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

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

(iii) This condition is required to be fully complied with before development is commenced. Failure to comply with the condition prior to commencement of work may result in legal action being taken.

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

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

- a. the exact location and species of all existing trees and other planting to be retained;
- b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;

- c. an outline specification for ground preparation;
- d. all proposed boundary treatments with supporting elevations and construction details;
- e. all proposed hard landscape elements and pavings, including layout, materials and colours;
- f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its entirety within the first planting season following the 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.

- 16 Compensatory storage shall be implemented prior to the construction of the built development in accordance with the drawings set out within Appendix IV of the FRA. The compensatory storage scheme as detailed within appendix IV shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

- 17 The development permitted by this planning permission shall be carried out in accordance with the principles set out within the site-specific flood risk assessment (June 2021 / Old Spring Gardens Mill / David Goodger & Associates) The measures shall be fully implemented prior to the first use of the development and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority in consultation with the Lead Local Flood Authority.

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

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

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

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

a) Sustainable drainage calculations for peak flow control and volume control (1 in 1, 1 in 30 and 1 in 100 + 30% climate change).

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

i. Site plan showing all permeable and impermeable areas that contribute to the drainage

network either directly or indirectly, including surface water flows from outside the curtilage as necessary;

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

iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;

iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;

v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;

vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;

vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;

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

d) Evidence of an assessment of the existing on-site watercourse / culverted watercourse to be used, to confirm that these systems are in sufficient condition and have sufficient capacity to accept surface water runoff generated from the development.

e) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.

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

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

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

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

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

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

The plan shall be implemented and thereafter managed and maintained in accordance with

the approved plan for the duration of construction.

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

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

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

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

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

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

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

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

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

waters, property, and ecological systems.

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

The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the Environment Directorate for further information by telephoning the Developer Support Section (Area East) on 0300 123 6780, or email developeras@lancashire.gov.uk .

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

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Application Ref: 22/0222/FUL

Proposal: Full: Major: Proposed development of B2/ B8 commercial units with associated parking, infrastructure and altered access following from the previous approved phase.

At: Former Spring Gardens Mill, Spring Gardens Road, Colne

On behalf of: Mr Mark Taylforth

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0283/HHO

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

At 5 Beckside Close Trawden Colne

On behalf of: Mrs Nicola Rowllandson

Date Registered: 05.05.2022

Expiry Date: 30.06.2022

Case Officer: Yvonne Smallwood

Site Description and Proposal

The application site is a semi-detached house in a cul-de-sac within Trawden Forest Conservation Area. The application site is within a Flood Zone 3 area.

The application seeks to erect a 4m single storey rear extension.

Relevant Planning History

No relevant planning history.

Consultee Response

Parish/Town Council-

Comment:1. Roof shape - should not be flat - (see LDF for Pendle Design principles) and should be in style with the original house (LDF for Pendle design principles LDF for Pendle Conservation guidance).

4.1.4 - Flat roof extensions will not normally be appropriate as they represent poor design

2. Shade - Needs to be sited to avoid overshadowing (see 5.6 LDF for Pendle design principles)

5.6 - Rear extensions should be designed to avoid causing overshadowing, loss of outlook or loss of privacy to the neighbours, or appear unduly dominant to neighbours.

3. Material - whilst Timber weather board is in keeping with a rural feel, this does not match the main house (see LDF for Pendle design principles and of LDF for Pendle conservation guidance).

4.1.5 - In most cases materials such as stone, bricks, roof tiles and window frames should be the same as on the main house. When considering materials, it is important to match the type, size and coursing of the material on the host building.

4.1.25 - Materials such as aluminium and plastic, particularly uPVC require a high energy input in their manufacture and thus where practical should be avoided

5.5 - Extensions should be constructed in both materials and style to match the original dwelling.

4. Material for doors - Heritage statement says "Aluminium power coated (charcoal grey) glazed frame B1-folding doors" whilst the applications says "Plastic"

United Utilities

Environmental Health-

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.

Environment Agency –
Informative:

The proposal is for minor development within Flood Zone 3, which is land defined as being at risk of flooding. The rear elevation of the new extension will extend to within 4metres of the edge of Trawden Brook which is designated as a Main River. We have no objection to the proposed development with regard to the proximity to Trawden Brook and have the following advice for the LPA/applicant. **Flood risk standing advice - advice to LPA** The proposed development falls within Flood Zone 3, which is land defined in the [planning practice guidance](#) as being at risk of flooding.

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

Public Response

Nearest neighbours notified by letter without response.

Relevant Planning Policy

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

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

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

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

The Conservation Area Design and Development Guidance Supplementary Planning Document (SPD) gives guidance on suitable developments within Conservation Areas.

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.

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

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

Officer Comments

The main considerations for this application are the design, impact on the designated heritage asset and residential amenity.

Design and the Conservation Area

The Design Principles SPD advises that extensions should be constructed in materials and style to match the existing dwelling. The scale of the development should be subordinate to the original dwelling and that the extension should leave adequate room around the dwelling. The proposed extension would be 4m in length, which is normally considered acceptable. The proposed materials would be timber framing with vertical weather board with a fibreglass roof and Velux rooflights.

The extension is proposed on a modern housing estate. The estate in itself is not prominent in the conservation area. The extension proposed lies to the rear of the modern dwelling which in turn faces a banking. The extension would not be visible from any parts of the conservation area outside of the rear garden of the dwelling and the two adjoining neighbours. The development would have no impact on the conservation area and there would be no harm caused to its significance.

The design and materials are acceptable in this modern discreet setting and they are in keeping with the existing dwelling.

The design and materials of this development are acceptable and comply with Policy ENV2 and the Design Principles SPD

Residential Amenity

The Design Principles SPD guidance is designed to protect neighbouring amenity from overshadowing or obstruction of outlook. The proposed development has no windows proposed to the north elevation. There is a 2m fence between the application site and the neighbour at number 4. Number 4 has an existing conservatory to the rear of a similar length to the proposal. The extension would be acceptable in relation to the neighbour at number 4.

The neighbour at number 6 has an existing conservatory to the rear. There are patio doors proposed to the south elevation. There is an existing shed to the south of the application site and the houses are positioned at an angle, so the proposed extension would be acceptable in relation to the neighbour at number 6.

There are patio doors proposed to the rear of the extension. There are no close neighbours to the rear of the application site.

The proposal therefore complies with Policy ENV1, ENV2 and the Design Principle SPD.

Flood Zone 3

The application site is within a Flood Zone 3 area. The Environment Agency has not raised an objection to this modest development, therefore there is no reason to refuse this application due to its location within Flood Zone 3.

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.

- a. The development hereby permitted shall be carried out in accordance with the following approved plans: 7006.

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

2. The external materials to be used for the construction of the development hereby approved shall be as stated on the application form and approved drawings and shall not be varied without the prior written consent of the Local Planning Authority.

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

Application Ref: 22/0283/HHO

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

At 5 Becksides Close Trawden Colne

On behalf of: Mrs Nicola Rowlandson

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0424/FUL

Proposal: Full: Major: Demolition of existing buildings and erection of 12 dwellinghouses with associated infrastructure.

At Former Roaming Roosters, Fence

On behalf of: Mr Charles McDermott

Date Registered: 29/07/2022

Expiry Date: 28/10/2022

Case Officer: NW

Site Description and Proposal

The application site sits on the western edge of the settlement of Fence. It lies in the green belt. The site comprises of an existing entrance that served a former mixed use site as a restaurant, shop and farm activity centre.

There is a large single building at the front of the site as exists with car parking to the east and rear of the site with open areas to the front and west of the existing building.

The proposal is to redevelop the site for housing. The proposal is for 12 houses with 6 to the front and 6 to the rear of the site. The entrance arrangements are not proposed to change.

There are three listed buildings located on the opposite side of the bypass at Ashlar Cottage to the east with White Lee, Lower White Lee and Acre House to the south west also across the by-pass.

Relevant Planning History

13/13/0163P. Erection of extensions for livestock. Approved.

13/10/0307P Full: Major: Change of use of 2 no agricultural buildings to form farm educational centre, offices, prep & workspace for management of Roaming Roosters, ancillary Cafe and Shop and formation of car park and wildlife pond. Approved.

13/15/0145P: Full: Major: Variation of Condition: Vary Condition 7 of Planning Permission 13/12/0228P to allow opening hours of 08:00 - 23:00 each day. Approved

19/0417/FUL: Full: Change of use from Farm Education Centre with ancillary shop and cafe to Farm, Farm Shop (100sq.m.) (Use Class A1) and Cafe (280 sq.m.) (Use Class A. Approved. The application was not commenced.

Consultee Response

Highways: No objection

Higham with West Close Booth and Parish of Old Laund Booth Parish Councils:

A joint response has been made via a planning consultant. The main points are:

- The land is agreed to be previously developed.

- Normally cubic volume and floor comparisons are given as that is how the assessment of impact on openness is made.
- A very rough comparison shows much more widespread development than existing with individual gardens and parking areas separated by cul-de-sacs.
- The layout is formulaic and is more in keeping with a suburban location
- The D&A looks at local designs but does not take them into account in the final design.
- There are no dwellings in the immediate wider area and the impact would be at odds with existing rural landscape and character of the area.
- Render is not an appropriate material
- Flooding has been experienced at the site

Old Laund Booth Parish Council:

Although this application is not strictly in the parish of Old Laund Booth, it will have significant impact on the parish and so therefore we endorse and support the attached comments made by Higham Parish Council and the consultant's report.

The parish council would also like to emphasise the devastating effect this application will have on the greenbelt.

Also, there is also no real evidence of need for these houses and the number applied for exceeds Pendle's own demand for housing in the Housing Needs Assessment for Higham, which we understand is currently 8.

There appears to be no affordable housing provision and poor renewables, in that although heat source pumps are planned, where are the solar panels to work with the pumps and where are the electric charging points etc.?

Lancashire Fire & Rescue: The development should meet building regulations.

Environmental Health: Suggest condition relating to the construction phase of the development.

United Utilities: No objection subject to a condition relating to surface water drainage.

LCC Education: The development will lead to a need for further education places and would like a contribution of £35,654 for primary places and £24,753 for secondary schools.

Coal Authority. The site falls in the High Risk Area. The risk assessing submitted with the application is acceptable and the Coal Authority has no objection.

Lead Local Flood: Objects based on inadequate sustainable drainage strategy.

Environment & Conservation

Lancashire Badger Group: There are setts in the area and provisions should be put in place to protect badgers

Public Response

There have been letters of objection and support for the application:

Objections

- The application is impertinent as the original application was for farm buildings and a farm shop.
- The site is in green belt. In Holder vs Gedling the court says development there can only be in very special circumstances.
- Enough damage has been caused to the rural agricultural nature of this site.
- The buildings should be demolished and the site restored to its original use.
- Local services are already swamped
- It would damage the setting of the nearby listed buildings
- The villages are already busy and do not need any more traffic.
- There are problems with parking in the village
- Green belt is sacrosanct
- School. Higham school is small and already villagers cannot send their children there.
- The proposed development will be detrimental to the overall look after the current surrounding area and listed buildings
- There is flooding on the bypass
- Although I can understand the development in the proposed location due to its conditions I object to the residential scheme
- More wildlife will be lost.
- It will adversely affect the community
- We understand the developer has bought more land around the site and there may be more development in the future
- There is poor visibility and access to the site and the bypass has fast moving cars.
- There is a lack of public footpaths in the area.
- There are plenty of other properties available in the area

Support

- A brownfield site is the obvious place to build houses
- The development will not produce the volume of traffic the former development did.

Relevant Planning Policy

The law requires applications to be considered in accordance with the development plan unless material considerations indicate otherwise

The Local Plan

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.

LIV . Supports housing on sustainable sites on land adjoining but outside of a settlement until the part 2 plan is approved.

National Planning Policy Framework ("the Framework")

There are three elements to sustainable development which is the purpose of the planning system. There are economic, social and environmental objectives. Applications that accord with the development plan should be approved without delay.

Part 5 relates to housing. The Government's objective is to significantly boost the supply of housing.

Part 6 identifies the need to build a strong and competitive economy including a prosperous rural economy.

Part 13 relates to the green belt. The purpose of the green belt is to keep land permanently open.

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

Para 149 sets out a number of circumstances where new building is not inappropriate. This includes:

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Para 195 indicates that heritage assets should be identified and any impacts on them assessed according to the degree of impact on their significance.

Officer Comments

The application site lies in the belt. It is previously developed land outside of the settlement of Fence. It has a commercial building on it that has been disused for some time and is deteriorating.

Comments have been made by many parties regarding the green belt. Many revolve around the view that the site is in green belt and there should not be any development within it.

In the comments of the Parish Council the assumption is made that the application is made on the basis of limited infilling under part g of para 147 of the Framework. Part g also has the exception that the partial or complete redevelopment of previously developed land can take place and is not inappropriate development provided the development does not have a greater impact on openness. The development is clearly not infilling as it is open on all sides except for the highway. It is the redevelopment exemption that applies here.

Planning policy nationally restricts development in the green belt as being inappropriate. Where inappropriate development is proposed permission should only be granted if there are very special planning circumstances.

Very special planning circumstances are not being advanced with the application. The application falls to be determined on the basis of part g of paragraph 149 of the Framework. The issue for Committee is whether the development is in accordance with part g. This requires the land to be previously developed land and that the development does not lead to a greater impact on openness than the existing development.

Agricultural sites are specifically exclude from being previously developed land under the Framework. The lawful use of the site was for a mixed commercial development which was not agricultural. The site is therefore previously developed. The issue here is whether what is being proposed would affect openness more than the existing development and if it would the development would be inappropriate development harmful to the green belt.

The assessment on whether the development would have a greater impact on openness needs to be taken based on the individual merits of the site and its surroundings.

Designated Heritage Assets

Ashlar Cottage is grade 2* listed. It is set some way from the site. The building has no physical or historical relationship with the site and is not visually linked. Its setting is not affected.

Lower White Lee is grade 2 listed. It is the nearest of the listed buildings. It is set back from the bypass and is located 80m from the nearest point of the built form. It has a bypass in front of it and is off set at an angle from the application site which already has a commercial development on it. The application site does not form part of the setting of the listed building and the development will not have any impact on the listed buildings. The listed buildings further to the south west are not affected by the development.

The existing buildings on the site have a similar relationship to the heritage assets as those proposed. Even were there to be an existing detrimental impact, which there is not, the new buildings would not affect the listed buildings in any material way different to what currently exists.

Highways

The application site is served by an existing access. That has full forward visibility and onto a highway where cars can be seen approaching. The access has served a formerly very busy commercial enterprise which generated significantly more traffic than would be generated by 12 houses.

The site plan has within it a proposed opening to a field to the north west of the site and one to the east. The access to the north west would allow access though the estate to the fields to the north. That would generate traffic that already uses the entrance to access the fields as it does now. This would have no highway implications and would not cause a nuisance to the occupants of the new houses.

The access to the east would link to a single width track and allow movement to and from the site through that by residents or other private users. This would have the potential of allowing the use of a substandard access to the site. This is no acceptable from a highway safety perspective and the developer has been asked to delete this from the scheme.

There would be adequate parking within the site.

There are no highway objections to the development provided the access to the east is blocked off.

Design

The applicants have submitted a detailed design appraisal of how the proposed design has been arrived at and how that has been influenced by other design in the area. The designs are simple and reflective of what can be found elsewhere in the Borough. They represent a visual improvements to what is currently on site and there are no objections in terms of design.

Ecology

The application site has been largely developed previously with peripheral areas of grass. The ecological appraisal confirms that there is nothing of ecological value on the site. There are no objections to the development of the site on ecology grounds.

Drainage

The principle of the drainage arrangements to the site are accepted. Further details have been requested which the applicants are currently working on. Subject to these being acceptable there are no objections on drainage grounds.

Impact on Neighbours

The development is for housing which is not a noise generating use of land. There are no houses that are near to the site that could be affected in terms of loss of privacy or amenity.

Green Belt

The main issue that needs to be determined for this application is the impact on the openness of the green belt. This requires a balanced assessment of the current characteristics of the site and how open it is currently and an assessments against the impact the current scheme has. The courts have indicated that there is no one element that defines the impact and the individual characteristics need to be evaluated. That includes how open the area general is in the locality, if the development is larger than the existing development on site 9scale is not the defining factor though and is one of a number of matters that needs to be taken into account) as well as issues such as massing and layout.

The locality is defined by a generally larger buildings set alongside the bypass set in their own grounds. The housing continues for a short distance on the opposite side of the bypass but the application site forms end of the build form on the north side of the bypass.

There is a large building on the site at present. That is a single building but with a bigger massing and presence on site than the buildings proposed. Original Volume (Existing Roaming Roosters Building): 3855 cubic metres. The proposed Volume (12 dwellings): 4920 cubic metres Percentage increase: 21.5 %. The Courts have made it clear that volume is not on its own a determinant of whether the development affects openness more or less than the existing buildings. It is one of a range of factors to be considered.

The proposed scheme has a larger overall cubic volume but is not concentrated in one place and has less of a single massing on site.

The larger massing itself has an impact on the openness of the area. That would be removed and smaller individual masses of building placed on site but over a larger area.

Comments have been made that the overall area including gardens and parking areas extend the spread of development beyond that which exists. If the parking areas and gardens are taken set against the existing use in fact the area would be less. The site currently has parking to the front ,

side and rear which extends beyond the are proposed to be used for the housing, gardens and parking. The hammerhead to the west as proposed would not count towards that as it is a highway.

This is a finely balanced issue with the characteristics of openness being differently impacted bit the single large building having a larger and more dominating presence affecting openness to the more spread out but less individual impactful development of the house.

On balance the development would be the same in terms of the impact on openness form the existing scheme to that proposed.

Other Issues

Comments have been made that there is no renewable energy provision in the scheme. This is not a local or national requirement and is not an issue on which the application can be refused.

Need for the development. Comments have been made that there is no need for the housing. There is no requirement that housing has to be needed for it to be approved. The Local Plan establishes that housing numbers are minimums and not maximums. This is not a material reason to object to the scheme.

At the Area Committee comments were made that the 2019 application (19/0417/FUL) had relevance to this application. The application was approved in 2019. He site closed in 2018. This application was therefore never commenced and has no relevance to this application.

Reason for Decision

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

RECOMMENDATION: Delegate Grant consent subject to the submission of satisfactory drainage information the following conditions and any other conditions necessary

Subject to the following conditions as well as other conditions arising from :

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: 21022_PL(20)001, 21022_PL(20)002, 21022_PL(20)003, 21022_PL(20)004, 21022_PL(90)001, 21022_PL(25)001, 21022_PL(25)002, 21022_PL(25)003, 21022_PL(25)004, 21022_PL(25)005, 21022_PL(26)001, 21022_PL(26)001, 21022_PL(26)002, 21022_PL(90)002-B, 21022_PL(90)003-B, 21022_PL(90)001-A, LO1 C, LO 2,

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

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

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

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

Reason: in order to preserve the openness of the green belt.

- 5 No part of the development shall be commenced unless and until a Construction Code-of-Practice statement has been submitted to and approved in writing by the Local Planning Authority. The code shall include details of the measures envisaged during construction to manage and mitigate the main environmental effects of the relevant phase of the development. This shall include detailed proposals for the protection of badgers that may forage on the site during the construction period

Reason: In order to secure the orderly development to the site and to protect the environment.

- 6 The sole accesses into the site shall be those shown on the approved plans and no other access shall be formed at any time.

Reason: In order to ensure the safety of road users and in the interests of highway safety.

- 7 The proposed development shall not be brought into use unless and until the car park shown on the approved plan has been constructed, surfaced, sealed, drained and marked out in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The parking spaces and turning areas shall thereafter always remain unobstructed and available for parking and turning purposes.

Reason: In order to ensure the safety of road users and in the interests of highway safety.

- 8 No above ground works shall commence unless and until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:
- a. the exact location and species of all existing trees and other planting to be retained;
 - b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
 - c. an outline specification for ground preparation;
 - d. all proposed boundary treatments with supporting elevations 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: In order to ensure the site is properly landscaped in the interest of the visual amenity of the area.

Application Ref: 22/0424/FUL

Proposal: Full: Major: Demolition of existing buildings and erection of 12 dwellinghouses with associated infrastructure.

At Former Roaming Roosters, Fence

On behalf of: Mr Charles McDermott

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0428/ADV

Proposal: Advertisement Consent: 1 No. fascia sign installed to the shopfront of the property (non-illuminated).

At: 16 Fernlea Avenue, Barnoldswick, BB18 5DP

On behalf of: Watson Ramsbottom Limited

Date Registered: 28.06.2022

Expiry Date: 23.08.2022

Case Officer: Yvonne Smallwood

Site Description and Proposal

The application site is a solicitors premises, within the primary shopping frontage of Barnoldswick Town Centre. The site is located within Barnoldswick Conservation Area, directly adjacent to a card and gift shop and estate agent.

This proposal seeks consent for a replacement non-illuminated fascia sign to the front of the building above the main window.

Relevant Planning History

22/0611/FUL Full: Alterations to shopfront to create separate pedestrian entrance - Pending Consideration.

Consultee Response

LCC Highways –
No objection

Colne Town Council

Public Response

Nearest neighbours notified by letter without response.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) 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 (Achieving Quality in Design and Conservation) states that all new development should seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving heritage assets.

Policy SUP4 (Designing Better Public Places) seeks to achieve well designed, high quality public buildings and spaces.

Conservation Area Design and Development Guidance SPD 2008 sets out key aspects of development to ensure the special character of the conservation area are maintained.

Impact on Amenity and Conservation Area

The Conservation Area Design SPD highlights that shopfront advertisements should relate well to the building on which they are displayed. Simple and restrained signs are often more effective in advertising a business.

The existing signage at the application property comprises two forms of text. The main sign is formed of individual cut lettering, mounted on studs to project from the signboard. Additional text is painted onto signboard.

The proposed sign would be formed from 'Alupanel', which is an aluminium composite material. The sign would take the form of a folded tray, with a projection from the timber signboard of approximately 40mm.

Steele & Son has been acquired by Watson Ramsbottom Ltd., the replacement sign would show this change of ownership in their corporate typeface and colour scheme. The sign would have a white background, with a red border. Steele and Son's details would be in black text and Watson Ramsbottom's details would be in red text on the white background. The sign will not be illuminated.

Therefore, the replacement sign would have a neutral impact on the amenity or character of the area.

Highways

No objections.

Reason for Decision

The proposed signage raises no adverse issues in terms of highway safety and impact on amenity. In addition, the proposal does not materially affect the special historic or architectural interest of Barnoldswick Conservation Area. As such there is no reason to refuse consent.

RECOMMENDATION: Approve

Subject to the following conditions:

1. The express consent shall expire 5 years from the date of this notice.

Reason: To accord with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

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

BS.22-089-B-02, BS.22-089-B-03

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.

Proposal: Advertisement Consent: 1 No. fascia sign installed to the shopfront of the property (non-illuminated).

At: 16 Fernlea Avenue, Barnoldswick, BB18 5DP

On behalf of: Watson Ramsbottom Limited

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0430/FUL

Proposal: Full: Erection of a pair of semi-detached dwellings.

At: Dam Head Studio, Blacko Bar Road, Roughlee

On behalf of: Mrs Moira Mortimer

Date Registered: 30/06/2022

Expiry Date: 25/08/2022

Case Officer: Laura Barnes

Site Description and Proposal

The application site relates to land outside the settlement boundary, within the Forest of Bowland Area of Outstanding Natural Beauty (AONB).

The proposal is for the erection of a pair semi-detached dwellings, each to be one bedroom properties, with associated off-street parking.

Relevant Planning History

13/10/0375P: Full: Erect detached building for use as garage and bed & breakfast accommodation.
Approved with conditions

13/14/0209P: Full: Extension and change of use of garage/ancillary B & B accommodation to form a holiday cottage.
Approved with conditions

13/15/0144P: Full: Removal of Condition: Remove Condition 8 of Planning Permission 13/14/0209P to allow property to be used as a dwelling house all year round.
Approved

13/15/0579P: Full: Erection of single storey extension to rear and detached outbuilding to side.
Approved with conditions

16/0765/CND: Approval of Details Reserved by Condition: Discharge Condition 3 (Materials) of Planning Permission 13/15/0579P.
Conditions Discharged

18/0437/HHO: Full: Erection of single storey extension to rear, front domestic porch and detached outbuilding to side (West).
Approved with conditions

18/0648/CND: Approval of Details Reserved by Condition: Discharge of Condition 3 (Materials) of Planning Permission 18/0437/HHO.
Conditions Discharged

19/0006/NMA: Non-Material Amendment: Amend Planning Permission 18/0437/HHO to demolish chimney and erect external metal flue.

Consultee Comments

Environment Agency

In our letter dated 12 September 2022, reference NO/2022/114588/02-L01, we objected to the development as proposed, pending the resubmission of a Flood Risk Assessment (FRA) covering our areas of concern. Principally, our concerns related to the inclusion and consideration of risks associated with the potential for reservoir flooding as indicated on the Environment Agency Flooding from Reservoirs Map.

The planning application is accompanied by a Flood Risk Assessment (FRA) prepared by Flood Risk and Drainage Solutions Ltd. referenced; Report No: 2022-030-B and dated 12/09/2022. The FRA has now been revised to include acknowledgement and consideration of reservoir flooding.

We have reviewed the FRA in so far as it relates to our remit, and we are satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented. The proposed development must proceed in strict accordance with this FRA and the mitigation measures identified as it will form part of any subsequent planning approval. Any proposed changes to the approved FRA and / or the mitigation measures identified will require the submission of a revised FRA.

Roughlee Parish Council

Roughlee Parish Council is aware an amendment rather than a new application was recently submitted for the above proposal, but we believe the change is substantial given that the given that the two proposed houses are now in a totally different location and have a different orientation. In these circumstances the Parish Council does wish to offer further comments. We hope you will be able to accept these comments before finalising your report.

The amended plans are arguably more damaging than the original, given that the houses will be much more intrusive with all domestic paraphernalia (bins and so forth) prominently displayed. It will greatly detract from this very pleasant open area and the setting of a listed farmhouse.

Although the houses have now been moved and heightened to attempt to mitigate for the considerable risk of flooding, this does not satisfactorily resolve these concerns, and these measures themselves increase the prominence and therefore intrusion of the development on the open area of the AONB. We are also very concerned to read specific objections relating to the ownership of the land in addition to serious concerns regarding access to electricity and water.

There is great strength of opposition from all the immediate neighbours. The proposed new buildings to face and overlook existing dwellings resulting in a loss of privacy. The proposals totally destroy a very aesthetic green, open area and amount of over-development of a very pretty, highly prominent garden in the village.

All of the original problems we raised regarding damage to the AONB and impact on the setting of the listed farmhouse are all magnified by this new location and orientation since the development now very directly blocks multiple sightlines on the main village entry. The problems regarding traffic at this busy area around the primary school also remain.

Furthermore, the lack of any evidence of local need or direct need by the applicant to justify this exceptional incursion into an AONB remains a compelling reason for refusal.

On a procedural matters, we would also question whether such substantial changes to the original plans could pass by without further consultation or notification of affected parties.

Lancashire Lead Local Flood Authority

No comment

Environmental Health Officer

Recommended conditions including a Construction Method Statement and Control of Dust.

Lancashire Fire & Rescue Service

The development should accord with Building Regulations.

Lancashire County Council Highways

Having considered the information submitted including the car parking allocation plan (Drawing 28/2 received 12 August), together with site observations on 25 July 2022, the Highway Development Control Section does not have any objections in principle regarding the proposed development at the above location, subject to the following comments being noted, and conditions being applied to any formal planning approval granted.

Proposal

A pair of semi-detached dwellings are proposed to be erected within the garden curtilage of Dam Head Studio – one x one bed and one x two bed.

Site access & visibility splays

The site is accessed via an existing vehicular access from Blacko Bar Road, which serves several other residential properties, including Dam Head Studio. The access is wide enough to allow two vehicles to pass in the entrance and prevent vehicles having to wait on the Blacko Bar Road, where they would block the carriageway.

Drawing 28/2 indicates a splay line set back 4.877m from the carriageway edge of Blacko Bar Road. Visibility splays should normally be set back 2.4m. However, as the plan also indicates that the area between the splay line and boundary wall would be kept clear of vegetation etc this would create an improved visibility splay, which the highway authority accepts. Nevertheless, nothing greater in height than 0.9m above the carriageway level on Blacko Bar Road should be erected, planted or allowed to grow in front of the line marked 'splay line' on Drawing 28/2, received on 12 August to protect visibility at the site access. This would also protect visibility for vehicles exiting from the adjacent track. The visibility splay should be controlled by condition to ensure it is protected for the lifetime of the development.

Car & cycle parking

Given the site's distance from local amenities and facilities, and the consequent reliance on the use of private motor vehicles, maximum parking standards should be applied to this site. One space should be provided for a one bed dwelling and two spaces for a two bed dwelling. Three spaces are shown on the car parking allocation plan (Drawing 28/2), which is an adequate level of off-road parking for the size of dwellings proposed.

The applicant should also provide secure, covered cycle storage in line with the council's Parking Standards, which is storage for one cycle for the one bed dwelling and at least two for the two bed dwelling.

An electric vehicle charging point for each dwelling should also be provided to improve the site's sustainability.

General

Given the site's proximity to Roughlee Primary School and the lack of on-road parking capacity on Blacko Bar Road a Construction Method Statement, including site plan, should be provided demonstrating that the development would not have a detrimental impact on highway safety and capacity.

This should include the timing of deliveries to avoid school drop off and pick up times, that is, deliveries should only be accepted between 9.00am and 2.30pm, and should also take into consideration the timing of bus services past the site.

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

Conditions

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

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Wheel washing facilities
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from site clearance and construction works
- viii) Details of working hours
- ix) Routing of delivery vehicles to/from site
- x) Timing of deliveries to be accepted only between 9.00am and 2.30pm
- xi) Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties.

Reason: In the interest of highway safety.

2. Nothing shall be erected, retained, planted and/or allowed to grow at or above a height of 0.9m above the nearside carriageway level on Blacko Bar Road in front of the line marked 'splay line' on Drawing 28/2 (received 12.8.22) which would obstruct the visibility splay. The visibility splay shall be maintained free from obstruction at all times thereafter for the lifetime of the development.

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

3. Prior to first occupation of each 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.

4. Prior to first occupation each dwelling shall have an electric vehicle charging point. Reason: To ensure that the development provides the infrastructure for sustainable forms of transport.

Public Comments

Nearest neighbours notified by letter, multiple objections have been received, raising the following issues:

- Concern over urbanising the AONB
- The properties would not be suitable for family living
- Dangerous to children trying to get to school safely
- Traffic issues
- Wildlife will suffer
- No evidence of local need or exceptional circumstances
- The settlement pattern should be protected, especially in such a historic area
- Impact upon Dam Head Farmhouse

- No screening has been proposed
- Noise and disruption during the build stage
- No water or electricity supply feed
- The proposed development does not comply with Building Regulations with the requirement for a turning head for a fire fighting vehicle
- Flood risk
- Drainage has not been considered properly
- Visibility on the farm track would become a problem because the proposed development would block this view
- Query ownership
- Views from Public Rights of Way would be altered
- The style of houses proposed would not match the character of the existing area
- Raising the height of the properties to avoid flood risk is short sighted
- The proposed parking spaces would result in other users of the shared driveway having to encroach into another person's land
- The track which has been put forward as an escape route is not within the ownership of the applicant and access will not be granted
- Domestic paraphernalia would be visible from the road
- Gateway entrance to the village will be destroyed
- The buildings are to be positioned in the front garden, this is not appropriate
- Negative effect upon tourism

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

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

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) seeks to protect, conserve and enhance our natural and historic environments.

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

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

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

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

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

Replacement Pendle Local Plan

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

National Planning Policy Framework

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

Principle of Development

The proposed development is located outside the settlement boundary, within Open Countryside and within the AONB. However, the application site is located immediately adjacent to the settlement boundary. Therefore, Policy LIV1 is relevant in this case which states that housing will be supported where it accords with other policies in the Core Strategy and are located on sustainable sites outside the settlement boundary. This is to further encourage significant and early delivery of the housing requirement.

Design & Heritage

The proposed development comprises two dwellings which are arranged in a semi-detached layout. They are to be sited to the front of the existing single storey dwelling, known as Dam Head Studio. Although they are positioned in front of a Grade II Listed Building, there is a modern structure (Dam Head Studio) between the proposed development and the Listed Building. Whilst some members of the public have put forward comments stating that the application site forms part of the setting of the Listed Building, arguably this setting has already been significantly altered with the introduction of Dam Head Studio. Clearly, the application site currently forms the garden of Dam Head Studio and has been domesticated as a result. As such, the proposed development would have a neutral impact upon the Heritage Asset.

In terms of its impact upon the wider visual amenity, again this land is already domesticated by virtue of being a garden associated with Dam Head Studio. As such, it does not have the same scenic landscape value that an open field within the AONB would have.

In terms of design, the proposed dwellings are to have a traditional cottage appearance with relatively small openings. The application is accompanied by a report which details the proposed materials including walls to be coursed stone rubble with quoins to the corners. Whilst the roof is to be natural grey slate. The window frames are to be either timber or conservation style UPVC. The materials could be carefully controlled by planning condition.

Residential Amenity

The Design Principles SPD sets out that proposed dwellings should be sited so that any habitable room windows are at least 21m from neighbouring habitable room windows. The proposed site plan indicates that the dwellings would be positioned such that no windows would be directly

facing Dam Head Barn. However, due to the positioning of Dam Head Studio the proposed dwellings would be within 21m of the proposed development. As such, the properties have been designed to have a minimal number of openings to the north elevation, with just one small first floor window facing towards Dam Head Studio. This window could be the subject of an obscure glazing condition in order to prevent any loss of privacy. Although two storey in height, the proposed dwellings would measure 6.7m and 5.4m respectively. As such, they would not result in an overbearing impact upon Dam Head Studio.

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

Highways

The proposed development is to have three off-street car parking spaces which accords with Policy 31 of the Replacement Pendle Local Plan. Conditions could be applied to ensure that the land within the visibility splays is kept clear of obstruction. The proposal accords with policy in this regard.

Flood Risk & Drainage

The application site is within Flood Zones 2 & 3. Following an initial objection from the Environment Agency, the applicant has prepared a Flood Risk Assessment and amended plans which re-orientate the position of the dwellings. Following the submission of amended plans and a Flood Risk Assessment, the Environment Agency objection has been lifted. Overall, the proposed development accords with Flood Risk policy and is acceptable in this regard.

Other Matters

Some objectors have raised land ownership and the access track as an issue, as well as the emergency access. The Local Planning Authority has reviewed a Land Registry Title Document associated with this piece of land and is satisfied that the correct ownership certificates have been completed. Other land ownership queries are a private matter which must be resolved between the applicant and other adjacent landowners. It does not form part of the planning application process.

In terms of ecological value, the proposed development site is currently a domestic garden. Therefore, there would be no real change to the ecology of the site, with the land surrounding the proposed houses remaining as garden land, should 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 development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

Recommendation: Approval

Subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
- Location Plan DB 28/4
 - Proposed Elevation Plans DB 28/2, received on 01/11/2022
 - Proposed Floor Plans DB 28/1
 - Proposed Site Plan DB28/2

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

3. Samples of materials including descriptions, name of source/quarry shall be submitted to the Local Planning Authority for written approval prior to commencement of work on the site. 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.

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

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Wheel washing facilities
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from site clearance and construction works
- viii) Details of working hours
- ix) Routing of delivery vehicles to/from site
- x) Timing of deliveries to be accepted only between 9.00am and 2.30pm
- xi) Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties.

Reason: In the interest of highway safety.

5. Nothing shall be erected, retained, planted and/or allowed to grow at or above a height of 0.9m above the nearside carriageway level on Blacko Bar Road in front of the line marked 'splay line' on Drawing 28/2 (received 12.8.22) which would obstruct the visibility splay. The visibility splay shall be maintained free from obstruction at all times thereafter for the lifetime of the development.

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

6. Prior to first occupation of each 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.

7. Prior to first occupation each dwelling shall have an electric vehicle charging point.

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

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

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

Application Ref: 22/0430/FUL

Proposal: Full: Erection of a pair of semi-detached dwellings.

At: Dam Head Studio, Blacko Bar Road, Roughlee

On behalf of: Mrs Moira Mortimer

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 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.

2. 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 FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0580/FUL

Proposal: Full: Erection of a two storey rear extension with attic conversion, dormer extension to the front and side dormers to the rear within the roof space of the new proposed extension and alterations to vehicular access changes

At: 213 Hibson Road, Nelson

On behalf of: Mr Azhar Rahman

Date Registered: 26/08/2022

Expiry Date: 21/10/2022

Case Officer: Laura Barnes

Site Description and Proposal

The application site relates to a single storey detached dwelling. It is located within the settlement boundary.

The application seeks to erect a two storey rear extension, utilising space within the roof as habitable accommodation. The extension includes the insertion of dormers to the front and rear as well as the sides. Alterations to the vehicular access include a turntable in the front garden so that vehicles can enter and exit the site in a forward gear.

Relevant Planning History

None relevant

Consultee Response

LCC Highways

The submitted documents and plans have been reviewed and the following comments are made.

The application seeks to increase the number of bedrooms from 2 to 5 bedrooms. There is an existing garage and single vehicle driveway at the dwelling accessed from the side road along the northern boundary of the dwelling. This is being retained.

The existing front garden is proposed to be converted to a driveway for two vehicles with a new vehicle access on Hibson Road and a turntable which will allow vehicles to enter and exit onto Hibson Road in forward gear. This is considered necessary in this location.

Further information is requested to be shown on a drawing as follows:-

1. The proposed ground levels between Hibson Road the front elevation of the dwelling, including the new driveway and the raised path in front of the dwelling and the adopted footway on Hibson Road.
2. The proposed paving material of the driveway and surface water drainage catchment, if the paving is not porous.
3. The boundary treatment along Hibson Road.

4. The specification for the turntable, including diameter of turntable and rotational clearance for the vehicle to demonstrate that there is sufficient space within the area.

We would request that the additional information is submitted prior to any decision for our further consideration of the proposal.

The Coal Authority

The submission to which this consultation relates falls on our exemptions list, you are therefore advised to consult the Coal Authority guidance (provided to all LPAs on 18/12/2020) on this issue and to include the necessary notes/advice on any consent granted.

Public Response

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

- The original footprint will more than double in size
- Blocking of light to the rear of neighbouring dwellings
- Issues with access to garages on lane to rear
- 3.5 ton limit on the lane to the rear, which would not be able to cope with construction traffic
- Highway safety dancer relating to new access layout
- Issues with vehicles parking on double yellow lines
- Danger to school children when using the stretch of road immediately next to the proposed application site

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 principle of development is acceptable, subject to appropriate design and amenity issues.

Design

The proposed development seeks to increase the size of the dwelling from a two bedroom bungalow to a five bedroom two storey property. When viewed from Hibson Road or the lane which runs between the row of cottages on Hibson Road and the application site, the proposed extension would look completely out of character with the area. At present, there is a traditional row of weaver's cottages directly adjacent to the application site and a series of detached bungalows to the other side of the application site. The scale and massing of the proposed

extension would be totally incongruous with the neighbouring properties and this would result in an unacceptable impact upon the character and visual amenity of the area. Further, the ridge line of the proposed extension to the rear is the same height as the existing ridge height of the building. This is not in conformity with the Design Principles SPD. Overall, the proposed development represents poor design and is contrary to paragraph 134 of the Framework as well as Policy ENV2 of the Local Plan: Part 1 Core Strategy and the Design Principles SPD.

Amenity

Although there is an existing boundary fence between the application site and No. 215, the proposed extension to the rear would result in a breach of the 45 degree angle with the rear windows of the neighbouring property (No. 215). There is also a conservatory with windows which face towards the application site. Although there is a change in levels with No. 215 taking a higher ground level (by approximately 2m), the proposed extension is to project out significantly (12.2m) from the existing rear wall of the dwelling. As such, this would result in an unacceptable overbearing effect upon the neighbouring dwelling. This is contrary to Policy ENV2 of the Local Plan: Part 1 Core Strategy and the Design Principles SPD.

There are side facing dormer windows to both sides of the proposed extension. Two of the three sets of windows would be obscure glazed but the rest are to be plain glazed. This would create an unacceptable neighbouring amenity issue to neighbouring properties to either side of the application site. However, this could be resolved by an obscure glazing condition because there are two sources of light to bedroom 5.

Overall, the proposed development conflicts with paragraph 130 of the Framework and Policy ENV2 of the Local Plan: Part 1 Core Strategy.

Highways

The proposed development is to create a vehicular access off Hibson Road. The Highways Authority have not objected in this regard. There are two car parking spaces proposed, in addition to the parking space in the existing garage. As such, the proposed development is to be served by an appropriate level of car parking. Although an issue has been raised relating to the lane to the side of the property by a neighbouring resident, the Highways Authority have not objected in this regard. Similarly, although issues have been raised in relation to an existing lack of pavement along Hibson Road this is an existing issue which a proposed development is not expected to mitigate. There are no unacceptable highway safety dangers associated with the proposed development.

Reason for Decision

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

For the following reasons:

1. By virtue of the scale and massing of the proposed development, it would result in a disproportionate extension which would result in harm to the character of the wider visual amenity. This is contrary to paragraph 134 of the Framework, Policy ENV2 of the Local Plan: Part 1 Core Strategy and the Design Principles SPD.

2. The scale of the projection out from the existing rear wall of the dwelling would result in an unacceptable overbearing impact upon the neighbouring dwelling at No. 215 Hibson Road. This is contrary to paragraph 130 of the Framework, Policy ENV2 of the Local Plan: Part 1 Core Strategy and the Design Principles SPD.

Application Ref: 22/0580/FUL

Proposal: Full: Erection of a two storey rear extension with attic conversion, dormer extension to the front and side dormers to the rear within the roof space of the new proposed extension and alterations to vehicular access changes

At: 213 Hibson Road, Nelson

On behalf of: Mr Azhar Rahman

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0590/HHO

Proposal: FULL: Erection of single storey extension to the rear with flat roof and roof lantern.

At: 5 Wharfedale Avenue, Reedley.

On behalf of: Mrs. S. Hussain.

Date Registered: 30/08/2022

Expiry Date: 25/10/2022

Case Officer: Joanne Naylor

Site Description and Proposal

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

The proposal is for the erection of a single storey extension. The proposed extension would have natural stone walls with glazing above and would have a flat roof with a roof lantern.

Relevant Planning History

No planning history.

Consultee Response

LCC Highways

The submitted documents and plans have been reviewed and the following comments are made.

There is no objection to the proposal.

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

Public Response

Nearest neighbours notified, no response received.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

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

Replacement Pendle Local Plan

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

National Planning Policy Framework

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

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

Design

The Design Principles SPD advises that single storey rear extensions should be constructed in materials and style to match the existing dwellinghouse. The existing house has walls of stone, brick and pebble dash painted white with a pitched roof of slate tiles and grey uPVC windows and doors to the front elevation and white uPVC windows and doors to the rear. The proposal would have block and render finish which would be acceptable. The proposed roof would be a flat roof of GRP or EPDM covering. The Design Principles SPD advises that flat roof extensions are not normally appropriate as they are poor design. The proposal would be to the rear of the property and would not be visible from the highway, therefore a flat roof would be acceptable here.

The design and materials of this development are acceptable in this location and as such comply with Policy ENV2 and the Design Principles SPD.

Residential Amenity

The Design Principles SPD advises single storey rear extensions located on, or immediately adjacent to, the party boundary with a neighbouring property will normally be acceptable if it does not project more than 4m from the rear elevation of the existing dwellinghouse. The proposal would project 6m from the existing rear elevation which would be located immediately adjacent to the neighbouring property and have a height of 3m. Where a single storey rear extension is of a greater depth, then it is acceptable where it would not breach the 45 degree guideline. The adjoining neighbour has a rear habitable room window at ground floor. The 45 degree rule is clearly breached and the proposal would cause overshadowing and overbearing impacts to the neighbour at No. 7 Wharfedale Avenue and would have an unacceptable detrimental impact to the neighbour's residential amenity.

The Design Principles states that windows should normally be restricted to rear elevations to avoid overlooking of neighbours gardens and dwellings. The proposal would have windows to the side elevation facing the adjoining neighbour measuring circa 3.5m wide x circa 1.5m high, there is a fence circa 1.8m high but this would not mitigate the overlooking issue, a suitable condition could be used specifying obscure glazing so as to protect the neighbours privacy. To the rear elevation of the proposal there would be patio doors and windows, these would face onto the applicant site and look towards a rear outbuilding within the applicant's garden and would be acceptable.

To the side elevation the proposed extension would project beyond the existing extension by 2.5m, there would be windows on the side elevation facing towards No. 3 Wharfedale Avenue. The application site has a wooden boundary treatment circa 1.8m high, the distance from the side elevation of the proposal to the side elevation of No. 3 Wharfedale Avenue is circa 12m, No. 3 has an obscured glazed window to ground floor which faces their own garage, and two windows to first floor for the landing and toilet, there are no unacceptable residential amenity issues for No. 3.

The rear gardens of No. 6 and No. 8 Swaledale Avenue meet the garden of the application site, there is a wooden boundary treatment 1.8m high which would reduce the visual impact and trees and shrubs which would screen the proposal. There would be very little amenity issues to these properties.

The proposal would have a roof lantern on the flat roof, the view from within the proposed extension would be that of the ceiling of the neighbouring bedroom window, the neighbour could see into the roof lantern but the view would be limited. There would be no unacceptable amenity impact on the adjoining neighbour regarding the roof lantern.

The proposed extension would result an unacceptable overbearing impact on the neighbouring occupier's residential amenity at No.7 Wharfedale Avenue. Therefore, the proposed extension would be contrary to Policy ENV2 and the Design Principles SPD.

RECOMMENDATION: Refuse

1. The development would have a detrimental impact on the living environment of the occupants of No. 7 Wharfedale Avenue and their ability to enjoy their home. The development would have an unacceptable detrimental impact to the neighbour's residential amenity. Therefore it would be contrary to Policy ENV2 of the adopted Pendle Local Plan – Core Strategy and the Design Principles Supplementary Planning Document.

Application Ref: 22/0590/HHO

Proposal: FULL: Erection of single storey extension to the rear with flat roof and roof lantern.

At: 5 Wharfedale Avenue, Reedley.

On behalf of: Mrs. S. Hussain.

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0591/HHO

Proposal: Full: Erection of two storey side extension and single storey extension to rear with roof lantern.

At 181 Regent Street, Nelson.

On behalf of: Mr Z. Ali

Date Registered: 30/08/2022

Expiry Date: 25/10/2022

Case Officer: Joanne Naylor

Site Description and Proposal

The application site is a two storey semi-detached dwellinghouse, located on a corner plot formed by Regent Street and Swinden Hall Road. The property is located within the defined settlement boundary of Nelson and is sited amongst dwellings of a similar scale and design. The application site has a small garden to the front and a small garden to the rear and parking is on the street.

The proposal is for the erection of a two storey side extension with ground floor bathroom and hallway and first floor bedroom and bathroom, the single storey rear extension would be a dining/kitchen with a flat roof and roof lantern.

Relevant Planning History

APP/E2340/D/21/3289981: Full: Erection of a two storey side and rear extension. Appeal dismissed (16 March 2022).

21/0608/HHO: Full: Erection of a two storey side and rear extension. Refused (17 December 2021).

20/0753/HHO: Full: Erection of side and rear two storey extensions. Refused (8 July 2021).

Consultee Response

LCC Highways

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

The comments remain the same as previous application 13.21.0608.

The Highway Development Support Section does not have any objections regarding the proposed development at the above location, subject to the following comments being noted.

The proposal would see the number of bedrooms increase from two to three. Therefore, there is no change to the current parking requirements. There is currently no off-road parking provided and there would be no room within the curtilage to provide any following the construction of the above extensions. However, there is a bus stop immediately outside No 181, which should lessen the impact of this lack of off-road parking.

There are also No Waiting At Any Time restrictions outside No 181 on both Regent Street and round the junction with Swinden Hall Road. These restrictions, plus pedestrians accessing the bus stop on Regent Street, need to be taken into consideration during construction works to ensure that access to other properties and the public transport network is not obstructed.

Parish/Town Council – No comment.

Public Response

Letters were sent to nearby properties, no responses received.

Relevant Planning Policy

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

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

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

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

National Planning Policy Framework

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

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

Officer Comments

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

Design and Materials

The Design Principles advise that materials should match the existing and that the roof should match the existing dwelling house. The existing dwellinghouse has a red brick plinth and white painted render, the proposed development would have walls of block and render, and would have a slate pitch roof to the proposed two storey extension which would be acceptable. The rear single storey extension would have a flat roof with a roof lantern, the Design Principles advises that flat roofs are poor design, the single storey extension would be visible from Swinden Hall Road, it would be prominent in the streetscene and would be viewed as poor design.

The application site is within a corner plot on the junction formed by Swinden Hall Road and Regent Street. The Design Principles advises that particular attention needs to be paid to the design of extensions on corner plots.

Corner plots are particularly prominent in the street scene and extensions can encroach over the building line on each highway frontage. For two storey extensions the building lines on both street frontages must be respected and where there is no clear building line then for two storey extensions they should be set in by a minimum 3m from the boundary. In addition, the Design Principles SPD advises that extensions should be set back 1m from the front elevation.

On Regent Street, there is a clear building line, the proposed two storey extension would be set back from the front elevation by circa 1.23m. On Swinden Hall Road there is no clear building line, the proposed extension would be up to the boundary of the site, therefore the proposed extension would not be set in by 3m from the boundary, there is a distance of 3.7m from the boundary to the highway, this would adversely impact on the character of the area and the streetscene.

The two storey side extension would be 2.48m wide, the existing dwelling is 4.7m wide, the proposed extension would be slightly larger than half the width of the existing dwellinghouse, however it is marginally larger and would be acceptable. The proposed two storey extension would have a lower ridgeline than the existing ridgeline, overall the two storey side extension would appear as subordinate to the existing dwelling.

The proposed side elevation of the two storey and single storey extensions combined would appear as a circa 9.7m long x 4.4m high wall reducing to 2.7m high where the single storey extension abuts the two storey extension. The side elevation would have one door and one window either side, overall it would present as a relatively blank side elevation and it would appear as a dominant frontage on Swinden Hall Road, creating an incongruous extension which would be detrimental to the character of the streetscene.

The proposed single storey rear extension would project 4m from the existing rear elevation, be set in by circa 0.9m from the adjoining party boundary with No. 179 Regent Street and the design includes an angled corner at 45 degrees. The adjoining neighbour has a rear habitable room window to the ground floor. When a 45 degree line is drawn from the mid-point of the ground floor window at No. 179 the line would be very close to the 45 degree line but it would not be breached. The width of the proposed single storey extension would be greater than half the width of the existing house, and would extend up to the boundary adjacent to Swinden Hall Road with the flat roof being clearly visible to the highway, the application site is within a prominent location being at the corner of Swinden Hall Road and Regent Street, this would cause a negative impact on the

appearance of the streetscene. The scale and massing of the proposal would appear as dominant and disproportionate in an area of predominately semi-detached and bungalow properties.

Paragraph 134 of the NPPF states that permission should be refused for developments of poor design where it fails to take the opportunity to improve the character and quality of the area, taking into account any local design guides or supplementary documents. The proposed extensions would encroach over the building line resulting in it being of poor design, it does not comply with the adopted Design Principles SPD and would result in a development which is detrimental to the character of the area. The proposed extension would appear as a dominant frontage on Swinden Hall Road creating an incongruous extension which would be detrimental to the character of the streetscene. Therefore, it will be refused on the grounds of poor design.

The proposed extension would create a dominant frontage on Swinden Hall Road and would be detrimental to the character of the area and result in poor design. The proposal would be contrary to Policies ENV2, the Design Principles SPD and Paragraph 134 of the National Planning Policy Framework.

Residential Amenity

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

The proposed two storey extension would not be forward of the front elevation, however it would adjoin the proposed single storey extension which would project 4m from the original rear elevation, overall the proposal would be circa 9.7m long. The single storey extension would not result in a breach of the 45 degree guideline due to it being set in from the adjoining party boundary, being 4m in depth and the angled corner mitigating against overshadowing and overbearing to the neighbour at No. 179 Regent Street. The proposed two storey extension would project 1.3m from the existing rear elevation and would be visible at the second storey, it would not cause overshadowing or residential amenity issues to No. 179 Regent Street.

At the front elevation the proposal would have one window serving a bedroom facing the bungalows opposite with a highway between them, the distance between would be circa 23m which is sufficient distance to avoid any residential amenity issues.

The proposed two storey extension would have two rear windows at first floor serving the bathroom which would face the bungalow on Swinden Hall Road, a suitable condition stipulating that obscure glazing is used would mitigate any residential amenity issues.

To the rear of the application site there are bungalows on Swinden Hall Road which have habitable room windows facing No. 181 Regent Street, there is a distance of 9m and 11.6m from the bungalow to the proposed dining-kitchen windows. The Design Principles advise that a distance of 21m between habitable room windows in properties that are directly facing each other should be maintained. The proposal breaches the 21m distance and could cause unacceptable residential amenity issues, however there is an existing fence between the application site and the bungalow

on Swinden Hall Road, a suitable condition could be placed to ensure that the boundary treatment would mitigate against any overlooking or privacy issues.

A new window is proposed to the existing rear elevation at the ground floor, the distance between the application site and the opposite neighbour would be circa 13m which is 8m less than required for habitable room windows facing each other. A suitable condition could be placed for a boundary treatment to mitigate any overlooking or privacy issues.

The proposed single storey extension would have a flat roof with a roof lantern, the adjoining neighbour has a habitable room window to the first floor, the centre of the roof light would be circa 2m from the existing rear elevation and a distance of circa 5m from the neighbour's bedroom window. The view of the neighbour's window would be limited and would have no unacceptable impact on residential amenity.

To the side elevation, the proposal would remove the two existing first floor windows, the proposal would have a door and two new window openings to serve the bathroom and the hallway and would be non-habitable rooms in the Design Principles SPD. The proposal would face onto the gable end of the property opposite which has two windows to the first floor serving the landing and bathroom and a door to the ground floor with a highway between. The distance across the highway would be circa 16m, the windows to both properties are non-habitable room windows, there would be no residential amenity issues here.

Subject to suitable conditions, the proposal would be acceptable in residential amenity terms and would conform to Policy ENV2 and the Design Principles SPD.

Highway Issues

The application site has no off-road parking available within the curtilage, however there is a bus stop outside No. 181 which could alleviate the impact of the lack of off-road parking. The proposed development would increase the number of bedrooms from two to three, however, there would be no requirement to change the current parking requirements. LCC have no objection regarding the proposed development, if the development is approved then the "No Waiting At Any Time" restrictions and the pedestrians use of the bus stop on Regent Street should not be hindered by the construction of the development and ensure that access for other properties and to the public transport network are not obstructed.

RECOMMENDATION: Refuse

1. The proposed extension, by virtue of its scale and massing would result in a disproportionate and dominant addition to a corner plot property and an incongruous feature in the street scene. The development would therefore be poor design and fail to accord with Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy, the adopted Design Principles Supplementary Planning Document and Paragraph 134 of the National Planning Policy Framework.

Application Ref:	22/0591/HHO
Proposal:	Full: Erection of two storey side extension and single storey extension to rear with roof lantern.
At	181 Regent Street, Nelson.
On behalf of:	Mr Z. Ali

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/00598/HHO

Proposal: Full: Demolition of existing single storey outriggers and erection of single storey extension to south elevation (resubmission).

At: Cross Lane Farm, Cross Lane, Barley

On behalf of: Sarah Spencer

Date Registered: 01/09/2022

Expiry Date: 27/10/2022

Case Officer: Laura Barnes

Site Description and Proposal

The application site is a two storey detached dwelling, which has two single storey extensions to either side and a porch to the front entrance, sited within the Open Countryside and Forest of Bowland Area of Outstanding Natural Beauty (AONB). Public Rights of Way provide vantage points of this site to the north. 13-8-FP-40 runs along the western boundary of the site, in a north-west direction. Public Bridleway 13-8-BW-41 runs along the valley floor adjacent to the route of the Ogden Clough and there are other Public Rights of Way further north stretching up towards Pendle Hill, from which the site is highly visible.

The proposal is for the demolition of the existing single storey extensions and erection of a single storey extension to the front of the dwelling. The length of the proposed extension is to be 21.5 m and the width is to be 11.8m. The residential accommodation would comprise a four bed dwelling, increasing from an existing three bed roomed one. The accommodation would comprise two bedrooms, both with unsuited facilities to the first floor. To the ground floor it would comprise a further two bedrooms (both with unsuited facilities), a dressing room, office, utility room and kitchen / family room.

Relevant Planning History

22/0012/HHO: Full: Demolition of existing single storey outriggers and erection of single storey extension to south
Refused

Consultee Comments

LCC Highways

There is no objection to the proposal.

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

Barley Parish Council

Location

Cross Lane Farm is located on the hillside road above Barley, off Cross Lane.

It is just over 400m outside of the Barley settlement boundary by road and it is in the open countryside.

It has a prominent position overlooking Barley Green, Barley and Pendle Hill.

As such it is a well-known landmark and it is highly visible from Cross Lane and Footpaths 39, 40, 41, 53, 67 and from those on the slopes of Pendle Hill.

It is located within the Forest of Bowland AONB.

Application August 2022

To demolish outbuildings, including a garage, to the two-storey farmhouse and to extend the farmhouse.

To construct another building to the south (uphill side) of the existing farm house which is offset to the west so that there are clear views across to Pendle Hill through the large glass windows included in the application. The two buildings will be linked by a hallway.

The white paint render from the farmhouse will be removed and the whole of the new structure will be faced with "stone" and glass.

There is provision for three parking spaces, with turning area, but no garage.

Changes from First Application (January 2022) which was Refused by PBC

The proposed single storey building will still be recessed in to the hillside, the design statement (6.2) suggests it will be further set in to the hillside to reduce appearance but the dimensions on the drawings do not evidence this.

The link between the two buildings will no longer be a glass atrium but will be of stone and glass with a slate pitched roof so reducing the obvious separation.

The extension to the west elevation of the existing property has been recessed against the north facing elevation and is therefore slightly smaller.

The new building has increased in area size to 21.5m x 7.8m compared to 21.8m x 6.7m.

The glass area in the north face of the has not changed - 3 sets triple folding doors.

Impact on the Character of the Area The site is located within the Area of Outstanding Natural Beauty. National Guidance (NPPF) states that the Local Planning Authority should conserve and enhance Areas of Outstanding Natural Beauty and the Historic Environment. It confirms that great weight should be given to conserving landscape and scenic beauty, and that AONBs have the highest status of protection in relation to these matters. The NPPF also identifies good design as being 'fundamental to what planning and Development should achieve...and helps to make development acceptable to communities.'

Against this background Parish Councillors made the following observations:

Layout & Size

The architects describe the proposal as an extension and this is a fair description in relation to extending the existing farm house. However, our view is that the building to the south is a new building in the open countryside simply linked by a "hall". PBC policy states new dwellings in the open countryside should only be permitted in special circumstances, none of which are apparent in this case.

In terms of size, this is a doubling in size from the existing building and an almost doubling in length of the north facing elevation which is so prominent from most aspects of the valley. Such a large structure will draw attention to it and be an intrusion in the open countryside and will not be harmonious with the local landscape.

The scale of this proposed building will in fact reduce the area of open countryside which government policy seeks to protect.

The Site

The Council consider part of the application includes a new building outside the settlement boundary and within the open countryside. Permission for such buildings requires an exceptional high standard of design and blending in to the landscape, this is not evident in this application.

Design

The Council considers the design to look modern and has far too much large glass which will make it stand out on the landscape. The new building will have large glass face (circa 80%) on the north elevation. This elevation is clearly visible from the public footpaths referred to above. It will have an unsympathetic appearance to the rural character and will tend to draw the eye from the wider landscape. Sunlight reflection, the high visibility of contents and movement will be a distraction and the night time lighting will be a visual intrusion in the AONB.

It would not achieve the quality of design and conservation set out in Policy EVN 2 as it would detract from the natural scenic beauty of the AONB by way of its location, size and appearance.

The Borough Council has previously rejected applications within the Barley area where glass has dominated the visible frontage of a property eg Ing Head Farm 16/0797/FUL.

Whilst there are a handful of buildings within the local area that are incongruous with the rest, the vast majority are traditional stone built rural dwellings with small glassed areas on visible elevations from footpaths and roads. This modern glass fronted "extension" would not conserve or enhance the natural or built environment.

The absence of a garage raises concerns regarding storage space for vehicles and equipment around the property and how this might affect the appearance from the road.

There are some positives to the application including the low profile of the new building and the proposed use of natural stone providing the stone is random (not coursed as shown) and the new is a match for the existing when exposed.

However, the application fails in relation to its large scale relevant to the existing building and other local buildings and the large amount of glass used, both of which will make the property highly visible within its surroundings In consideration of the above, Barley Parish Council objects to this planning application.

Public Response

Letters were sent to the nearest neighbours to notify them of the application, multiple comments have been received, in both support and objection to the scheme.

Those in objection have raised the following issues:

- Modern and large extension are not in keeping with this traditional cottage
- The extension appears to be a separate building
- The property can be seen from many public rights of way in the surrounding area
- The amount of glazing is not appropriate
- The re-submission does not provide any material change to the original in terms of impact upon AONB
- The proposal would double the ground floor area and the frontage of the property
- Without the link hallway this would be a completely separate extension
- A 100% increase is inappropriate here

Whilst those supporting the application have made the following points:

- The existing house is totally unsuitable for a family

- Modern design would have no effect on any views to the area and will complement the visual outlook of Barley
- There have been similar extensions in the area which have been submitted and passed
- Young families should be allowed to grow in rural locations
- Some of the comments from the Parish Council are contradictory
- A stone building would blend in better with the hillside than a white painted one
- This is a sustainable place for the family to live
- The proposal is similar to many shippons found in the local area
- The proposed extension represents a 60% increase in footprint, not 100%
- Parish Council need to consider their role carefully

In addition, the applicant has prepared a statement which rebuts the comments of the Parish Council.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

Policy SPD2 (Spatial Development Principles) sets out the hierarchy of settlements for which growth would be directed towards, in order of preference. Barley is classed as a “Rural Village” in this hierarchy.

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) seeks to protect, enhance and conserve natural and historic environments.

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

Replacement Pendle Local Plan

Saved Policy 1 restricts the type of development which is acceptable within the Open Countryside and AONB, although this policy is out of date and is not consistent with the Framework it has not entirely been replaced by the Site Allocations Part 2: Local Plan

Saved Policy 2 specifically refers to development within the AONB, setting out that the natural beauty of this area should be protected.

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

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

The Open Countryside SPG sets out guidance for development within Open Countryside and Areas of Outstanding Natural Beauty. The application site is located within the Moorland Fringe.

National Planning Policy Framework

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

The Framework sets out a high standard for proposed development within the AONB. Footnote 7 deals with designated areas, including AONB amongst other things, with reference to the overall presumption in favour of sustainable development contained at paragraph 11 of the Framework.

Paragraph 134 of the Framework sets out that development which is not well designed should be refused.

Design

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

In this particular location the front extension is not a porch, it is a single storey extension which one may ordinarily find to the rear of a building. It appears as a new building positioned in front of the existing dwelling. Although the proposed link section has been changed from a glazed link to a solid form, this does not alter the fact that the proposed extension site in front of the existing dwelling.

Given the nature of the land levels and the drop from south to north within the application site boundary, the rear elevation is particularly visible and the design of this is of particular importance in the overall scheme. As set out above the dwelling is particularly prominent in views from Public Rights of Way to the north. The rear of the dwelling has been designed with a large expanse of glazing, including three sets of triple folding / sliding doors. This large expanse of glazing is not traditional and would draw attention to the elevation as being out of character with the surrounding character. No attempt has been made to alter this from the original proposal.

The building is to be constructed of stone with a slate roof, these are traditional materials and appropriate in this location. However, the bulk of the building and the fact that the extension is effectively a new building positioned to the south, make for an unsympathetic design which is modern and wholly uncharacteristic of the surroundings in terms of visual amenity. This point can be clearly seen from the Proposed Site Plan. Moreover, when viewed from the south the proposed development would look like two dwellings one positioned behind the other, which would significantly alter the appearance of the overall site and cause harm to the wider visual amenity. This represents poor design, contrary to paragraph 134 of the Framework.

Landscape

The proposed development is located within the Moorland Fringe as defined in the Open Countryside SPG. This recommends that proposed development is of local stone in natural colours and with dark grey / blue stone coloured material to the rooves. The reason for this is to assist in assimilating the building into its position within the surrounding landscape character. Although it is acknowledged that there is some use of traditional materials, the way the overall design has been put together with a modern dwelling effectively positioned in front of the existing original dwelling

makes for an adverse impact upon the surrounding character and appearance of the wider visual amenity and AONB.

There are Public Rights of Way to the North of the application site, the visual impact of the extension to the building would be significantly different, particularly given that one of the rights of way almost forms the western boundary of the garden, as it drops down the slope to the valley floor to meet the Ogden Clough. Users of the public right of way would be met with a modern, bulky, unsympathetic dwelling which is not characteristic of the original modest two storey dwelling nestled into the hillside.

The proposals are contrary to Policies ENV1 and ENV2 of the Local Plan: Part 1 Core Strategy.

Residential Amenity

The Design Principles SPD seeks to ensure that householder developments do not as a result of their design, scale, massing and orientation have an unduly adverse impact on amenity. The proposed extension is not within a 21m distance of any neighbouring dwelling, as such it would not result in an unacceptable impact in terms of a loss of privacy or overbearing effect.

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

Highways

The proposed development would increase the size of the dwelling by one bedroom. This requires three car parking spaces to be provided off-street. The Site Plan indicates sufficient amount of car parking. There is no objection in this regard.

Trees

There are trees within the application which have been the subject of an arboricultural impact assessment. One of the sycamore trees is unsuitable for retention due to its extensive loss of bark, it is indicated as Category U within the report. A tree protection fencing plan is in place within the arboricultural report which details the protection measures which will be put in place during the construction period to protect trees and their roots from damage.

Recommendation: Refuse

For the following reasons:

The proposed development would result in a modern bulky extension to the front elevation of the existing traditional two storey dwelling which does not result in a development which would be sympathetic to the character and appearance of the wider visual amenity within the AONB. It takes a prominent position within the surrounding context and views of the proposed development can be seen from key public rights of way. By virtue of the positioning of the extension to the front elevation, resulting in a new building being positioned in front of the existing original dwelling, combined with the scale, massing and choice of glazed fenestration to the rear, the proposed development would be uncharacteristically modern in its design and would not relate well to the position in which it is located, contrary to paragraph 134 of the Framework. The proposed development would result in a development which is out of character with the area, contrary to Policies ENV1 and ENV2 of the Local Plan Part 1: Core Strategy, the Design Principles SPD and the Open Countryside SPG.

Application Ref: 22/00598/HHO

Proposal: Full: Demolition of existing single storey outriggers and erection of single storey extension to south elevation (resubmission).

At: Cross Lane Farm, Cross Lane, Barley

On behalf of: Sarah Spencer

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 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 to 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.

The fencing would be light green mesh which would be a discreet design approximate for the area.

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. The materials shall at all time be as detailed on the submitted plans.

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 FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0673/CND

Proposal: Approval of Details Reserved by Condition: Discharge of Conditions 11 (Retaining structure details) and 13 (Landscaping) of Planning Permission 13/15/0178P.

At: Land To The West Of, Knotts Drive, Colne

On behalf of: Persimmon Homes

Date Registered: 06/10/2022

Expiry Date: 01/12/2022

Case Officer: Alex Cameron

Site Description and Proposal

The application site is the site of a planning permission for a residential development of 182 dwellings.

This application is for approval of details required to be submitted and approved in writing by conditions 11 (retaining structures) and 13 (landscaping):

Condition 11 - Prior to commencement of development full details of the retaining structures to be provided on the site shall be submitted to and agreed in writing by the local planning authority. Development shall be carried out in strict accordance with the approved details.

Reason: To ensure a satisfactory appearance and finish to the development.

Condition 13 - Prior to commencement of development, a detailed landscaping scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall be at a scale of 1:200 and shall include:

- i) The exact location and species of all existing trees and other planting to be retained;
- ii) An outline specification for ground preparation for landscaped areas outside of the ecological areas;
- iii) All proposals for new planting and turfing, indicating the location, arrangement, species, size, specifications, numbers and planting densities;
- iv) All proposed boundary treatments with supporting elevations and construction details;
- v) All proposed hard landscaping elements and paving, including layout, materials and colours;
- vi) The proposed arrangements and specifications for initial establishment maintenance and long term maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its agreed form prior to the end of the first planting season following substantial completion of each phase of the development to which it is associated. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

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

The overall details of these conditions have previously been approved under discharge of conditions application 13/15/0178C1, this application relates only to alterations to the proposed retaining structure at the south west corner of the site which will require the removal of one protected oak tree (TPO No.3 2017) to the rear of plot 66.

The previously approved retaining wall would have encroached upon the roots of the tree and a significant alteration to its position would be required for the tree to be retained. It is instead proposed to remove the tree and for a 70 degree retaining 'green slope' to be formed to the rear of plots 67-63 with a stone filled gabion basket retaining wall to the rear boundary of the gardens. Those works have been carried out.

Four oak trees are proposed to be planted to the south of the proposed green slope in replacement for the removed tree.

An identical application was previously submitted in 2017, Colne Committee resolved to delegate approval subject to the retaining wall being faced in natural stone.

Relevant Planning History

13/15/0178P - Full: Major: Erection of 182 dwellings with associated highway, landscaping and drainage works. Approved, 17/07/2015.

13/15/0178C1 - Approval of Details Reserved by Condition: Discharge Conditions 3 (Open space/ecological areas), 4 (Drainage), 5 (Highways), 8 (Contamination), 9 (Land stability), 10 (Phasing), 11 (Retaining structures), 12 (Ground levels), 13 (Landscaping), 14 (Materials), 15 (Construction method statement) and 19 (Sound insulation) of Planning Permission 13/15/0178P.

17/0402/CND - Approval of details reserved by condition: Discharge of conditions 11 (retaining structures) and 13 (landscaping) of planning permission 13/15/0178P. Deemed withdrawn.

Consultee Response

PBC Landscape Officer – No objection.

Public Response

N/A

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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.

Visual Amenity and Landscape Impact

The works proposed have been undertaken and retaining 70 degree 'green slope' formed to the rear of plots 67-63 with stone gabion basket retaining wall of up to approximately 2m to the rear boundary of the gardens of those plots with a fence above. From public viewpoints the gabion basket retaining wall is not prominently visible, only from within the gardens to the rear of those plots. Therefore, this does not result in an unacceptable visual or landscape impacts and is acceptable.

Trees

The oak tree, which has been removed, is proposed to be compensated for with the planting of four replacement trees. The proposed changes to the previously approved landscaping scheme involving the removal of that tree and planting of four replacement trees is acceptable.

RECOMMENDATION: Discharge Conditions 11 & 13

Condition 11 (Retaining Structures) – The submitted alterations to approved details of retaining structures are acceptable, the condition is therefore discharged subject to implementation.

Condition 13 (Landscaping) – The submitted alterations to the approved landscaping scheme is acceptable, the condition is therefore discharged subject to implementation.

Application Ref: 22/0673/CND

Proposal: Approval of Details Reserved by Condition: Discharge of Conditions 11 (Retaining structure details) and 13 (Landscaping) of Planning Permission 13/15/0178P.

At: Land To The West Of, Knotts Drive, Colne

On behalf of: Persimmon Homes

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

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 21/0372/VAR

Proposal: Full: Variation of Condition: Vary Condition 4 (Retention of stone wall) of Planning Permission 20/0488/VAR

At: 18-19 School Lane, Colne

On behalf of: Mr R Singleton

Date Registered: 23rd July 2021

Expiry Date: 17th September 2021

Case Officer: Yvonne Smallwood

Site Description and Proposal

The application site is an existing disused greenfield site, with terraced residential properties directly to the west. The site is located within the Trawden Forest Conservation Area and the Open Countryside.

Planning permission was granted in 2018 for the erection of two detached dwellings, with parking and gardens. The stone wall at the front of the development was an important feature of the site that had to be removed due to works that needed to be carried out by United Utilities in relation to a cable that was discovered near to the surface of the ground. The stone from the wall was not salvageable. The wall is proposed to be rebuilt in the same position and to the reduced height as required for increased visibility, in reclaimed stone to match the new dwellings and opposite neighbour's wall. This would retain the original appearance and be in keeping with the setting.

Relevant Planning History

18/0319/FUL - Full: Erection of two detached dwelling houses - Approved with Conditions, 2018.

20/0488/VAR – Full: Full: Variation of Condition: Vary Condition 2 (Plans) of Planning Permission 18/0319/FUL – Approved with Conditions, 17th September 2020.

Consultee Response

Highways LCC –

As agreed at our site meeting yesterday morning here's a summary of our discussions regarding the visibility splays required for the above site.

School Lane has a maximum speed limit of 30mph. For a road with a speed limit of 30mph a Stopping Sight Distance (SSD) of 43m should be provided; this distance would form part of the visibility splays. A distance of only 26m could be achieved when measured from the approximate centre of the proposed access up School Lane to your property boundary at the fence and telegraph pole. You advised that the adjacent field was in third party ownership and it was highly unlikely that they would agree to any changes to the field/stone wall levels.

My advice is that you commission an automated 7 day traffic survey outside the access. This will provide data to establish 85th percentile speeds on which appropriate visibility splays can then be based. There'd be a cost to you for this. There may also be the possibility that the survey shows 85th percentile speeds higher than 30mph, in which case longer visibility splays would be required.

My understanding of the planning process is that you'd then have to put in an application to vary the approved plans.

Although the county council can't recommend companies to undertake the traffic survey I did say I'd try and find an application where one had been submitted to give you an idea of what to request and what we'd expect to see in any report. Please find attached a survey submitted for an application on Blacko Bar Road (ref 20/0398). Appendix 1 contains the raw data and Appendix 3 contains the visibility splay calculations. The survey shouldn't be done during a school holiday, so not in Half Term week, nor the months of December, January or February when adverse weather conditions can affect the data collected. The weather conditions during the survey should also be included as these can affect traffic speeds.

Given the narrow nature of the carriageway on School Lane, particularly travelling uphill away from the site access, I think it would be possible to off-set the visibility splays by 1m from the carriageway edge, as there are no footways, and it's unlikely that vehicles would be overtaking on this stretch.

From a highway safety point of view there should be nothing over 0.9m above carriageway level within the visibility splay. However, the stone boundary wall along the front of the site would have to be built in line with plans submitted to Pendle, at only 0.6m high, unless you wanted to vary them.

We didn't really get chance to discuss the site access itself and the legal agreement with LCC. When I checked on file the last e-mail was from yourself advising that you now owned the site, but I couldn't find any further contact since January this year. Please would you get in touch with my colleague, Jason Lancaster, to start progressing this? His e-mail address is jason.lancaster@lancashire.gov.uk

I've also checked the application at Ryefield. There was a condition applied to application 16/0292 (Condition No 10) that visibility splays of 2.4 x 43 x 0.9m should be provided. Please would you ask the applicant to provide a suitably scaled plan showing the approved visibility splays (2.4m x 43m x 0.9m – maximum height)?

It's unclear from the plans submitted whether the variation to the boundary wall, particularly the section 1.8m high, would impact on the approved visibility splay to the right when exiting onto School Lane.

(In summary, Highways gave the following options:

- The 120m visibility splay that the applicant had claimed could be achieved be submitted on a plan
- A 7 day traffic survey should be undertaken, as it had been mentioned that traffic descended the hill at 40mph.
- A reduction be made to the wall height, down to 1m for the entire frontage.)

Laneshaw Bridge Parish Council –
would like to see the retention of the stone wall. It forms an important part of the historic area of the village.

Environment and Conservation

Environment Officer for Trees and Environment Conservation

PBC Engineering - Drainage

Public Response

Site notice placed and nearest neighbours notified by letter without response

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 (Presumption in Favour of Sustainable Development) sets out the presumption in favour of sustainable development which runs through the plan.

Policy SDP2 (Spatial Development Principles) states that new development within settlement boundaries unless it is an exception outlined in the Framework or elsewhere in the LPP1.

Policy LIV1 (Housing Provision and Delivery) sets out the Council requirement to deliver new housing at a rate of 298 dwellings per annum.

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) 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 (Achieving Quality in Design and Conservation) All new development should viably seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving our heritage assets.

Policy ENV4 (Promoting Sustainable Travel) requires new development to have regard to potential impacts that may be caused on the highway network.

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.

Section 12 of the Framework relates to design and makes it clear that design is a key aspect of sustainable development. Paragraph 130 of the Framework states that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 108 states that it should be ensured that safe and suitable access to the site can be achieved for all users.

Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Conservation Area Design and Development Guidance Supplementary Planning Document (SPD) 2008.

Design and Materials

Policy ENV2 of the Local Plan Part 1 contains guidance on providing a wide variety of homes and requiring good design.

The Conservation Area SPD highlights that both traditional and contemporary designs can be accommodated within the Conservation Area, however the materials must be appropriate in the context of the surrounding area. Commonly this means matching the materials to the setting. The proposed reclaimed stone is acceptable.

Highways

The wall that was existing at the time Planning Permission 20/0488/VAR was granted was intended to remain in situ as per Condition 4:

Condition 4. The existing dry stone wall to the front of the site, adjoining School Lane must be preserved in situ.

Reason: To ensure the retention of important features of the site.

However the stone wall at the front of the development was removed due to works that needed to be carried out by United Utilities in relation to a cable that was discovered near to the surface of the ground. The stone from the wall was not salvageable. The wall was proposed to be rebuilt in the same position and to the reduced height as required for increased visibility, in reclaimed stone to match the new dwellings and opposite neighbour's wall to be in keeping with the area.

The plan submitted with application 20/0488/VAR (6063-004) stated that the stone wall would be rebuilt to a maximum height of 0.6m to allow for a visibility splay of 42m. This was acceptable. The variation plan (6063-S-04B) however, proposed a higher wall, some of which is 1.8m in height, which reduces the visibility splay down to 22m which is not acceptable in regards to highway safety.

With regard to the proposed wall, on 19.08.21 Highways requested a suitably scaled plan showing the approved visibility splays (2.4m x 43m x 0.9m). These plans were requested because it was unclear from the plans submitted whether the variation to the boundary wall, particularly the section that was 1.8m high, would impact on the approved visibility splay to the right when exiting onto School Lane.

The following options have been suggested to the applicant by Highways LCC:

- The submission of a 120m visibility splay to substantiate the applicant's claim that this was achievable
- A 7 day traffic survey should be undertaken, as it had been mentioned by the applicant that traffic descended the hill on School Lane at 40mph.
- A reduction be made to the wall height, down to 1m for the entire frontage.

None of these suggestions have been undertaken, therefore Highway safety standards have not been met. This is contrary to Policy ENV4 and paragraph 108 and 109 of the National Planning Policy Framework

RECOMMENDATION: Refuse

The proposed Variation for the following reason:

1. Due to substandard visibility for vehicles turning out onto 18-19 School Lane. The proposed variation would result in an unacceptable highway safety impact contrary to Policy ENV4 of the

Pendle Local Plan Part 1: Core Strategy and paragraphs 108 and 109 of the National Planning Policy Framework.

Application Ref: 21/0372/VAR

Proposal: Full: Variation of Condition: Vary Condition 4 (Retention of stone wall) of Planning Permission 20/0488/VAR

At: 18-19 School Lane, Colne

On behalf of: Mr R Singleton

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 21/0481/FUL

Proposal: Full: Erection of six detached dwellings and garages with new estate road and associated landscaping.

At: Land To Rear Of 8, Birch Hall Lane, Earby

On behalf of: Pretty Perfect Properties Ltd

Date Registered: 02/06/2021

Expiry Date: 01/09/2021

Case Officer: Alex Cameron

This application was delegated for approval by West Craven Committee in May subject to the removal of the Environment Agency's objection.

Site Description and Proposal

The site is a former area of agricultural / equine land adjacent to the settlement boundary of Earby and within Earby Conservation Area. There are groups of dwellings immediately adjacent on Heather Brow and Birch Hall Lane. There is an extant commenced planning permission on the site for 6 dwellings (17/0617/FUL).

This application is for an alternative scheme of 6 dwellings to revise the approved development. The alterations involve minor changes to the levels of the site raising the floor levels of the plots at the southern end of the site by between 0.2-1m and changes to the design and of the dwellings, which are similar but with more verity to the design than the two house types previously proposed.

The application was delegated for approval by West Craven Committee in May subject to the withdrawal of the Environment Agency's objection. The objection has now been withdrawn following the submission of further details and amended plans altering the site levels, including raising the level of plot 6 by 20cm.

Relevant Planning History

13/14/0231P Outline: Residential development for 5 detached houses with garages (Access, Layout and Scale), erection of garage for No. 8 and demolition of existing garage. Refused. Appeal allowed with Conditions. 2015.

16/0756/REM Reserved Matters: Residential development for 5 detached houses with garages (appearance and landscaping). Approved with Conditions. 2016.

17/0621/HHO Full: Demolition of the existing two storey extensions and erection of replacement two storey extension and detached single garage to the rear. Pending Consideration. 2017.

17/0623/FUL Full: Erection of one semi-detached dwelling and single detached garage to the rear. Pending Consideration. 2017.

Consultee Response

LCC Highways – This new application proposes a number of amendments to the previously approved scheme. The Highway Development Control Section does not raise an objection, subject

to the following comments being noted, and conditions and notes being applied to any formal planning approval.

Formation of new access

The formation of the new vehicle access from Birch Hall Lane to the development site would need to be carried out under a legal agreement (Section 278) with Lancashire County Council as the Highway Authority. Works should include, but not be exclusive to, the construction of the access to an appropriate standard and 6m radius kerbs. The newly formed verges within the visibility splays should be surfaced with a bound porous material, agreed with the Highways Authority.

Visibility splays

Birch Hall Lane is subject to a 20mph maximum speed limit. Visibility splays, measured 2.4m along the centre line of the proposed estate road from the continuation of the nearer edge of the carriageway of Birch Hall Lane, to points measured 25m in each direction along the nearer edge of the carriageway of Birch Hall Lane, should be provided. The Highway Development Control Section is of the opinion that the sight lines shown on the Proposed Site Plan (Drawing No 041) are acceptable.

Internal layout

A turning head is required on the new estate road to allow refuse, emergency and any large delivery vehicles to turn within the site. The layout of the turning head shown on the Proposed Site Plan (Drawing 041) is such that it should allow such vehicles to enter and leave in forward gear.

Proposed parking provision

Having regard to the nationally described space standard, in order to constitute a single bedroom the room must have a floor area of at least 7.5m², and be at least 2.15m wide. As all the proposed first floor home offices are over the minimum floor area, the Highway Development Control Section considers that these would be used as bedrooms, meaning that all dwellings would have five bedrooms, except Plot 1, which would have four.

Recommendations in the council's Car and Cycle Parking Standards are for two parking spaces for dwellings with two to three bedrooms, and three parking spaces for dwellings with four and above. Whilst these are maximum recommendations the Highway Development Control Section is of the opinion that the maximum should be applied as this site is not on, or near, a bus route, nor within reasonable walking distance of local facilities. There is, therefore, a presumption of the reliance on the use of private vehicles. An under-provision of parking provision within the site could lead to on-road parking on Birch Hall Street to the detriment of highway safety and residential amenity.

Plot 1 – Two adequately sized off-road parking spaces are provided in the form of a single garage with one space in front. However, we consider that this is a four bed dwelling and a third off-road parking space should be provided. A previously approved site layout showed vehicle access to Plot 1 off the internal estate road. In the interest of highway safety, the Highway Development Control Section recommends that a third space is provided with access from the internal estate road.

Plots 2 & 3 – An adequate level of off-road parking has been provided.

Plot 4 – The previously approved plot layout has been changed, with the drive and garage now on the opposite side of the plot. The internal dimensions of the proposed garage are such that it can only be considered as one parking space. (To count as two spaces a double garage should have minimum internal dimensions of 6m x 6m.) The driveway in front of the garage is also considered too short for a vehicle to park wholly on the drive and not project into the turning head. A 6m drive should be provided in front of a garage where an up and over style door is provided. This can be reduced to a minimum of 5.6m where a roller shutter style door is fitted.

A single garage (internal dimensions 6 x 3m) set back into the site could be provided. This would increase the drive length in front which would then provide adequate parking for two vehicles.

Plots 5 & 6 – An adequate level of off-road parking has been provided.

The developer should note that car parking spaces must not be over any service strip area.

Timing of deliveries /Construction Traffic Management

Given the site's location, and with only one vehicular route to and from the site, a condition restricting the times of deliveries should be applied to ensure there is no conflict with traffic using the delivery route from the centre of Earby, both vehicular and pedestrian, at peak times, should this application be approved.

Likewise, the developer should submit a Construction Method Statement detailing, amongst other things, parking provision for site operatives/visitors; loading and unloading of plant and materials; the storage of plant/materials; parking provision for construction and delivery vehicles; wheel washing facilities.

Public Right of Way

Public Footpath FP26 Earby runs along the eastern boundary of the development site. This Public Right of Way must not be obstructed during the proposed development, including by any building materials etc. Nor should it be encroached upon by any new boundary structures. It is the landowner's/developer's responsibility to ensure that the necessary procedures are followed for the legal diversion of the Public Right of Way if this should be necessary. The granting of planning permission does not constitute the diversion of a Definitive Right of Way.

If it is necessary for the Public Right of Way to be temporarily diverted or temporarily closed, this is the landowner's/developer's responsibility to ensure that this is done following the appropriate legal procedures. A temporary closure will only be granted where it is the intention to re-open the right of way upon expiration of the closure on the route recorded on the Definitive Map of Public Rights of Way.

The development must not commence until the necessary procedures are in place, either allowing the development to take place without affecting the right of way as recorded on the Definitive Map of Public Rights of Way and subsequent diversion orders and side roads orders. Or, if it is necessary to divert the above Public Right of Way, then the necessary Orders must be confirmed prior to construction to avoid enforcement action should the above Public Footpath become affected. There is no provision under the Town and Country Planning Act 1990 to allow a retrospective diversion of paths that are already affected by either partially completed or completed development.

Subject to the satisfactory receipt of amended plans showing adequate levels of off-road parking for Plots 1 and 4, the following conditions and note should be applied to any formal planning approval granted: estate road adoption/management, engineering, construction and lighting, construction method statement, site access, wheel washing, deliveries, visibility splays, surfacing, turning, parking, garage retention.

Environment Agency – No objection subject to a condition for the development to be carried out in accordance with the submitted Flood Risk Assessment.

Yorkshire Water – No objection subject to a drainage condition.

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

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

Earby Town Council – Concerns in relation to compliance with conditions 9, 11 and 20 of the existing planning permission.

In relation to the proposed plans submitted with application 21/0481/FUL, it is interpreted by Council that the development identified at Plot 1 is proposed to be built on a level elevated by some 2m above other plots and above neighbouring properties. Should this be the case then it is our view that the development should be redesigned to ensure the elevation is more in keeping with its surroundings and does not unnecessarily overlook and overshadow nearby dwellings to the detriment of residential amenity and to the detriment and loss of privacy of current residents.

Public Response

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

- Increase off-site flood risk
- Highway safety impact of traffic and highway / bridge maintenance
- Impact on the Conservation Area
- Disruption, dust and noise pollution as a result of the development

Since the delegation of approval by Committee further responses has been received raising the following concerns:

- Loss of light and privacy resulting from plot 6, exacerbated by increase in its height
- Maintenance responsibility for land between the site and adjacent properties
- Increase in off-site flood risk resulting from the alterations to plot 6

Officer Comments

Pendle Local Plan Part 1: Core Strategy

Policy SDP2 states that proposals for new development should be located within settlement boundaries. Proposals to develop outside of settlement boundaries will only be permitted for those exceptions outlined in the Framework.

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

Policy ENV2 states that all new development should viably seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving our heritage assets. This is supported by the guidance set out in the Conservation Area Design and Development Guidance SPD.

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

Replacement Pendle Local Plan

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

Principle of the Development

The principle of developing this site has been established by the extant permission for 6 dwellings. The site is in principle suitable for development and there have been no policy changes that would now alter that position.

Appearance and Impact on Conservation Area

The Council's Character Appraisal details that the settlement around Birch Hall Lane is surrounded by farmland and forms part of the 'upland fringe' section of the area.

The late 20th Century ribbon housing along the road is referred to, with the lesser scale of development in this location in contrast to the rest of Earby. The provision of new housing clusters along Birch Hall Lane is identified as having detracted from the character of the area.

Due to the topography of the landscape, the screen planting to the boundaries of the site and its proximity immediately adjacent to existing built form, prominent or clear views of the site are limited.

The overall scale and massing of the proposed development would be limited. Plot 1 would be in close proximity to the existing dwellings and the site of the existing detached garage. Therefore its impact and the level of change would be minimal.

Plots 2-6 would be located centrally within the land, with the existing screen planting supplemented by further screen planting along the southern boundary. This would further obscure current views of the site. When seen from higher land, the site sits within a backdrop of built form and would still be below development further along Birch Hall Lane.

UPVC windows, doors and rainwater goods and graphite roof slates are proposed. These materials were approved for the extant permission, taking this and the prevalence of UPVC and non-natural materials in surrounding dwellings the use of those materials is acceptable subject to the windows and doors being of suitable heritage type.

This section of the Conservation Area would still retain an open and semi-rural feel, therefore preserving the overall intrinsic character. Whilst the development of this previously open rural site would inevitably result in a small degree of harm to the significance of the Conservation Area that harm would be less than substantial and would be outweighed by the public benefits of the development in terms of the economic and social benefits of the provision of housing.

Design

The development takes the form of a small cul-de-sac of six dwellings, located around a central access road. Plot 1 at the entrance to the site is two storey and finished in coursed stone with slate effect concrete roof tiles. An attached single garage and driveway would be provided to the side of the property.

The remaining 5 plots are larger dwellings, finished in coursed natural stone and blue concrete roof tiles, with garages and driveways to the side of the properties. The dwellings would contain a mixture of traditional and more modern elements, this is acceptable in this location where the

architectural vernacular is varied with properties of differing styles and finishes apparent within the street scene.

The architectural vernacular of the immediate area is mixed, populated by groups of 1960's and 1970's properties and some older terraced dwellings. As such there is no clear or defined style to replicate. From a physical perspective, the application site would relate most closely to Heather Brow to the west, which is a cul-de-sac of 12 dwellings. The proposed development site would not project further south than the existing built form of Heather Brow, maintaining the defined boundary.

In terms of scale, whilst there are a number of dormer bungalows in the vicinity, the two storey dwellings proposed in this scheme would not appear incongruous or at odds with its surroundings. The immediate area is predominantly characterised by newer developments and due to its set back from the highway, wider public vantage points would be limited.

The design and layout of the dwellings is acceptable.

Amenity

In terms of residential amenity, the principle assessment to be undertaken are the potential impacts on dwellings in Heather Brow.

The side elevations of plot 5 and plot 6 would face the rear of Heather Brow. Plot 6 originally proposed a utility room door in the side elevation which would potentially impact on the privacy of properties on Heather Brow. The amended plans relocate the utility room door in the rear elevation to the site of the garage and clarify the proposed levels down to the boundary.

This acceptably resolves the potential issue in relation to privacy impact of the door on the rear of Heather Brow and all other windows in that elevation would be non-habitable obscure glazed windows and therefore do not result in any unacceptable loss of privacy

The land between Plot 6 and Heather Close would be raised by approximately 1m and there would therefore be views from that area to the rear of Heather Close, however, that is not the main garden area of the property, it would be a narrow sloping area with a path around the property likely to be only used for access, a condition restricting permitted development rights could ensure that the area could not be altered in a way that would make it suitable for other use that would unacceptably impact on privacy.

Whilst the rear aspect of the residents in Heather Brow will change as a result of the proposed development, the separation, scale and massing of the dwellings would not lead to an unacceptable relationship. The Council's Design Principles SPD advises that a minimum distance of 12 metres should be provided between principle windows and two storey elevations and 21 metres between principle windows which face each other.

There would be a 12m or more separation distance between the rear of properties on Heather Close and the two storey elevations of the proposed dwellings, which would also be offset rather than directly facing, although the proposed dwellings would be on higher ground than Heather Close this would not result in any unacceptable overbearing impacts or unacceptable loss of light.

With a condition to obscure an upper floor side bedroom window in Plot 2, which would directly overlook the garden of plot 1 in close proximity, the relationships between the proposed dwellings are also acceptable in terms of privacy, overbearing impacts and light.

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

Landscaping

The plans provided show that internal boundary treatments are to comprise of 1.2m high stone walls and 2m boarded fence. The hard landscaping, primarily the access and driveways, would be constructed of block pavements. Each curtilage would be finished with topsoil and grass seeded, with patio areas around the perimeter of the dwellings.

Additional boundary planting is to comprise a number of new trees (29 in total) with a combination of flowering cherry and hawthorn. Some existing trees are to be removed to facilitate development. Existing hedgerows to the site boundary (adjacent to the open countryside) are to be retained.

At an edge of settlement site there proposals are acceptable and implementation will be controlled by condition.

Drainage and Flooding

At the time of the previous application the application site is not within a flood risk zone, however, since that time the Environment Agency (EA) has revised its fluvial flood risk map for Earby and the site is now within flood zones 2 (medium risk) and 3 (high risk). The whole of the site being within zone 2 and part of the north end of the site, where plot 1 is proposed, would be zone 3.

The applicant has submitted a Flood Risk Assessment (FRA) and amended plans altering site levels. The FRA adequately demonstrates that the proposed development would not result in any unacceptable risk of on-site flooding or increase the risk of off-site flooding.

The development is therefore acceptable in term of drainage.

Highways and Access

The proposed access is acceptable and adequate car parking for all plots can be ensured by condition.

Ecology

A phase 1 habitat survey was undertaken at the time of the approved application, that development has been commenced and this development does not raise additional issues in relation to ecology, subject to the condition relating to that survey being replicated in this application the proposed development is acceptable in terms of its impact on ecology.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in terms of design, amenity, drainage and highway safety and would preserve the character and appearance of the Conservation Area. The proposal therefore complies with the policies of the Replacement Pendle Local Plan and National Planning Policy Framework. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in terms of design, amenity, highway safety and impact upon ecology. The development therefore complies with the development plan. There

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

RECOMMENDATION: Approve

Subject to the following conditions:

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

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 041 Rev B, 042 Rev A, 043 Rev A, 044, 050, 051, 052, 053, 054, 055, 056, 057, 058, 059, 060, 061, 062, 063, 064, 065, 066, 067, 068, 069 Rev A, 070, 071, 072 Rev A, 073 Rev A, 074, 101 SK2 Rev A, 103 Rev A.

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

- 3 Unless alternative materials have been submitted to and approved in writing by the Local Planning Authority the development shall be carried out in accordance with the materials approved by the discharge of conditions letter dated 22/03/2021.

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

- 4 The dwellings hereby approved shall not be occupied unless and until the parking for a minimum of three cars per dwelling has been laid out and surfaced in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The parking spaces, including those in garages, shall remain available free from obstruction and available for parking purposes at all times thereafter.

Reason: In the interests of highway safety and to provide suitable off-street parking provision.

- 5 Notwithstanding the provisions of Article 3 and parts 1 and 2 of the Second Schedule of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A, B, C, D, E of Part 1 of Schedule 2 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: To enable the Local Planning Authority to control any future development on the site in order to safeguard the character and amenity of the area and impacts on neighbouring properties and in order to ensure the trees retained on the site are not adversely affected.

- 6 No dwelling shall be occupied unless and until details of the proposed arrangements for future management and maintenance of the proposed estate road within the development have been submitted to and approved by the local planning authority. The road shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980, or a private management and maintenance company has been established.

Reason: In the interest of highway safety.

- 7 Unless an alternative Construction Method Statement have been submitted to and approved in writing by the Local Planning Authority the development shall be carried out in accordance with the Construction Method Statement approved by the discharge of conditions letter dated 22/03/2021.

Reason: In the interest of highway safety.

- 8 Prior to the occupation of the dwellings hereby approved a scheme for the construction of the site access including visibility splays shall be submitted to and approved in writing by the Local Planning Authority and subsequently constructed.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable.

- 9 Before the use of the site hereby permitted is brought into operation facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.

Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.

- 10 No deliveries shall be made before 9.00 am and after 3.00pm to avoid conflict with traffic (vehicular or pedestrian) entering or leaving the estate.

Reason: In the interest of highway safety.

- 11 The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and the vehicular turning space shall be laid out and be available for use before the development is brought into use and maintained thereafter.

Reason: Vehicles reversing to and from the highway are a hazard to other road users.

- 12 The garages hereby approved shall be maintained free from obstruction and shall not be used for any purpose that would preclude their use for car parking purposes.

Reason: In order to ensure that sufficient off-street parking can be accommodated within the site.

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device over 1m above road level. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed access road from the continuation of the nearer edge of the carriageway of Birch Hall Lane to points measured 25m in each direction along the nearer edge of the carriageway of Birch Hall Lane.

Reason: To ensure adequate visibility at the site access.

- 14 Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved

in bound porous material.

Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.

- 15 Before a dwelling unit is occupied waste containers shall be provided in the designated storage areas on each plot.

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

- 16 The recommendations detailed in Part 3 of Extended Phase 2 Habitat Survey undertaken by Pennine Ecological dated May 2014 shall be carried prior to any building work at the site. Any further, necessary mitigation measures identified should be submitted to and approved in writing by the local planning authority prior to the commencement of any further development. The development shall subsequently be implemented entirely in accordance with the approved details. Thereafter, unless otherwise agreed in writing by the local planning authority, the mitigation measures shall be permanently maintained and retained in accordance with the approved details.

Reason: To protect species and their habitats.

- 17 No vegetation or tree clearance work shall take place during the bird breeding season. Such activities shall be confined between the months of October (start) to February (end) unless a bird breeding assessment and is undertaken by a suitably qualified ornithologist along with a report of the findings to identify if any breeding birds would be affected. Any clearance outside of the period between October to February (inclusive) must be agreed in writing by the Local Planning Authority and clearance thereafter shall be undertaken in strict accordance with the approved details.

Reason: To ensure that suitable habitats for breeding birds are not harmed.

- 18 No dwelling hereby approved shall be occupied unless and until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority, those details shall include, as a minimum:

a) Information about the lifetime of the development, design storm period and intensity (1 in 30 and 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;

b) the drainage strategy should demonstrate that the surface water run-off must not exceed 5 litres per second. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to reduce the risk of flooding to the proposed development, elsewhere

and to future users and to ensure that water quality is not detrimentally impacted by the development proposal.

- 19 No dwelling hereby approved shall be occupied unless and until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

a) the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
b) arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
i. on-going inspections relating to performance and asset condition assessments
ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
c) Means of access for maintenance and easements where applicable.
The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

20. The upper floor window in the north elevation of Plot 1 and all windows in the west elevation of Plot 6 of the development hereby approved shall at all times be fitted with obscure glazing to at least level 4 or above, unless otherwise agreed in writing by the Local Planning Authority. Any replacement glazing shall be of an equal degree or above. The windows shall be hung in such a way as to prevent the effect of the obscure glazing being negated by way of opening. No additional windows or doorways shall be installed in the in the west elevation of Plot 6 without the prior written approval of the Local Planning Authority.

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

21. The development shall be carried out in accordance with the submitted flood risk assessment (titled "Birch Hall Lane, Earby, Fluvial flood risk" reference "PPP-JBAU-XX-XX-RP-HM-0001-S3-P02" revision "P02", dated August 2022 compiled by JBA consulting) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 300mm above the adjacent ground levels.
- The flood wall along the East boundary, the new precast channel and widening of the existing channel, shall be constructed in accordance with Fig 5-1 "Proposed development site plan".

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

Notes:

The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement (Section 278), with Lancashire County Council as Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to, the construction of the access to an appropriate standard and 6m radius kerbs. The newly formed verges within the visibility splays to be surfaced in an approved bound porous material. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the county council for further information by telephoning the Development Support Section (Area East) on 0300 123 6780 or email lhscustomerservice@lancashire.gov.uk , quoting the relevant planning application reference number.

The grant of planning permission does not include the right to either permanently or temporarily obstruct or interfere with the right of way. If part or all of the public right of way needs to be permanently closed or diverted to allow the development to be carried out, then a formal order made by the Council will first need to come into operation in accordance with the appropriate legislation. Details of how to apply for a diversion are available from Pendle Borough Council. If it is proposed temporarily to close the right of way, then an application should be made to the public rights of way section at Lancashire County Council.

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

Application Ref: 21/0481/FUL

Proposal: Full: Erection of six detached dwellings and garages with new estate road and associated landscaping.

At: Land To Rear Of 8, Birch Hall Lane, Earby

On behalf of: Pretty Perfect Properties Ltd

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0047/TDC

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

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

On behalf of: MA Holdings NW Ltd

Date Registered: 02/01/2022

Expiry Date: 24/02/2022

Case Officer: Alex Cameron

This application was delegated for approval by Nelson, Brierfield and Reedley Committee in June subject to the withdrawal of the Coal Authority's objection.

Site Description and Proposal

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

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

Relevant Planning History

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

Consultee Comments

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

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

Given the site's distance from local amenities and facilities, including public transport, there would be a reliance on the use of private motor vehicles. Whilst the proposed development may be for one dwelling only adequate visibility splays would still need to be provided.

It has been noted that a collision resulting in serious injury has been recorded during the last five years approximately 140m to the South of the site access.

Consideration has been given to the possible re-location of the site access to the South of the existing one. However, there would still be issues with providing the necessary visibility splays with the topography of the road and trees within the verges. The highway authority considers that adequate visibility splays cannot be provided from the site and so raises an objection on highway safety grounds.

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

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

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

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

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

United Utilities – No objection subject to drainage condition.

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

Nelson Town Council

Public Response

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

- The proposal is of poor design and inappropriate scale, would not be in keeping with the area and would harm the landscape character and visual amenity of the area.
- The development should be of bungalows.
- The proposal fails to reinforce the existing green infrastructure of the site.
- The development would result in the loss of open space.
- The proposal fails to maintain or improve public rights of way.
- Overshadowing, overbearing impacts and loss of privacy.
- Impact on the open countryside.

- Impact of the Green Belt.
- Brownfield sites should be prioritised.
- Harm to wildlife including protected species.
- Loss of site and highway trees.
- Adverse highway safety impact.
- Risk from former coal mining works.
- Concerns over the method of calculation of the 85th percentile speed figures in the traffic survey and that the proposed visibility splays are therefore inadequate.
- The diversion of the footpath requires works outside of the application site.
- Request made for the following additional conditions to be attached:
- The provision of a Construction Environmental Management Plan.
- Requirement for a Phase 1 Geo-technical site investigations prior to commencement of development.
- Tree protection for mature trees on neighbouring land.
- Removal of permitted development rights.
- Nelson Golf Club now support the application subject to the recommended condition 5.

Officer Comments

Policy

Local Plan Part 1: Core Strategy

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

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

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

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

The following saved Replacement Pendle Local Plan policies also apply:

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

Principle of the Development

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

Residential Amenity

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

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

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

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

Visual Amenity

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

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

Trees

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

Highways

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

Concerns have been raised regarding the method of calculation of the 85th percentile traffic speeds from which the acceptable visibility splays have been derived. No concerns have been raised from LCC Highways in relation to the method of calculation and subject to the removal of highway trees, which has been agreed in principle by LCC subject to their replacement two for one within the site. LCC Highways have advised that the proposed visibility splays are acceptable and recommended conditions which have been added to the revised recommendation below. These include a Construction Method Statement.

There are mature trees adjacent to the site which could potentially be affected by the construction of development and therefore a condition for protective fencing is reasonable and necessary and it is recommended that an additional condition is attached to control that.

Whilst part of the indicated footpath diversion is outside of the application site the principle of diverting the footpath within the site is acceptable there would be scope for diversion wholly within the site if necessary. The diversion of the footpath will require a separate application process and so the exact details do not need to be finalised at this stage.

Coal Risk

The front part of the site adjacent to Halifax Road falls within the Coal Authority High Risk Area. The proposed dwellings do not appear to fall within that area but the access, parking and garage does. A coal mining risk assessment report has been submitted and the Coal Authority have responded with no objection subject to conditions for further site investigations and mitigation if found to be necessary.

Other Issues

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

Reason for Decision

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

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

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

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

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

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

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

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

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

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

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

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

x) Routing of delivery vehicles to/from site

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

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

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

8. All visibility splays at the construction site access to the development shall be cleared to ground level prior to the commencement of any works.

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

9. No part of the development hereby approved shall be commenced until all the highway works have been constructed and completed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority.

The works shall be to LCC specification and include i) new site access, ii) removal of 12 trees within the highway verge sited within the visibility splays on Halifax Road.

Reason: In the interest of highway safety.

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

- a. the exact location and species of all existing trees and other planting to be retained;
- b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities. Unless otherwise agreed this shall include 24 replacement trees for the removed highway trees of species 50/50 mix of *Parrotia persica* "Venessa" and Liquidamber "Worplesdon", stock sizes to be minimum of extra heavy standards and replacement of the trees removed within the site.
- c. an outline specification for ground preparation;
- d. all proposed boundary treatments with supporting elevations and construction details;
- e. all proposed hard landscape elements and pavings, including layout, materials and colours;
- f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its entirety within the first planting season following the 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 and in the interest of visual amenity.

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

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

Reason: To prevent trees or hedgerows adjacent to the site from being damaged during construction works.

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

Reason: To ensure that the habitats of protected species are not harmed by the development.

13. Each dwelling shall have an electric vehicle charging point and secure covered cycle store prior to first occupation.

Reason: To ensure adequate provision for sustainable transport.

14. No dwelling shall be occupied until the car parking area for that dwelling has been surfaced or paved in a bound porous material, unless otherwise approved in writing by the Local Planning Authority, and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan. The car parking areas shall thereafter be kept free of obstruction and available for the parking cars at all times.

Reason: To allow for the effective use of the parking areas in the interest of highway safety.

15. No development shall commence until;

- a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure that the risks resulting from former coal mining activity are acceptably mitigated.

16. Prior to the first occupation of the development a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure that the risks resulting from former coal mining activity are acceptably mitigated.

Notes:

The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as Highway Authority prior to the start of any development. The applicant should be advised to contact the county council for further information by telephoning the Development Support Section on 0300 123 6780 or email developeras@lancashire.gov.uk, in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the location, district and relevant planning application reference number.

The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act. The applicant should be advised to contact Lancashire County Council's Public Rights of Way section by email on PROW@lancashire.gov.uk, quoting the reference 13-3-FP24 Brierfield, Pendle and planning application number, to discuss their proposal before any development works begin.

Application Ref: 22/0047/TDC

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

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

On behalf of: MA Holdings NW Ltd

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0167/CEU

Proposal: Certificate of Lawful Use (S.191 Existing Development): Use of agricultural building for livestock.

At: Tower Farm, Gisburn Road, Blacko

On behalf of: Mr J. Kay

Date Registered: 10/03/2022

Expiry Date: 05/05/2022

Case Officer: Alex Cameron

Site Description and Proposal

The application site is an agricultural building at Tower farm sited adjacent to former farm buildings not converted to dwellings.

A prior approval notification under Part 6, Class A of the General Permitted Development Order 2015 (GPDO) for an agricultural storage building on this site was approved in 2016 and the building was erected following that.

This is an application for a Lawful Development Certificate to establish the lawful use of the building for accommodation of livestock. The application seeks to demonstrate that the building is unauthorised and immune from enforcement action and therefore the restriction on accommodation of livestock within 400m of a protected building imposed by Part 6 of the GPDO does not apply.

Relevant Planning History

13/15/0614P - Prior Approval Notification (Agricultural Building) Erection of an agricultural building (20m x 12m, height 5.6m). Approved

Consultation Response

PBC Legal Services – Agree with the officer's conclusion.

Public Response

None

Officer Comments

The consideration in determining this Lawful Development Certificate is whether the building was unlawfully erected as a result of the intention of its use for housing livestock within 400m of protected buildings. A protected building being any residential property not within the agricultural unit or used in connection with agriculture. On the balance of probabilities the building was within 400m of at least one protected building at the time of the Prior Approval Notification and to the present day.

There are two elements to the control of use for accommodation of livestock within Schedule 2, Part 6, Class A of the GPDO.

Firstly, the circumstances where development is not permitted (A.1(i)) this excludes from the scope of the class proposed developments for buildings that are or to be used for accommodation of livestock within 400m of a protected building. This control relates to proposed developments.

A.1 Development is not permitted by Class A if—

(i) it would consist of, or include, the erection or construction of, or the carrying out of any works to, a building, structure or an excavation used or to be used for the accommodation of livestock or for the storage of slurry or sewage sludge where the building, structure or excavation is, or would be, within 400 metres of the curtilage of a protected building;

Secondly, condition A.2(1)(a), this imposes a planning condition on development that has already been carried out preventing use for livestock accommodation within 400m of a protected building other than in specified circumstances.

A.2—(1) Development is permitted by Class A subject to the following conditions—

(a) where development is carried out within 400 metres of the curtilage of a protected building, any building, structure, excavation or works resulting from the development are not used for the accommodation of livestock except in the circumstances described in paragraph D.1(3) of this Part...

D.1(3) The circumstances referred to in paragraphs A.2(1)(a) and B.5(1) of this Part are—

(a) that no other suitable building or structure, 400 metres or more from the curtilage of a protected building, is available to accommodate the livestock; and

(b) (i) that the need to accommodate the livestock arises from quarantine requirements, or an emergency due to another building or structure in which the livestock could otherwise be accommodated being unavailable because it has been damaged or destroyed by fire, flood or storm; or

(ii) in the case of animals normally kept out of doors, they require temporary accommodation in a building or other structure because they are sick or giving birth or newly born, or to provide shelter against extreme weather conditions.

On the basis of the information submitted the existing use for livestock accommodation does not meet any of the circumstances set out in paragraph D.1(3).

The determination to be made here is whether the unstated intention of the applicant to use the building for livestock accommodation detailed in the supporting evidence resulted in the development not being permitted by Class A, by virtue of A.1(i). If so the development would have been unauthorised and the unauthorised building would have become immune from enforcement action after a period of four years from its substantial completion and therefore not subject to condition A.2(1)(a).

Or, whether the erection of the building was permitted by Class A, but its subsequent use has been in breach of condition A.2(1)(a), which would require 10 years to become immune from enforcement action.

Part 6, Class A requires the submission of the Prior Approval Notification for proposals for new buildings. The Prior Approval Notification application form submitted for the building stated that it would not be used for the accommodation of livestock, and the justification statement did not detail any need to accommodate livestock, the notification was assessed and determined on that basis and the development subsequently commenced in accordance with that notification. The officer's report clearly assessed and determined that the development set out in the notification met the requirements of Part 6.

Article 3(1) of the GPDO had the effect of granting planning permission for the development as formally set out in the submitted prior approval notification once it was initiated, the building was constructed in accordance with that planning permission and only departed from it when the use for accommodation of livestock was begun. That did not result in the loss of the planning permission, the permission was initiated and extant at that point, it was a breach of condition A.2(1)(a).

The applicant has taken advice from Counsel and provided that to us, that advice disagrees with our position on the basis that because that the applicant had the intention to use the building for livestock accommodation, although unstated / contradicted in the prior approval notification, that the development did not meet the requirements of Part 6, Class A.1(i) and so was not at any point permitted development.

Sufficient evidence has been provided to demonstrate on the balance of probabilities that the applicant did intend to use the building for the accommodation of livestock. However, our position is that this is irrelevant, the Prior Approval Notification formally set out the proposed development and it was erected in accordance with that, it only deviated from the Prior Approval Notification when the accommodation of livestock was begun, by which time the planning permission (granted by virtue of Article 3 of the GPDO) been initiated and therefore was extant.

Therefore, the ten year rule applies to enforcement action against the breach of condition, which has not expired as the breach has been ongoing for approximately 6 years.

RECOMMENDATION: Refuse

On the balance of probabilities the existing use of the building for accommodation of livestock is in breach of the condition set out at Schedule 2, Part 6, Class A.2(1)(a) of the General Permitted Development Order 2015 (as amended) and therefore is not lawful.

Application Ref: 22/0167/CEU

Proposal: Certificate of Lawful Use (S.191 Existing Development): Use of agricultural building for livestock.

At: Tower Farm, Gisburn Road, Blacko

On behalf of: Mr J. Kay

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0201/HHO

Proposal: Full: Erection of roof lift to alter dormer bungalow to two storey house.

At 110 Castle Road Colne Lancashire

On behalf of: Mr M. Birtwistle

Date Registered: 25.03.2022

Expiry Date: 5/20/2022

Case Officer: NW

Site Description and Proposal

The application site sits on the outer edge of town facing open fields. The row of houses it sits on has a varied design. The house to the west is a two storey dwelling beyond which there is a bungalow.

To the east of the site is a red brick bungalow followed by a half rendered and half brick bungalow.

The proposal was to erect a second storey on the property. That has been amended to make the unit a dormer bungalow with two dormers attached to the front.

Relevant Planning History

No relevant planning history.

Consultee Response

Highways : No highway concerns.

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 has altered form substantial additions to create a first floor to the addition of two dormant windows and a flush fitting roof light.

The dormers would face the front of the site. They would not overlook anyone.

The only material issue of weight to consider is whether the dormers would look acceptable from a design perspective.

The locality has no other dormers visible from the site. They would introduce a feature not present except for one dwelling 5 doors away. However the area is characterised by every property being of a different design. There is no uniformity and no one style of dwelling exists.

The dormers would sit on the front of the dwelling. They would be pitched roofed and would be off a scale and proportions in keeping with the rest of the dwelling.

When viewed in the street scene they would be on other feature in what is an area which has many different design styles. As they are of adequate design in themselves they would be acceptable in an area characterised by many different design styles.

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: 01A, 02, 03, 04A, 05A

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

3. The material to be used externally shall be as stated on the approved plan 05A.

Reason: These material match with those on the exiting dwelling and are acceptable for the design of the dwelling.

Application Ref: 22/0201/HHO

Proposal: Full: Erection of roof lift to alter dormer bungalow to two storey house.

At 110 Castle Road Colne Lancashire

On behalf of: Mr M. Birtwistle

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 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 FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 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 FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0265/HHO

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

At: 31 Farrer Street, Nelson

On Behalf of: Mr Adeel Mirza

Date Registered: 21.06.2022

Expiry Date: 16.08.2022

Case Officer: Yvonne Smallwood

Site Description and Proposal

The application site is an end-terraced dwellinghouse located within the settlement boundary of Nelson.

The proposal seeks to demolish the existing kitchen/WC and to extend the kitchen in width at the rear of the property. The widest part of the kitchen would be 3.5m and the height would be 3.7m.

Relevant Planning History

None

Consultee Response

LCC Highways –

The application proposes the erection of a single storey extension to the rear. A degree of yard space will be retained as part of the proposal. Although limited in size this should still be adequate to allow for the storage of refuse bins, whilst still maintaining limited pedestrian access. As a result, the retained yard area should avoid refuse migrating and ultimately being left on the back street.

Nelson Town Council -

Public Response

Nearest neighbour notified by letter with one response:

I object to this extension, the reason is because I feel the extension would block potential sun light coming into our room. I fear an extension would block the view of the back street and potential sun light.

Officer Comments

Policy

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

Policy 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.

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

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

Design and Materials within Conservation Area

The extension is proposed to the rear of a terraced property. There are various different rear extensions along the street. The estate in itself is not prominent in the conservation area. The development would have a neutral impact on the conservation area and there would be no harm caused to its significance.

The design of the extension in terms of spatial layout is acceptable, adequate amenity space within the rear yard of the property would be left available for the storage of bins. The materials would be rendered walling with a rubber membrane roof and UPVC fenestration.

The design and materials as proposed are acceptable in this location and accord with Policy ENV2 and the Design Principles SPD.

Residential Amenity

The application site is an end of terrace property. There are terraced houses to the rear, Rupert Street and to the north west side on Every Street.

The house adjoining the application site is 29 Farrer Street, with a reception room to the rear of the property. The width of the proposed extension would be 0.8m wider to the north west than existing and the height would be 3.7m. Farrer Street is built on a slope. Number 31, being the end property, is the lowest property in the row. There are various different rear extensions along the street. The original plan had a flat roof, however having liaised with the agent, the plans have been amended to a pitched roof which would allow more light to the adjoining property. Taking into account that there is an existing kitchen and WC that runs along to south east boundary to the rear of the application site; that number 31 is lower than number 29 due to the slope of the road – the amended pitched roof extension would not result in any unacceptable adverse impact to the residential amenity of the neighbour at number 29.

The development would be acceptable in relation to the neighbouring properties and the proposal therefore complies with Policy ENV2 and the Design Principles SPD.

Highway Issues

Highways LCC have raised no objection to this application. There is adequate storage space for the bins.

Other Matters

An objection was received from a neighbour saying that the extension would block sun light from their reception room. There is an existing kitchen and WC to the rear of the application site. The property is built on a slope and number 31 is the end house is the lowest in the row. The increase in width by 0.8m, with a pitched roof with a ridge height of 3.7m would not result in an unacceptable adverse impact to the neighbouring properties.

Summary

The scheme as proposed would be acceptable in terms of impact on the amenity of the neighbouring properties. The dimensions of the single storey rear extension would result in minimal impact in terms of light obstruction for neighbouring properties and privacy levels are also adequately maintained. The development is acceptable in terms materials and design and therefore accords with Policy ENV2 of the Pendle Borough Council Local Plan Part 1: Core Strategy and the Design Principles SPD.

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 proposal is acceptable in terms of design and materials and would not unduly adversely impact on amenity. 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: U143 – P01, U143 – P03A

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.

Application Ref: 22/0265/HHO

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

At: 31 Farrer Street, Nelson

On Behalf of: Mr Adeel Mirza

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0276/HHO

Proposal: First-floor extension and internal alterations.

At 144 Langroyd Road Colne Lancashire

On behalf of: Mr A. Cregg

Date Registered: 25.04.2022

Expiry Date: 6/20/2022

Case Officer: NW

Site Description and Proposal

The application site is located on the edge of Colne. It sits adjacent to a triangular section of open space which frames the entrance into Colne. There is a belt of trees in front of the property which acts as a landscaping screen.

Relevant Planning History

No relevant planning history.

Consultee Response

Highways

Parish/Town Council: The principle of this development is fine, however the Town Council object to the flat roof. This represents poor design for a house that resides in an area that is a gateway to the town.

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 so to erect a two storey extension to the side of the dwelling.

The extension would not overlook any other dwelling and would have no impact on any neighbours in terms of overbearing or other loss of amenity. The extensions does not affect the parking arrangements on site and there are no highway impacts arising.

The principle of development is acceptable. The main issue for the application is one of design.

The dwelling occupies a prominent plot on the entrance into town. Whilst there are some examples of flat roofed extensions in the area these are not located in the prominent location the site is and they do not raise the same design considerations as the current application does.

The pitched roof of the dwelling is a design that the houses in the locality have. The proposal is to erect a flat roofed extension at the side. That would be prominent and would be out of character with the current house. It would look incongruent in the street scene.

Negotiations with the applicant have taken place and draft designs have been supplied to show a pitched roof. That would be in keeping with the dwelling and fit well into the townscape of the area.

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 to the Planning, Economic Development & Regulatory Services Manager

It is recommended that the application be delegated for refusal should the design remain as submitted but for approval should the design be amended to include a pitched roof of acceptable design.

Application Ref: 22/0276/HHO

Proposal: First-floor extension and internal alterations.

At 144 Langroyd Road Colne Lancashire

On behalf of: Mr A. Cregg

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 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 FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0280/HHO

Proposal: Full: Proposed front and rear dormer, and rear extension.

At 22 Stone Edge Road Barrowford Nelson

On behalf of: Jane Davies

Date Registered: 25.04.2022

Expiry Date: 6/20/2022

Case Officer: NW

Site Description and Proposal

The application site sits on a row of modern houses on the side of a highway that slopes from east down to the west. The bungalow is a simply designed unit with a front pitched roof projection and a flat roofed garage to the other side.

The area has some bungalows on the lower side of the road. Above it there are two properties that have been extended with dormers. These are two storey dwellings.

Relevant Planning History

No relevant planning history.

Consultee Response

Highways: No objection.

Parish/Town Council:

Concerns: At ground floor filling in at the rear and replacement of flat roofs with a continuous sloped tiled roof could be seen as an improvement but the large dormers to the front and rear could be detrimental to the character and amenity of the current streetscape. The scope of the planning application does not indicate whether this is the only dwelling with large dormers.

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 proposal is to erect an extension to the rear of the dwelling that wraps round to the garage which would be converted into a room. The roof would, be raised and a dormer inserted to the front covering over half of the roof length with a full length dormer to the rear elevation.

The development would face a bungalow with windows facing the site on its west side. The garage would be converted into a room, notwithstanding that the proposed floor plan still keeps it as a garage. There would need to be a privacy screen there otherwise there would be direct loss of privacy to the occupants of the neighbour.

The windows looking towards neighbours could also be required to be obscurely glazed to prevent overlooking. The development would not be overbearing on the neighbouring properties.

The main issue is one of design. The existing bungalow is a low key building that site adjacent to other low key buildings. The proposal is to roof lift and then have dormers which stretch to the ridge of the bungalow. Other dormers in the area are located lower down the roof slopes so have a different design impact.

The proposed dormers would dominate the roof of the properties and would dominate the appearance of the building to the detriment of the street scene and locality. The design of the dormers is unacceptable and would constitute poor design.

RECOMMENDATION: Refuse

- 1 The development would result in dormers that would be disproportionate to the scale of the existing house and which would be poorly designed and out of character with the host dwelling. The development would thus be contrary to policy ENV2 of the adopted part 1 Local Plan and to paragraph 134 of the National Planning Policy Framework

Application Ref: 22/0280/HHO

Proposal: Full: Proposed front and rear dormer, and rear extension.

At 22 Stone Edge Road Barrowford Nelson

On behalf of: Jane Davies

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0282/HHO

Proposal: Full: Proposed part two storey and single storey side extension.

At Harpers House Harpers Lane Fence

On behalf of: Mr Wiles

Site Description and Proposal

The application site is a large property set in grounds just off Harpers Lane. It adjoins harpers Cottage to the north east and has a gable facing residential units to the south west.

The proposal is to erect a second storey above the existing single storey side extension.

Relevant Planning History

No relevant planning history.

Consultee Response

Highways

Parish/Town Council

United Utilities

Environment Agency

Environment & Conservation

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 a large but yet not prominent property set back from the highway in its own grounds.

The proposed extension would extend the first floor of the existing side extension above the single storey side extension. There are a number of windows in the existing elevation facing the properties next door to the south west. These would be altered and one first floor window would be inserted. The relationship does not however bring the windows closer than those existing and the relationship would not be made worse than exists.

The development is far enough away from the existing dwellings to the south west that there would be no impact on the living environment of the occupants of those houses.

The design is simple and adds to what is existing and 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: 22018-SP, 22018-LP, 22018-04,

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

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

Reason: These materials are compatible to the existing house and would be an appropriate design.

Application Ref: 22/0282/HHO

Proposal: Full: Proposed part two storey and single storey side extension.

At Harpers House Harpers Lane Fence

On behalf of: Mr Wiles

Application Ref: 22/0286/FUL
Proposal: Full: Installation of 295kW biomass boiler and associated flue.
At: Knarrs Hill Cottage, Warley Wise Lane, Colne
On behalf of: Mr Binns
Date Registered: 28/06/2022
Expiry Date: 23/08/2022
Case Officer: Laura Barnes

Site Description and Proposal

The application site relates to land adjacent to Knarrs Hill Cottage, between Knarrs Hill and Sedgemoor House. It is located within the Open Countryside.

The proposal is for the installation of a biomass boiler with a flue measuring 8.8m in height. The boiler is to assist with the current operation at Knarrs Hill, with the logging business and wood yard.

Relevant Planning History

None relevant

Consultee Response

LCC Highways

Having considered the information submitted, the Highway Development Control Section does not have any objections regarding the proposed development at the above location, subject to the following comments being noted.

Public Footpath 50 Colne (ref 13-4-FP50) passes to the North of the proposed development site in an East-West orientation. It is unclear from the information submitted whether there will be any smoke or other noxious emissions from the boiler which may affect users of this Public Right of Way, or others close to the site, dependent on prevailing wind directions.

Public Response

Nearest neighbours have been notified by letter, without response.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

Policy ENV2 (Achieving Quality in Design and Conservation) identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by

encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Policy ENV3 (Renewable and Low Carbon Energy Generation) states that the Council will encourage new developments which are appropriate to their setting and make a positive contribution towards increasing levels of renewable and low carbon energy generation in Pendle.

National Planning Policy Framework

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

Principle of Development

The application seeks to place a bio mass boiler adjacent to land used by a tree contractor.

The term biomass describes biological materials from living, or recently living, organisms, whereas the output is referred to as bioenergy or biofuels. Biofuels can be derived from plants, animal waste or human activity and three main processes are employed to generate electricity or heat from these products:

1. Direct combustion of solid biomass.
2. Gasification of solid biomass.
3. Anaerobic digestion of solid, or liquid, biomass.

Biofuels are typically used to heat buildings by the use of a stand alone stove, to provide space heating for a room, or a boiler connected to the central heating and hot water systems. They are also suitable for use in combined heat and power (CHP) plants.

At the time of the site visit it was evident that the site already had a small biomass boiler within a building closer to Knarrs Hill Cottage. The current boiler is much smaller than the one proposed. The principle of using renewable energy is acceptable, subject to the appropriate siting of the equipment.

Design & Landscape Impact

The proposed boiler is to measure 2.2m and 3.7m in length. It is to have a flue which measures 8.8m in height. However, this would be read in the context of the existing buildings including large agricultural buildings and the farmhouse (Knarrs Hill Cottage). It should also be noted that the land which the boiler is to be sited on is sloping and drops away from the access driveway in the North West to lower ground in the South East.

The proposed development accords with Policy ENV2 of the local Plan: Part 1 Core Strategy.

Residential Amenity

In terms of impact upon neighbouring amenity, the main considerations here are the potential odour and noise. It is acknowledged that the applicant currently runs a biomass boiler, albeit smaller, as part of their existing business. The proposed boiler would allow them to generate a larger amount of heat to dry out the logs they store at the site. The Council's Environmental Health Officer has recommended that any potential issues could be controlled by statutory nuisance powers. It should be noted that no complaints have been received about the existing biomass

boiler, in terms of smoke or odour. There are no specific recommendations from the Environmental Health Officer in terms of conditions.

The closest property to the proposed boiler is Sedgemoor House which is approximately 160 to the east of the application site. It is not anticipated that the neighbouring property would experience any unacceptable neighbouring impacts as a result of the proposed development. The prevailing wind direction is from south west which would mean the wind would carry towards Knarr End Farm which is over 250m away. Again, it is not anticipated that the proposed development would result in any unacceptable neighbouring impacts.

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

Highways

The proposed development does not involve any additional car parking. Although the Highways Authority have noted that there is a Public Right of Way running to the north of the application site, the Public Right of Way is 25m to the north. The flue from the boiler would be read in the context of the wider landscape, which includes large agricultural buildings and other renewable energy generation such as wind turbines. As such, the users of the public right of way would not experience an unacceptable adverse impact.

Reason for Decision

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

RECOMMENDATION: Approve

Subject to the following conditions:

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

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

The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plans 22041, Drawing L(90)101 Rev B' Proposed Boimass Boiler 22041, Drawing L(0)101 Rev A

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

3. All materials to be used in 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.

Application Ref: 22/0286/FUL

Proposal: Full: Installation of 295kW biomass boiler and associated flue.

At: Knarrs Hill Cottage, Warley Wise Lane, Colne

On behalf of: Mr Binns

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 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 RWP's

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 FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0292/FUL

Proposal: Full: Demolition of shed and erection of a domestic workshop and landscaping, including groundworks and timber decking.

At: 3 Ousel Rock Roughlee Burnley, BB12 9PS

On behalf of: Mr Scott Gordon

Date Registered: 4th May 2022

Expiry Date: 26th June 2022

Case Officer: Yvonne Smallwood

Site Description and Proposal

The application site is located on a slope within an existing cluster of similar structures, belonging to an adjacent row of 5 dwellings at Ousel Rock. The property is in Open Countryside within the Forest of Bowland Area of Outstanding Natural Beauty.

The proposal seeks to demolish the existing shed and erect a timber outbuilding with concrete base, measuring 3.6m in length x 3m in width, 2m to eaves and 2.5m to ridge height, to be used as a domestic workshop. The grassed area to the west of the site would have an area of timber decking, covering circa 7sqm. The land would be levelled and a retaining wall of 0.43m at the highest point would be built, that would reduce down to ground level at the edge of the proposed decking.

Relevant Planning History

22/0291/HHO - Full: Erection of front timber porch and replacement single storey rear extension – Approved with Conditions, 14th July 2022.

Consultee Response

United Utilities-
No objection

1. Any construction activities in the vicinity of United Utilities' sewer must comply with national building and construction standards and where applicable, our 'Standard Conditions for Works Adjacent to Pipelines'. This includes United Utilities' assets which is located close to the applicant's red line boundary. Care must be taken from the applicant given the proposed decking is close to the existing sewer. There must not be any posts or supporting structure over or within the 3 metre easement of the sewer. The applicant will need to contact the team at United Utilities responsible for building over matters to discuss your proposal and proximity to the existing public sewer prior to commencing development by emailing WastewaterDeveloperServices@uuplc.co.uk
2. Further to point 1, the applicant is responsible to ensure that United Utilities' has a required access to the sewer infrastructure and that it is appropriately protected during or post construction. The applicant would be liable for the cost of any damage to United Utilities' assets resulting from the activity. The applicable would also be liable for costs to replace any decking should that part of the sewer need to be accessed by United Utilities during or post construction.

3. The waste management facility north of the site, Ousel Rock Wastewater Treatment Works, is an industrial operation which can result in emissions. These emissions include odour and noise. The wastewater treatment works is also subject to vehicle movements from takers which need to access the facility and this must not be compromised at any time during or post construction.

LCC Highways-
No objection

Roughlee Booth Parish Council

Public Response

Nearest neighbours notified by letter without response.

Relevant Planning Policy

Policy

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

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

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

National Planning Policy Framework

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

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

The Forest of Bowland Area of Outstanding Natural Beauty Supplementary Planning Guidance (SPG) sets out the criteria for new development in the within the AONB.

The Development in the Open Countryside Supplementary Planning Guidance (SPG) sets out the criteria for new development in the countryside area of Pendle.

Officer Comments

Design

The Design Principles SPD advises that outbuildings which are over dominant in relation to the existing and surrounding properties will not be approved, particularly in prominent locations. It also states that outbuildings should respect the design and materials of the host dwelling. It states that garages should be positioned in a location which would not affect the appearance of the original dwelling house. A pitched roof is preferable to a flat roof.

The proposal seeks to demolish the existing shed and erect a pitched-roof timber outbuilding with concrete base, measuring 3.6m in length x 3m in width, 2m to eaves and 2.5m to ridge height, to be used as a domestic workshop. The grassed area to the west of the site would have a quadrilateral area of timber decking, covering circa 7sqm. The land would be levelled and a retaining wall of 0.43m at the highest point would be built, that would taper down to ground level at the edge of the proposed decking.

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

Residential Amenity

The Design Principles SPD advises that proposed development should adequately protect neighbours enjoying their own home. The proposed development would be one of several similar outbuildings and garages located to the north east of Ousel Rock. The nearest neighbour to the scheme would be number 1 Ousel Rock. As the proposed outbuilding would be only circa 1m closer to the property than existing and would be circa 12m from this property, it is not considered that the proposed development would have any adverse impact to residential amenity of the neighbouring properties.

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

Other matters

United Utilities initially raised an objection to this application, however they have removed their objection provided that their recommendations are met.

Reason for Decision

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

RECOMMENDATION: Approve

Subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 2022/29-03 D

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

3. The external materials to be used for the construction of the development hereby approved shall be as stated on the application form and approved drawings and shall not be varied without the prior written consent of the Local Planning Authority.

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

Informative:

United Utilities-

1. Any construction activities in the vicinity of United Utilities' sewer must comply with national building and construction standards and where applicable, our 'Standard Conditions for Works Adjacent to Pipelines'. This includes United Utilities' assets which is located close to the applicant's red line boundary. Care must be taken from the applicant given the proposed decking is close to the existing sewer. There must not be any posts or supporting structure over or within the 3 metre easement of the sewer. The applicant will need to contact the team at United Utilities responsible for building over matters to discuss your proposal and proximity to the existing public sewer prior to commencing development by emailing WastewaterDeveloperServices@uuplc.co.uk
2. Further to point 1, the applicant is responsible to ensure that United Utilities' has a required access to the sewer infrastructure and that it is appropriately protected during or post construction. The applicant would be liable for the cost of any damage to United Utilities' assets resulting from the activity. The applicable would also be liable for costs to replace any decking should that part of the sewer need to be accessed by United Utilities during or post construction.
3. The waste management facility north of the site, Ousel Rock Wastewater Treatment Works, is an industrial operation which can result in emissions. These emissions include odour and noise. The wastewater treatment works is also subject to vehicle movements from takers which need to access the facility and this must not be compromised at any time during or post construction.

Application Ref: 22/0292/FUL

Proposal: Full: Demolition of shed and erection of a domestic workshop and landscaping, including groundworks and timber decking.

At: 3 Ousel Rock Roughlee Burnley, BB12 9PS

On behalf of: Mr Scott Gordon

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 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 existing 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.

-

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 FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0335/HHO

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

At 77 - 79 Pendle Street, Nelson

On behalf of: Mr Syed Kazmi

Date Registered: 25th May 2022

Expiry Date: 18th July 2022

Case Officer: Yvonne Smallwood

Site Description and Proposal

The application site is a stone built mid-terraced house with a slate roof and UPVC fenestration, located in a residential area of Nelson surrounded by similar properties.

The proposal seeks to erect a rear extension to create a utility room and wetroom.

Relevant Planning History

None

Consultee Response

Highways LCC-
No objections

Nelson Town Council

Public Response

Nearest neighbours notified by letter without response

Relevant Planning Policy

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

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

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

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

Policy

ENV1 - Developments are to have high design standards that preserve or enhance the character and appearance of the area.

ENV2 - New developments should deliver good design and be sustainable to meet future demands.

Design Principles SPD5 – Rear extensions should be designed to avoid causing overshadowing, loss of outlook or loss of privacy to neighbouring properties.

Design and Materials

The proposed extension would have a flat roof and the materials would be stone, slate and UPVC fenestration to match existing.

Amenity

The main issues to consider are the impact of the extension on the residential amenity of the adjacent properties and the visual amenity of the surrounding area.

The extension would project back circa 4m to the rear boundary wall of the property. There is an existing WC outbuilding located to the rear boundary wall. There is a door and a small window proposed to the south elevation. There is a wall of circa 2.2m in height around the perimeter of the rear yard. The extension would be erected in the number 79 half of the application site. There would be circa 2.1m between the extension and the wall that separates the application site from number 81. The proposed extension would not result in any unacceptable adverse impacts for the neighbour at number 81.

The side of the application site which is number 77 has an existing extension of similar size to the proposed extension. There is a circa 2.2m wall along the boundary.

Merton Street is to the rear of the proposed site. There are no windows proposed to the rear elevation of the development, so there would be no unacceptable adverse impact on the neighbours to the rear of the dwelling.

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: A3/002, A3/003, A3/005, A3/006A

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

4. The external materials used in 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.

Application Ref: 22/0335/HHO

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

At 77 - 79 Pendle Street, Nelson

On behalf of: Mr Syed Kazmi

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0348/HHO

Proposal: Full: Proposed external amendments and rear canopy.

At 147 Wheatley Lane Road Barrowford Nelson

On behalf of: Mr And Mrs M. Yates

Date Registered: 22/05/2022

Expiry Date: 7/19/2022

Case Officer: NW

Site Description and Proposal

The application site is a large detached property set in its own extensive grounds. The proposal is to erect a single storey extension to the rear of the property.

Relevant Planning History

No relevant planning history.

Consultee Response

Highways: No objection

Parish/Town Council: **No Objection in Principle:** The size and scale of the proposed works were proportionate but had concerns regarding materials: The Parish Council felt that the replacement of pebbledash with a silicon render was acceptable.

That the replacement windows would be fine as long as the new windows incorporated a similar design of smaller Georgian style glass panes.

The Council feel that the incorporation of black wooden boarding to the front porch, and side elevation is not in keeping with the existing and would detract from the amenity and setting of the Conservation Area.

United Utilities

Environment & Conservation

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 site lies within a conservation area. The application seeks a number of things some of which are permitted development whilst others require planning permission.

The replacement of the windows is permitted under the provisions of the 2015 General Permitted Development Order. The windows can be replaced at any time with whatever design the owners wish to have.

The Council commented that the black wooden boarding to the front porch and side elevation was not in keeping with the Conservation Area. An amendment has been made, so that the cladding would be a natural timber colour instead of black.

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: 6200 – P10, 6200 – E10, Amended Cladding Material received 27.06.22

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

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

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

Application Ref: 22/0348/HHO

Proposal: Full: Proposed external amendments and rear canopy.

At 147 Wheatley Lane Road Barrowford Nelson

On behalf of: Mr And Mrs M. Yates

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0370/FUL

Proposal: Full: Erect a detached dwellinghouse.

At: Land adjacent to Castercliffe Cottage, Walton Lane, Nelson

On behalf of: Mr Michael Coyne

Date Registered: 21/06/2022

Expiry Date: 16/08/2022

Case Officer: Laura Barnes

Site Description and Proposal

The application site relates to land which lies within the Open Countryside, it is separated from the settlement boundary by an area of protected open space (Marsden Park Golf Club).

The proposed dwelling is to be a two storey detached dwelling, comprising three bedrooms and an integral garage.

Relevant Planning History

13/91/0343P: Erection of a bungalow
Refused, due to landscape impact and highways
June 1991

Consultee Comments

LCC Highways

Having considered the information submitted, the Highway Development Control Section does not have any objections regarding the proposed development at the above location, subject to the following comments being noted.

Proposal

The erection of one detached three bedroomed dwelling house with associated parking.

Site access

The site would be accessed from an existing single vehicle width track leading from Walton Lane, which serves four existing dwellings.

Although there are bus stops on Town House Road served by two commercial services occupants of the proposed dwelling are unlikely to use these given the distance from the dwelling to the stops along the track which is unlit and with no footway. There is, therefore, likely to be a reliance on the use of private motor vehicles to access local facilities and amenities.

There are no formal passing places on the track, although there are some locations which can be used as informal passing places. The level of traffic generated by the new development would be low and unlikely to cause any highway safety issues.

Car & cycle parking

Given the site's distance from local amenities and facilities, and the consequent reliance on the use of private motor vehicles, maximum parking standards should be applied to this site. Two adequately sized spaces should be provided with a dwelling with three bedrooms.

The proposed single integral garage is adequately sized internally to count as one parking, with further parking for at least two other vehicles within the curtilage.

Therefore an adequate level of parking has been provided.

The garage is also adequately sized to provide secure, covered storage for at least two cycles, in line with the council's Parking Standards.

An electric vehicle charging point is also proposed which would improve the site's sustainability.

United Utilities

United Utilities wishes to draw attention to the following as a means to facilitate sustainable development within the region.

Drainage

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

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

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

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

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, the proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer as we need to be sure that the proposal meets the requirements of Sewers for adoption and United Utilities' Asset Standards. The proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets. Therefore, should this application be approved and the applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.

Details of both our S106 sewer connections and S104 sewer adoptions processes (including application forms) can be found on our website <http://www.unitedutilities.com/builders-developers.aspx>

Please note we are not responsible for advising on rates of discharge to the local watercourse system. This is a matter for you to discuss with the Lead Local Flood Authority and / or the Environment Agency if the watercourse is classified as main river.

Water supply

If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the

water network is required to meet the demand, this could be a significant project which should be accounted for in the project timeline for design and construction.

United Utilities' property, assets and infrastructure

Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction.

Due to the public sewer transfer in 2011, not all sewers are currently shown on the statutory sewer records and we do not always show private pipes on our plans. If a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further.

Environmental Health

Recommends conditions relating to:

- Construction Method Statement

Public Response

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

- Loss of visual amenity
- Loss of privacy to Height Side Farm and Castercliffe Cottage
- Damage to the track, leading to the 4 existing properties, during building work
- Traffic issues with access to school
- Concerns regarding infrastructure which supplies electricity
- Presence of bats in the area

The Coal Authority

The application site falls within the defined Development High Risk Area.

The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically probable shallow coal mine workings and probable shallow coal mine workings associated with a thick coal seam outcrop.

The Coal Authority previously objected to this planning application in a letter to the LPA dated 12 July 2022. The objection was raised on the grounds that a Coal Mining Risk Assessment did not accompany the planning application.

The Coal Authority is therefore pleased to note that appropriate and up-to-date coal mining information for the proposed development site has been obtained and has been used to inform the Coal Mining Risk Assessment (15 March 2022, prepared by Worms Eye Ltd), which now accompanies this planning application.

The Coal Authority therefore withdraws its objection to the proposed development subject to the imposition of the following conditions:

1. No development shall commence until: a) a scheme of intrusive investigations has been carried out on site to establish the risk posed to the development by past coal mining activity, and; b) any remediation works / or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented in site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigation and remedial works shall be carried out in accordance with authoritative UK guidance.

2. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and / or mitigation necessary to address the risks posed by past coal mining activity.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

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

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) seeks to protect and enhance biodiversity of natural and historic environments across Pendle.

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

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

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

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

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

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

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

Policy LIV5 (Designing Better Places to Live) requires all new housing to be designed and built in a sustainable way. New development should make the most efficient use of land and be built at a

density appropriate to its location taking account of townscape and landscape character. Provision for open space and/or green infrastructure should be made in all new housing developments.

Replacement Pendle Local Plan

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

National Planning Policy Framework

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

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

Principle of Development

The proposed development is located outside but within 300m of the settlement boundary. Policy LIV1 is relevant here because the Part 2 Plan is not yet in place. The proposed development would contribute towards the supply of housing.

Design & Heritage

The proposed dwelling is to be two storey in height, with a single storey projection around three sides of the detached property. The dwelling is to be constructed of natural stonework with stone heads & cills. It is to have a blue slate roof and double glazed UPVC windows & doors.

The site lies within the Industrial Foothills and Valleys character area, as defined in the Lancashire County Council Landscape Character Assessment. The dwelling would be seen in the context of existing built form and the proposals are therefore compliant with Policies ENV1 and ENV2.

Although the proposed dwelling is within 300m of the Castercliffe Hill Fort which is a Scheduled Ancient Monument, owing to the change in levels and the physical separation between the application site and the monument, there would be no harm to the historic importance of the monument itself or its setting. As such, the proposed development accords with paragraph 202 of the Framework and Policy ENV1 of the Local Plan: Part 1 Core Strategy.

Residential Amenity

The proposed dwelling is to be sited at 90 degrees for the existing two dwellings at Height Side Farm and Castercliffe Cottage. As such, the proposed windows to the front elevation would not result in an unacceptable neighbouring amenity impact. The land gently slopes away from the existing cottages, as such the proposed dwelling would not result in an overbearing impact upon the neighbouring dwellings. Although the proposed dwelling would utilise a shared driveway to the front of the existing cottages, this would be no different from the existing situation and would not result in any unacceptable neighbouring amenity impact. The proposed dwelling is to have its own car parking area which would not interfere with existing car parking arrangements for the existing dwellings.

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

Highways

The proposed development has an integral garage along with two parking spaces to the front of the dwelling. This is satisfactory based upon the number of bedrooms to the dwelling. No objection has been raised in relation to highway safety concerns. The proposed development would provide sufficient off-street parking and therefore accords with Policy 31 of the Replacement Pendle Local Plan.

Other Matters

In relation to the previously refused planning application, each application is determined on its merits. The previous application was the result of an entirely different policy landscape from over 30 years ago. It does not directly influence the decision in this case.

The applicant has submitted a detailed coal mining assessment which has been reviewed and is satisfactory, subject to conditions specifically relating to this. As such, there is no conflict with Policy ENV5 of the Local Plan: Part 1 Core Strategy.

Reason for Decision:

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

Recommendation: Approve

Subject to the following conditions:

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

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

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

- Location Plan 22/46/7 dated June 2022
- Proposed Site Layout Plan 22/46/7
- Proposed Floor Plan 22/46/6
- Proposed Elevation Plan 22/46/8

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

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

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

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

The drainage scheme must include:

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

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

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

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

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

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

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

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

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

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

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

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

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

9. A Construction Method Statement shall be submitted to the Local planning authority and approved prior to commencement of the development. The Method statement must cover the topics detailed below, including:

- Hours of operation
- Hours of deliveries
- Construction site noise and vibration
- Control of Dust

Reason: To protect the amenities of occupiers of adjoining and nearby properties.

10. No development shall commence until: a) a scheme of intrusive investigations has been carried out on site to establish the risk posed to the development by past coal mining activity, and; b) any remediation works / or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented in site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigation and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: In the interests of public safety

11. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and / or mitigation necessary to address the risks posed by past coal mining activity.

Reason: In the interests of public safety

Application Ref: 22/0370/FUL

Proposal: Full: Erect a detached dwellinghouse.

At: Land adjacent to Castercliffe Cottage, Walton Lane, Nelson

On behalf of: Mr Michael Coyne

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0374/HHO

Proposal: Full: Proposed First Floor Extension Over Existing Garage & Internal Alterations.

At 1 Beckside Close Trawden Colne

On behalf of: Mr Michael Crewe

Date Registered: 04.07.2022

Expiry Date: 29.08.2022

Case Officer: Yvonne Smallwood

Site Description and Proposal

The application site is a semi-detached house in a cul-de-sac within Trawden Forest Conservation Area. The application site is within a Flood Zone 3 area.

The application seeks to erect a first floor extension above the existing garage. The ground floor would be a kitchen and motorcycle garage there would be a bedroom above the garage. The number of bedrooms would remain 3.

Relevant Planning History

No relevant planning history.

Consultee Response

Highways LCC –
No objection

Parish/Town Council-

Concerns re loss of parking. A 4 bedroomed property should have a minimum of 3 parking spaces. One parking space is due to be lost.

Within Trawden, parking is already a big problem, so any loss is against our Neighbourhood Plan Policy 3.2.1 iii - need to retain off street parking.

Environment Agency

Public Response

Nearest neighbours notified by letter without response.

Relevant Planning Policy

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

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

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

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

The Conservation Area Design and Development Guidance Supplementary Planning Document (SPD) gives guidance on suitable developments within Conservation Areas.

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.

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

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

Officer Comments

The main considerations for this application are the design, impact on the designated heritage asset and residential amenity.

Design and the Conservation Area

The Design Principles SPD advises that extensions should be constructed in materials and style to match the existing dwelling. The scale of the development should be subordinate to the original dwelling and that the extension should leave adequate room around the dwelling. The proposed first floor extension would be built directly above the existing garage, with a ridge height set below that of the host dwelling. The materials would be natural stone, concrete tiles and brown UPVC to match existing. There would be a small roof light inserted to front and rear elevations.

The extension is proposed on a modern housing estate. The estate in itself is not prominent in the conservation area. The extension would be above the existing garage to the east of the main dwellinghouse. The proposed extension would be visible to the other houses in the cul-de-sac, but not the wider conservation area. The development would have a neutral impact on the conservation area and there would be no harm caused to its significance.

The materials match existing and the design is subordinate to the host dwelling and is acceptable in this setting and they are in keeping with the existing dwelling.

The design and materials of this development are acceptable and comply with Policy ENV2 and the Design Principles SPD

Residential Amenity

The Design Principles SPD guidance is designed to protect neighbouring amenity from overshadowing or obstruction of outlook. The proposed development has no windows proposed to the east elevation.

The neighbour at number 3 Becks Close is circa 14m from the proposed extension. The extension would be set below the ridge line of the host dwelling and the footprint is not altered. There are no windows proposed to the east elevation. The proposed extension would not result in any unacceptable adverse impacts for the neighbour at number 3.

There is a window proposed to the front elevation of the first storey and a roof light. The additional windows would not result in any loss of amenity for neighbouring properties.

The rear elevation has windows proposed to the ground floor, first storey and a roof light. To the rear of the property is Whiteholme Mill. There would be no residential impact to the rear of the extension.

The proposal therefore complies with Policy ENV1, ENV2 and the Design Principle SPD.

Flood Zone 3

The application site is within a Flood Zone 3 area. The Environment Agency has not raised an objection to this development. The footprint of the existing property is not increased, therefore there is no reason to refuse this application due to its location within Flood Zone 3.

Highways

The Parish Council raised concerns related to parking. The original plan would have created a 4th bedroom. The plans have since been amended and the dwelling will remain a 3 bedroom house. Highways have raised no objection to the development.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed 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: Location Plan received 8.6.2022, 22/015/2A

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

- 3 The external materials to be used for the construction of the development hereby approved shall be as stated on the application form and approved drawings and shall not be varied without the prior written consent of the Local Planning Authority.

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

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0374/HHO

Proposal: Full: Proposed First Floor Extension Over Existing Garage & Internal Alterations.

At 1 Becksides Close Trawden Colne

On behalf of: Mr Michael Crewe

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 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 of 300 cd/m² 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/m² 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/m2 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/m², the proposed illuminance would be 300cd/m². 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/m² 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.

Reason for Decision

The proposed advertisement is acceptable in terms of amenity and highways safety.

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: B&Q#SITES\SITES M TO R\NELSON (24.08.2021) Rev G (Rev Date 7.6.22), 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 FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0396/HHO

Proposal: Full: Front and rear dormer extension with associated internal works and site alterations.

At 77 Reedley Road, Reedley.

On behalf of: Mr Miohammad Adeel Quadri.

Date Registered: 16/06/2022

Expiry Date: 10/08/2022

Case Officer: Joanne Naylor

Site Description and Proposal

The application site is a two-storey semi-detached property with dormers to the front and rear of the pitched roof and a single storey side extension. There is off-road parking to the front and gardens to the front and rear.

The proposal seeks to erect front and rear dormers above the existing single storey extension with a bedroom to the front elevation and a bathroom to the rear elevation. A bin store is proposed to the front of the property.

Relevant Planning History

GEN/2014/0224: Erect single storey extension to the side and rear of dwellinghouse. (19 September 2014).

Consultee Response

Town/Parish Council

No comment.

Public Response

The nearest neighbours have been notified by letter without response.

Relevant Planning Policy

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

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

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

National Planning Policy Framework

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

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

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

Officer Comments

The main considerations for this application are the design and materials, and residential amenity.

Design and Materials

The Design Principles advises that roof alterations and dormer extensions should be in keeping with the dwelling, to not overlook and overbear neighbouring property and dormers to not appear unbalanced.

The existing dwelling has red brick walls and white rendered walls with a tiled pitched roof which has a front and rear dormer with a flat roof and white cladding. The proposal would have front and rear dormers over the existing single storey side building to form a bedroom and bathroom. The existing front dormer has white cladding, the proposed front dormer would have grey cladding and would extend the grey cladding to the existing front dormers, this would retain the material used but change the colour which would ensure a uniform appearance from the front elevation. The proposed dormer to the rear would have white cladding which would match the existing dormer in colour and material. The side elevation of the proposal would be white render to match the side elevation of the single storey. The existing doors and windows are white and grey uPVC, the proposal would seek to have the windows and doors to all be grey uPVC.

The existing front dormer is set back circa 0.75m from the front elevation, the proposed dormer would retain this setback. The existing rear dormer is set back further due to the existing single storey rear extension which has a pitched roof, the proposed rear dormer would retain this setback. Both the front and rear dormers, proposed and existing, are set below the ridgeline. The neighbour at No. 79 has an adjoining dormer and the neighbour at No. 75 is set back from the application site. Therefore there would be no unacceptable overbearing impact.

Flat roof dormers are not normally acceptable on front elevations, however, there are a number of front dormers which have flat roofs, in this instance, the proposed front dormer would be acceptable. The proposal would extend the pitch roof by 2.9m, the tiles would match the existing pitch roof covering, and the gable end would be rendered and painted white.

The design and materials of this development are acceptable and comply with Policy ENV2 and the Design Principles SPD

Residential Amenity

The Design Principles SPD advises that dormers should avoid an overbearing effect on the streetscene and adjoining properties and should protect neighbours amenity.

The proposal would have a window to the front dormer circa 2m high x 1.4m wide with a Juliet balcony, as it is a Juliet balcony there would have be space to step out onto, then the impact of this window would have the same relationship as the existing dormer windows. Opposite the application site there is a highway with a width of 17m between the site and the neighbour opposite which has a circa 1m high wall with a boundary treatment of high hedging, which screens any view from the proposal to the property opposite, therefore there will be no residential amenity issue in this case.

The existing dwelling has a ground floor and first floor windows to the side elevation. The proposed development would retain the ground floor window and would have no greater impact on the neighbour at No. 75 than is already existing. To the first floor, the proposal would extend the gable end wall by circa 2.9m closer to No. 75, and would have a window in the gable wall. No. 75 is staggered back from the application site, to the front elevation there are two windows to first floor and one window ground floor, the proposed gable end window would be a distance of circa 4m from No. 75 front elevation and circa 4m from the side elevation. The proposed gable end window would have a view into the bedroom windows of No. 75 which would have a negative impact on the neighbour's residential amenity, a suitable condition for obscure glazing would mitigate this residential amenity issue.

The proposed rear dormer would face onto the rear garden, the rear gardens of housing on Ravens Grove adjoin the rear gardens of Reedley road, there is sufficient distance between to ensure there are no residential amenity issues to neighbours at Ravens Grove.

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

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:
 - Location Plan, Drawing Number: - 2144/100.
 - Drawing Number 2144-01
 - Site Plan, Drawing Number 2144-02
 - Proposed Site/Block Plan [1:200 at A3] Drawing Number 2144-03
 - Existing Floor Plans [1:100 at A3] Drawing Number 2144-04
 - Proposed Floor Plans [1:100 at A3] Drawing Number 2144-05
 - Elevations [1:100 at A3] Drawing Number 2144-06
 - Elevations [1:100 at A3] Drawing Number 2144-07

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

3. The external materials used in 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.

4. The window to the gable end hereby permitted shall at all times be glazed only with obscure glass of a type and degree of obscurity to be Level 5. Any replacement glazing shall be of an equal degree of obscurity. The window shall be hung in such a way so as to prevent the effect of obscure glazing being negated by way of opening.

Reason: To ensure the development does not adversely affect the privacy and amenity of the occupants of the adjoining dwelling.

Application Ref: 22/0396/HHO

Proposal: Full: Front and rear dormer extension with associated internal works and site alterations.

At 77 Reedley Road, Reedley.

On behalf of: Mr Miohammad Adeel Quadri.

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0401/CND

Proposal: Approval of Details Reserved by Condition: Discharge of Condition 22 (Landscape Management Plan - Open Space Areas) 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: 17/06/2022

Expiry Date: 12/08/2022

Case Officer: Alex Cameron

Site Description and Proposal

This application is made under article 21 of the Town and Country Planning (General Development Procedure) Order 1995 to seek confirmation of compliance with conditions on planning permission 19/0901/FUL.

This application requests the discharge of condition number 22 on the Planning Permission:

Condition 22: A scheme for the management (including maintenance) of the public open space areas shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the first dwelling. The management arrangements shall be implemented in accordance with approved scheme before the first dwelling is occupied and the public open spaces shall thereafter be managed in accordance with the approved scheme.

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

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

Consultee Response

PBC Environment Officer – No objection.

Officer Comments

Condition 22 (Landscape Management Plan) The submitted Landscape Management Plan is acceptable.

RECOMMENDATION: Discharge Condition 22

Condition 22 (Landscape Management Plan) The submitted Landscape Management Plan is acceptable, the condition is therefore discharged subject to implementation.

Application Ref: 22/0401/CND

Proposal: Approval of Details Reserved by Condition: Discharge of Condition 22 (Landscape Management Plan - Open Space Areas) 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 FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0406/CND

Proposal: Approval of Details Reserved by Condition: Discharge of Conditions 4 (Landscape Management and Maintenance), 7 (Foul & surface Water Drainage), 12 (Car Parking Plan) and 18 (Footpath lighting scheme) of Planning Permission 19/0801/FUL.

At: Development Site At Former Recreation Ground
Harrison Drive

On behalf of: Barnfield Construction

Date Registered: 20/06/2022

Expiry Date: 15/08/2022

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 19/0801/FUL.

This application requests the discharge of condition numbers 4, 7, 12 and 18 on the Planning Permission. These conditions are listed below:

Condition 4

A scheme for the management (including maintenance) of the open space area shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwelling. The approved scheme shall thereafter be complied with at all times unless an alternative is agreed in writing by the Local Planning Authority and thereafter the alternative scheme shall at all times be complied with.

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

Condition 7

No dwelling shall be occupied unless and until it is connected to a surface and foul water disposal scheme. Details of the scheme shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. The scheme shall provide for separate systems for the disposal of foul and surface effluent. The surface water shall discharge from the site at a maximum of 24.15l/s. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off the site resulting from the proposed development.

Condition 12

Prior to the occupation of any dwelling a plan detailing the provision of car parking spaces and the allocation of those to individual houses shall be submitted to and approved in writing by the Local Planning Authority. The car parking shall thereafter be provided and completed in accordance with the approved plan and the spaces shall be retained for the parking of cars associated with each dwelling.

Reason: In order to ensure that each dwelling is provided with adequate off road parking in the interests of public highway safety.

Condition 18

The footpaths around the site shall be lit in accordance with the approved layout scheme in accordance with a phasing scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to provide a safe environment.

Relevant Planning History

19/0801/FUL: Full: Major: Erection of 79 dwelling houses and associated external works.
Approved with conditions

Consultee Response

LCC Highways

There is no objection to the discharge of conditions 12 and 18.

United Utilities

No objection to condition 7 being discharged

Lancashire Lead Local Flood Authority

No comments

Public Response

None necessary

Officer Comments

This application requests the discharge of condition numbers 4, 7, 12 and 18 on the Planning Permission.

Condition 4

The applicant has submitted a Landscape Maintenance Plan which includes a written description of the management and maintenance of the North Linear Park, Residential Grass, Hedging, Trees and Ornamental Planting, SUDS and the South Eastern Footpath & Public Open Space. They have also included a copy of the Landscaping Plan and a statement from Together Housing who intend to manage and maintain the open space in accordance with the plan.

This information is satisfactory and the condition can be discharged, subject to implementation.

Condition 7

The applicant has provided a copy of the s104 surface water layout plan and external works plans for each area of the proposed development.

Feedback from United Utilities has been received, who are content with the information provided. This condition can be discharged subject to implementation.

Condition 12

The applicant has submitted external works plans which includes the car parking spaces associated with each plot.

This information has been reviewed and is satisfactory. The condition can be discharged subject to implementation.

Condition 18

The applicant has submitted a plan which indicates the location of all the lighting columns. This covers each of the footpaths around the site and is satisfactory. The condition can be discharged subject to implementation.

Summary

Satisfactory information has been submitted in relation to each of the conditions. Conditions 4, 7, 12 and 18 can be discharged, subject to implementation.

RECOMMENDATION: Discharge conditions 4, 7, 12 and 18, subject to implementation.

Application Ref: 22/0406/CND

Proposal: Approval of Details Reserved by Condition: Discharge of Conditions 4 (Landscape Management and Maintenance), 7 (Foul & surface Water Drainage), 12 (Car Parking Plan) and 18 (Footpath lighting scheme) of Planning Permission 19/0801/FUL.

At: Development Site At Former Recreation Ground
Harrison Drive

On behalf of: Barnfield Construction

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0409/HHO

Proposal: Full: Erection of single storey extension to rear.

At: 48 Lowthwaite Drive, Nelson

On Behalf of: Mr Nasir Abbas

Date Registered: 6th September 2021

Expiry Date: 5th October 2021

Case Officer: Yvonne Smallwood

Site Description and Proposal

The application site is a semi-detached dormer bungalow in a residential area located in the settlement of Nelson. It is surrounded by similar dwellings to all sides and has red brick elevations, a concrete pan tiled roof, white uPVC windows and garden areas to the front and rear.

This application to erect a single storey rear extensor is a resubmission of 22/0409/HHO, which was approved, however was not suitably placed in relation to manholes.

Relevant Planning History

13/06/0192P – Full: Erection of two storey side domestic extension to side – Approved with Conditions, 23rd March 2006

13/09/0405P – Full: Erection of single attached garage to side of dwelling house – Approved with Conditions, 21st September 2009

21/0665/HHO – Full: Erection of single storey rear extension – Approved with Conditions, 30th September 2021

Consultee Comments

Nelson Town Council

Public Response

Nearest neighbours notified by letter without response.

Planning Policy

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

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

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

Policy

ENV2 (Achieving Quality in Design) identifies the need to protect and enhance the character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that the siting and design of development should be in scale and harmony with the wider locality. This development would be acceptable in scale and harmony with neighbouring properties and there are other similar extensions on Lowthwaite Drive.

The Design Principles SPD states that the style, design and scale of domestic developments should respect the existing character of the location. The extension would be subservient to the existing property and in keeping with the locality.

Design and Materials

The design and materials of the proposed development would be sympathetic to the existing building and area. The proposed materials are brick walling with concrete roof tiles, uPVC windows and doors that would be powder coated aluminium and white uPVC. The materials would be acceptable and in keeping with the locality.

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

Amenity

The proposed single storey extension would project back by circa 3.5m than the extension of the adjoining property at number 46. The length of the proposed extension is 7m. The Design Principles SPD states that a rear extension of greater depth than 4m is only acceptable if it does not breach the 45 degree guidance to protect the light and privacy of the neighbours. There is a two meter fence between the adjoining properties. The height of the roof would be 2.75m. The proposed extension would not have any unacceptable adverse impacts on the adjoining property.

The neighbour at number 50 does not have windows in the side elevation. There is an existing garage to the east of the application site. The proposed development would not have any unacceptable impacts on the neighbours at number 50.

There are no properties within 21m to the rear of the application site. The proposed development is acceptable in terms of amenity.

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

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. Subject to appropriate conditions, the development would be acceptable in terms of

design and residential amenity. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

Recommendation: Approve

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

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

2. The development hereby permitted shall be carried out in strict accordance with the following approved plans: Location and Site Plan, received 9th August 2021, Layout and Elevation Plan: LD-01, received 9th August 2021

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

3. The external materials to be used for the construction of the development hereby approved shall be as stated on the application form and approved drawings and shall not be varied without the prior written consent of the Local Planning Authority.

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

Application Ref: 22/0409/HHO

Proposal: Full: Erection of single storey extension to rear.

At: 48 Lowthwaite Drive, Nelson

On Behalf of: Mr Nasir Abbas

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref 22/0417/FUL

Proposal: Full: Conversion and extension of existing outbuilding to create a single dwelling.

At: 147 Wheatley Lane Road, Barrowford

On behalf of: Mr & Mrs Yates

Date Registered: 23/06/2022

Expiry Date: 18/08/2022

Case Officer: Laura Barnes

Site Description and Proposal

The application site is an outbuilding, serving No. 147 Wheatley Lane Road. It is a two storey detached building which sits forward of the front elevation of the dwelling. It is a two storey structure which currently has a garage to the ground floor and storage to the first floor. The application site is located within the settlement boundary and within the Conservation Area.

The proposal is for the conversion and extension of the existing building, to create a single dwellinghouse. The proposed dwelling would comprise three bedrooms.

Relevant Planning History

None relevant

Consultee Comments

LCC Highways

Ref: Rev A Drawing no. 6200-P20, RBM, Parking space and bike store added. This is satisfactory.

Barrowford Parish Council

No objection. Although this is within the Carr Hall Road and Wheatley Lane Conservation Area, Barrowford Parish Council has no objection to bringing this former coach house into residential use. The application retains the original configuration of the frontage and sympathetic treatment of the side elevation with perhaps a more traditional style of apex roof to the four first floor dormer windows would create a traditional feel that enhances the streetscape within the Conservation area. The proposed extension to the rear is of a more modern design with siding board surfaces and a large glazed rear elevation. The stepping in of the side elevations should help give a definitive break between the existing materials and the new materials on the side elevations. The rear elevation could be defined as a modern approach to Arts and Crafts design using more sustainable materials.

Public Response

Nearest neighbours notified, one letter of objection has been received raising the following issues:

- The application site is an integral part of the Conservation Area
- The coach house was identified in the Conservation Area Appraisal as making a special contribution to the character of the Conservation Area

- The extension would be visible from Wheatley Lane Road
- The addition of a door and skylight are unsympathetic
- The plot would become overcrowded
- The proposed development would have a negative impact upon the physical and mental health of the neighbours
- There is no need for additional housing here – there are already 500 houses being built at Trough Laithe
- The frontage of the original dwelling would have to alter to make way for car parking
- Danger to ecology & removal of protected trees
- There is a stream running where the extension is to go
- Windows facing the neighbour at No. 149 – plans are inaccurate because they indicate 4 windows
- Sunlight will be blocked from No. 149
- Concerns regarding the foundations of No. 149 being destabilised
- The applicant has already had 2 large houses approved in their rear garden

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

Policy ENV2 (Achieving Quality in Design and Conservation) sets out the design standards for development within the Borough.

Replacement Pendle Local Plan

Saved Policy 31 'Parking' supports car parking in new developments in line with the Maximum Car and Cycle Parking Standards.

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.

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

Principle of Development

The application site is located within the settlement boundary, it seeks to reuse an existing building in order to create a new residential dwelling. The principle of development is acceptable, subject to design and amenity issues.

Design & Heritage

The proposed site is located within the Conservation Area. It seeks to extend the existing building with a two storey rear extension. The dwelling would comprise the following accommodation: lounge, ground floor WC, office and kitchen / dining area. To the first floor the accommodation would comprise three bedrooms, one with an ensuite bathroom and a family bathroom. In terms of external alterations, the main addition is to be the two storey rear extension which is to be finished in dark timber cladding to the walls, with a course of red brick carried through. The roof arrangement, detailing and finish would match the existing building and new windows would be in grey aluminium.

In terms of the impact upon the Conservation Area. The proposed development seeks to utilise the existing building, the major alteration to it would be to the rear where a two storey extension is proposed. Although a large extension, the position of it is such that it would not alter the character or appearance from the front elevation. It would result in the re-use of the building which is redundant in terms of its former use (a coach house). Therefore, the impact upon the Conservation Area would be neutral.

Overall, the proposed development accords with policy in this regard.

Residential Amenity

The site is located in a residential area. The report will now focus on each elevation in terms of the window openings. To the front elevation there is no proposed change to the openings. To the north east elevation (side), the proposed development would result in blocking up one ground floor window. The other windows to this elevation are to be obscure glazed. To the rear elevation a first floor window is to be blocked up and would make way for a large glazed section comprising bi-folding doors to the ground floor and a Juliet balcony with windows either side to the first floor. The proposed windows to the rear elevation would overlook the rear garden of the application site. To the south west elevation (side) there are to be two windows, one is a high level secondary source of light into the kitchen / dining area whilst the other is to serve the ensuite. Also to this elevation is a roof light, which is to serve the main family bathroom.

In terms of the impact upon neighbouring amenity, the windows to the front and sides would not result in any unacceptable neighbouring amenity issue. The main reason for this is due to obscure windows to the side closest to No. 149. The obscure glazing could be secured by planning condition. Turning to the windows to the rear elevation, although these would be within close proximity to the neighbouring dwelling at 149 and certainly less than 21m away, the closest window to the proposed development at No. 149 serves a family bathroom and has obscure glazing. To the ground floor, the proposed 2m high close boarded fence along the boundary with No. 149 would screen any views between the properties.

As a result, the proposal would not result in unacceptable amenity impacts on surrounding dwellings and is therefore acceptable in accordance with Policy ENV2 of the Local Plan: Part 1 Core Strategy and the Design Principles SPD.

Highway Safety

Adequate car parking provision and manoeuvring space can be accommodated within the applicant's land ownership. There is no concern raised in relation to highway safety danger.

Trees

There is a protected tree within the curtilage of the dwelling (PBC ref – TPO/No22/1995). Accordingly, tree protection measures have been prepared by Lakeland Tree Consultancy and are included as part of the application. The applicant has prepared a Tree Protection Plan and arboricultural impact assessment. The proposed approach, which includes no dig methods, construction exclusion zones and the use of protective fencing will ensure that the trees within the site are not harmed during the process of conversion and laying out of the new driveway areas.

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 erection of a holiday let is acceptable in this location in terms of impact on the open countryside subject to appropriate 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 development must be begun not later than the expiration of three years beginning with the date of this permission.

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

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

Location Plan 6200-E20

Proposed Site plan, Elevation Plans and Floor Plans 6200-P20 Rev B

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

3. Prior to the commencement of the development samples of all the external materials to be used in the development, including roofing, elevations, doors and windows 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 details.

Reason: To enable the Local Planning Authority to control the materials to be used on the proposed development and ensure that they are appropriate for this location.

4. Prior to the commencement of development details of a scheme of disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for separate systems for foul and surface waters and be constructed and completed in accordance with the approved plans before the unit is first occupied.

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

5. Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order

revoking or re-enacting that Order with or without modification), no development as specified in Classes A,B,C,D and F of Part 1 and Classes A,B and C of Part 2 of Schedule 2 of that Order shall be carried out without the express planning permission first being obtained from the Local Planning Authority.

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

6. The side elevation windows (closest to No. 149 Wheatley Lane Road) of the development hereby permitted shall at all times be fitted with obscure glazing to at least level 4 or above unless otherwise agreed in writing by the Local Planning Authority. Any replacement glazing shall be of an equal degree or above. The window shall be hung in such a way as to prevent the effect of the obscure glazing being negated by way of opening.

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

7. The development hereby approved shall be carried out in strict accordance with the arboricultural impact assessment prepared by Lakeland Tree Consultancy (February 2021) and Tree Protection plan (received on 23/06/2022).

Reason: In order to provide appropriate protection to the trees on site, during the construction process.

8. Prior to occupation of the development hereby approved, provision shall be made for the secure storage of cycles.

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

9. All off-street parking shall include provision of an electrical supply suitable for charging an electric motor vehicle.

Reason: To support sustainable transport objectives and to contribute to a reduction in harmful vehicle emissions.

Application Ref **22/0417/FUL**

Proposal: Full: Conversion and extension of existing outbuilding to create a single dwelling.

At: 147 Wheatley Lane Road, Barrowford

On behalf of: Mr & Mrs Yates

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0454/CND

Proposal: Approval of Details Reserved by Condition: Discharge of Condition 3 (Materials) of Planning Permission 19/0752/FUL.

At: Markazi Jamia Ghosia Mosque, Clayton Street, Nelson

On behalf of: Ghosia Jamia Mosque Committee

Date Registered: 04/07/2022

Expiry Date: 29/08/2022

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 19/0752/FUL.

This application requests the discharge of condition number 3 on the Planning Permission. This condition is listed below:

Condition 3

No above ground works shall commence on site unless and until, representative samples of all the external materials to be used in the construction of the walls, together with samples showing the colour and finish of the windows and doors to be installed as part of the development hereby approved, have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved materials and details.

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

Relevant Planning History

19/0752/FUL: Erection of two-storey side extension to the existing mosque (400 sqm)
Approved with conditions, 8th January 2020

Consultee Response

As necessary

Public Response

None necessary

Officer Comments

This application requests the discharge of condition number 3 on the Planning Permission.

Condition 3

The applicant has prepared a materials schedule which sets out that the materials to be used, including the following:

- Walls: Pitched faced York Stone, to match existing
- Roof: Protan single ply roofing membrane in light grey
- Windows: Double glazed units in RAL 7021 (Black grey)
- Rainwater woods: Cast iron, pre-painted in black with a semi-gloss finish

Samples of the stone material have been reviewed on site, in order to compare them with the existing building.

All the materials proposed are acceptable and this condition can be discharged, subject to implementation.

Summary

Condition 3 – the applicant has submitted details of the intended materials for the extension. These have been reviewed and are acceptable, this condition can be discharged subject to implementation.

RECOMMENDATION: Condition Discharged

Condition 3 – this information is acceptable and the condition can be discharged subject to implementation

Application Ref: 22/0454/CND

Proposal: Approval of Details Reserved by Condition: Discharge of Condition 3 (Materials) of Planning Permission 19/0752/FUL.

At: Markazi Jamia Ghosia Mosque, Clayton Street, Nelson

On behalf of: Ghosia Jamia Mosque Committee

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0486/FUL

Proposal: Full: Reconfiguration and removal of holiday restrictions to allow residential occupation (part retrospective).

At: Prospect Farm Caravan Site, Lenches Road, Colne

On behalf of: Mr Culligan

Date Registered: 18/07/2022

Expiry Date: 16/09/2022

Case Officer: Alex Cameron

Site Description and Proposal

The application site is an existing caravan site adjacent to the south of the settlement of Colne. Planning Permission was granted in 2012 for reconfiguration of the site for the siting of 26 static caravans, 15 for permanent residential accommodation and 11 restricted to holiday use only. This development was partially implemented and therefore the permission is extant.

This application is to reconfigure the approved layout of the site and allow all 26 caravans to be used for permanent residential accommodation.

Relevant Planning History

13/92/0410P - Retain residential caravan park. Approved

13/93/0538P - Modify conditions 2 and 3 of 13/92/0410P to retain residential caravan to increase units to 15. Refused

13/02/0031P - Modify condition 2 of 13/92/0410P to increase number of caravans to 15. Appeal Allowed

13/12/0154P - Full: Major: Alteration & reconfiguration of existing caravan park to provide 15 mobile homes & 11 holiday lets (26 units in total) with tarmacked access road, recycling point and siting of two storage containers 2m x 6m. Approved

Consultee Response

LCC Highways – From a strictly use perspective, the residential and holiday units in this instance are virtually indiscernible. Certainly, the relaxation of the occupancy restrictions wouldn't incur any tangible increase in highways movements from site, above those that could lawfully occur.

The Highway Authority would not dispute this having assessed the impact using the nationally recognised TRICS software.

The change from holiday to residential accommodation is likely to alter the travel patterns and there will be a small increase in vehicle movements throughout the day and during the morning and evening peak hours there is an increase from 1-2 vehicles to 6 vehicles. This is not anticipated to cause an impact to highway safety.

There are concerns about the location of the site due to the lack of facilities within walking distance. However, the traffic impact is expected to be small and not anticipated to cause a highway safety impact.

All 11 holiday units have 2 parking spaces allocated on the site layout drawing. In addition, unless they already exist, each unit should have a secure covered cycle store to support sustainable travel and electric vehicle charging points.

Colne Town Council – No comment.

Public Response

Press and site notices posted and nearest neighbours notified – Two responses received objecting on the following grounds:

- Impact on the landscape in long range views
- The development does not conform with the original permission which was for log cabins in a woodland, the proposal for static caravans is not in line with local character and history.
- No facilities for bicycle storage of electric vehicle charging are proposed
- The site is outside of a settlement boundary and would not be affordable housing
- The application should be treated as retrospective
- Light pollution
- The site is out of character with the area
- Poor pedestrian access and potential vehicular access issues in winter
- The site does not accord with the NPPF in terms of sustainability and environmental improvement
- The hillside is subject to large volume of surface water flows, a flood risk assessment should be submitted and correct plans implemented to reduce risk of off-site flood and damage to neighbouring properties
- The site had a water retention pond which has been backfilled potentially compromising a watercourse flowing under the site
- Risk from contamination
- A public right of way running through the site has been blocked off
- No evidence that any attempt has been made to sell the units as holiday accommodation
- Highway safety risk due to visibility at site access

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

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

ENV4 (Promoting Sustainable Travel) requires new development to have regard to potential impacts that may be caused on the highway network. Where residual cumulative impacts cannot be mitigated, permission should be refused.

SDP2 (Spatial Development Principles) states that where Greenfield land is required for new development, such sites should be in a sustainable location and well related to an existing settlement.

WRK5 (Tourism, Leisure and Culture) states that Proposals associated with the provision of new or improved facilities for tourism, leisure and cultural activities, including accommodation for visitors, will be supported where they:

1. Promote sustainable tourism associated with walking, cycling, waterways and the appreciation of the area's natural and historic environment.
2. Help to improve the quality and diversity of the existing tourism offer, and extend the tourist season.
3. Do not result in a significant increase in car usage and are readily accessible by public transport, and sustainable modes of transport (e.g. walking and cycling).
4. Support conservation, regeneration and/or economic development objectives, including the promotion of cross-border initiatives.
5. Are of an appropriate scale and will not have a significant detrimental effect on the natural or historic environment, local amenity or character of the area.
6. Achieve high environmental standards in terms of design and accessibility.

Principle of the development

Concerns have been raised regarding the sustainability impacts of removing the restriction on occupation of the holiday caravans to allow them to be used as permanent residences, due to the distance to essential services and facilities. However, this site is just 60m from the settlement boundary of Colne and, whilst the change from holiday accommodation to permanent residences would result in some change in the need to access services and facilities such as schools, the taking into account the close proximity of the settlement this would not result in an unacceptable sustainability impact. Taking these factors into account the removal of the holiday accommodation restriction from the 11 holiday accommodation units is acceptable.

Visual and Landscape Impacts

The site is visible from the opposite side of the valley in Colne but is seen set against other buildings and partially screened by existing trees. It is towards the lower part of the valley and does not break the skyline. From Lenches Road and public rights of way, other than directly adjacent to the site, it is screened by the landform and existing trees.

The proposed layout would have a lesser impact than the approved extant permission, which proposed larger mobile homes spread across a wider area of the site, the proposed static caravans are smaller and in a more compact arrangement towards the centre of the site. With appropriate landscaping controlled by condition the proposed development is acceptable in terms of visual amenity in accordance with policies ENV1 and ENV2.

Amenity

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

The proposed development is therefore acceptable in terms of residential amenity in accordance with policy ENV5.

Drainage

Concerns have been raised in relation to drainage and alterations to the approved drainage arrangements of the previous permission. The development would not increase the impermeable area of the site and therefore the overall surface water runoff rate, acceptable drainage of the site can be ensured by condition.

Highways

The proposed development would not significantly increase traffic to and from the site and would not result in any unacceptable highway safety impacts. The development is therefore acceptable in terms of highway safety in accordance with policy ENV4.

Concerns have been raised regarding obstruction to the public right of way adjacent to the western boundary of the site. The proposed development does not affect that area of the site, obstruction of the public right of way would be a separate matter controlled under the Highways Act.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in all relevant regards. 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 development hereby permitted shall be carried out in accordance with the following approved plans: 0403, GA3368-PPE-001, GA3368-PSP-001

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

- 2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device.

The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the estate road from the continuation of the nearer edge of the carriageway of Lenches Road to points measured 43m in each direction along the nearer edge of the carriageway of Lenches Road, from the centre line of the access, and shall be constructed and maintained at footway/verge level in accordance with a scheme to be agreed by the Local Planning Authority.

Reason: To ensure adequate visibility at the street junction or site access.

- 3 Within three months of the date of this decision a detailed landscaping scheme shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
 - a. the exact location and species of all existing trees and other planting to be retained;
 - b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
 - c. an outline specification for ground preparation;
 - d. all proposed boundary treatments with supporting elevations and construction details;
 - e. all proposed hard landscape elements and pavings, including layout, materials and colours;
 - f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

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

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

- 4 Within three months of the date of this decision a scheme of foul and surface water drainage, including a timescale for its implementation, shall have been submitted to and approved in writing by the Local Planning Authority the drainage shall thereafter be fully implemented in accordance with the approved scheme.

Reason: In order to ensure the development is adequately drained to reduce the risk of flooding and pollution.

- 5 Unless approved in writing by the Local Planning Authority no further ground clearance, demolition, or construction work shall commence until protective fencing, to BS 5837 : 2012 at least 1.25 metres high securely mounted on timber posts firmly driven into the ground has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land. No work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. The fencing shall be located at least 1.00 metre beyond the protected area detailed in BS 5837. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction. To prevent existing trees from being damaged during building works.
- 6 Prior to the installation of any external lighting details including type, size, location, intensity and direction of the proposed external lighting shall have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall thereafter at all times be maintained and operated in strict accordance with the approved details.
- 7 There shall be no further work within the site unless and until facilities have been provided by which means the wheels of vehicles may be cleaned before leaving the land. The facilities shall be retained for the full period of construction and all vehicles shall use the facilities.

Reason: In the interest of highway safety.

- 8 The development shall be carried out in accordance with the recommendations of the Preliminary Ecological Appraisal September 2021.

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

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0503/CND

Proposal: Approval of Details Reserved by Condition: Discharge of Conditions 5 (Site Access & Off-Site Highway Improvements), Condition 6 (Construction Method Statement), Condition 7 (Height of Obstacles within the Visibility Splay), Condition 14 (Tree Protective Fencing), Condition 15 (Landscaping scheme)

At Spencer House Farm 262 Wheatley Lane Road Fence

On behalf of: Dalfour Limited

Date Registered: 25.07.2022

Expiry Date: 9/19/2022

Case Officer: NW

Site Description and Proposal

The site is a development of barns to convert to four dwellings. The application seeks to discharge 5 conditions relating to access improvement, construction method statement, visibility splay, tree protection fencing and landscaping.

Relevant Planning History

No relevant planning history.

Consultee Response

Highways: The Highway Development Control Section's opinion is that this condition cannot be discharged at this time. The proposed scheme for highway works is not acceptable as it is not to Lancashire County Council's specification. The road construction details should be for a Category 1 road, the lighting column is not shown on the plan and no details of a street lighting assessment have been provided to support the lighting column's new location.

Until satisfactory details have been provided the highway authority considers that this condition cannot be discharged. In addition, no contact has been made to start the Section 278 process. The applicant or their agent should contact the county council as soon as possible to start this process. Details needed to discharge this condition would also form part of the above legal agreement.

In the Highway Development Control Section's opinion the information shown on Drawing DL SP03 and submitted in the discharge of conditions statement are acceptable and considers that this condition can be discharged, subject to satisfactory implementation. Deliveries should be planned to avoid the bus services timetabled along Wheatley Lane Road.

In the Highway Development Control Section's opinion the information shown on Drawing DL SP02 and submitted in the discharge of conditions statement are acceptable and considers that this condition can be discharged, subject to satisfactory implementation.

Although not part of this condition discharge application it has been noted that Drawing DL SP02 shows a pedestrian access and gateway to the rear of Plot 1 through the hedge and onto Wheatley Lane Road. This was not on the approved plan and should not be constructed. The highway authority would have objected to this due to the curved layout of Wheatley Lane Road and the hedge which obstruct visibility on the approach in both directions. There is also no footway and so pedestrians would be stepping out into live traffic.

Parish/Town Council

Environment Health: With regards to this development, we are little concern about the potential noise impact of this development on the residents of Regent street backing onto the development, late at night, and causing sleep. Can we put some controls in place to ensure this doesn't happen?

Where will the taxis park when waiting for a job come in, we don't want them waiting near the residents houses, and get out of their cars, slamming doors, beeping horns and chatting late at night, also where will customers stand and wait?

Public Response

None

Officer Comments

Conditions 5 (Site Access & Off-Site Highway Improvements). Amended plans have been received and at the time of writing are out for consultation.

Condition 6 (Construction Method Statement), The information submitted is acceptable and the condition can be discharged.

Condition 7 (Height of Obstacles within the Visibility Splay), The visibility splay details are acceptable.

Condition 14 (Tree Protective Fencing). The main issue is the protection of the hedge. Protective fencing will be put in place to protect this.

Condition 15 (Landscaping scheme). The landscaping of the site comprises of peripheral hedges around internal landscaping. The scheme is simple but appropriate to the site.

RECOMMENDATION: Delegate to the Planning, Economic Development & Regulatory Services manager to determine

Subject to the following conditions:

Conditions 5 (Site Access & Off-Site Highway Improvements),

Condition 6 (Construction Method Statement). The information submitted is acceptable and the condition can be discharged.

Condition 7 (Height of Obstacles within the Visibility Splay). The information submitted is acceptable and the condition can be discharged.

Condition 14 (Tree Protective Fencing). The information submitted is acceptable and the condition can be discharged.

Condition 15 (Landscaping scheme). The information submitted is acceptable and the condition can be discharged.

Application Ref: 22/0503/CND

Proposal: Approval of Details Reserved by Condition: Discharge of Conditions 5 (Site Access & Off-Site Highway Improvements), Condition 6 (Construction Method Statement), Condition 7 (Height of Obstacles within the Visibility Splay), Condition 14 (Tree Protective Fencing), Condition 15 (Landscaping scheme)

At Spencer House Farm 262 Wheatley Lane Road Fence

On behalf of: Dalfour Limited

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 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 formalize parking and maximize 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 FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0519/FUL

Proposal: Full: Change of Use of part ground floor and first floor to two flats (Use Class C3), insertion of dormer to rear roof slope and three roof lights to front roof slope.

At: 61-63 Colne Road, Brierfield.

On behalf of: Mr Saeed Ahmed.

Date Registered: 02/08/2022

Expiry Date: 27/09/2022

Case Officer: Joanne Naylor

Site Description and Proposal

The application site is a Motorwares shop (Use Class E), it is a two storey building with a slate pitched roof and a single storey rear extension with a slate pitched roof with rear rooflights. The walls are white painted render, to the front elevation there are the shop windows and door with advertisements. To the side elevation is a door and window to the single storey rear extension. The Motorwares shop is to the front elevation, the rear extension and second storey are used for storage. The site is located within the settlement boundary of Brierfield and is within commercial and residential areas, it is outwith the local shopping centre boundary.

The proposal would be for the conversion of the shop storage areas into two residential dwellings. The proposal would seek a change of use (Use Class C3) to create a first floor flat and ground floor flat with the insertion of three roof lights to the front elevation and the insertion of a dormer window with three windows to the rear roof of the first floor dwelling, and two roof lights to the rear roof of the ground floor dwelling, and a door to the rear elevation to access the first floor dwelling.

Relevant Planning History

22/0376/FUL: 2 Flats to be proposed with downstairs accommodation having skylights and windows. First floor flat will have sky lights and windows from dormer area to create natural light. Returned wrong PD. Application Returned.

13/11/0200P: Advertisement Consent: Display non illuminated signs to North and South elevations (retrospective). Refused.

Consultee Response

LCC Highways

Having considered the information submitted, the Highway Development Control Section does not have any objections in principle regarding the proposed development at the above location. However, this is subject to further information being received regarding the storage of refuse bins for both the residential and business uses proposed. Refuse bins should not be stored on the unadopted back street where they could obstruct access to the rear of properties on Every Street and Humphrey Street. Nor should bins be stored on the adopted footway on Every Street where they would cause an obstruction and potential hazard to pedestrians.

There is no off-road parking associated with the site. However, access to public transport on Colne Road is within acceptable walking distance, together with local facilities and amenities, which would mitigate the lack of parking provision.

However, secure cycle storage for one cycle per flat should be provided in line with the borough council's Parking Standards.

Subject to refuse storage information/details being received satisfactorily the following condition should be applied to any formal planning approval granted.

Condition

Prior to first occupation of any approved residential unit cycle storage details should be submitted to and approved by the Local Planning Authority and such storage facilities permanently maintained thereafter. Reason: To ensure that the development provides the infrastructure to support sustainable forms of transport.

Environment Agency

We have no objection to the development as proposed, however we have the following advice for the applicant.

Environmental permit - advice to applicant

The property to be altered is located within 8metres of Hollin Mill Watercourse which is designated as a Main River. Whilst no external alterations are proposed at ground floor level, the applicant should be aware that if any alterations are intended within 8metres of Hollin Mill Watercourse, they may require an environmental permit to be obtained from the Environment Agency.

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

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

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Parish/Town Council

No comment.

United Utilities Water Limited

No comment

PBC Engineering – Drainage

No comment

Environmental Services (Health)

No comment

Public Response

Nearest neighbours have been notified. No responses received.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

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

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

Replacement Pendle Local Plan

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

National Planning Policy Framework

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

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

Principle of the Development

The site is located within a built up area of commercial and residential use. The commercial aspect of the building would continue to sell car parts and accessories. The proposal for two flats would be within an area with a mix of residential and commercial use and there would be little impact upon the surrounding area.

Design and Materials

The existing building has a two storey building with an attached rear single storey building. The two storey building and the single storey building each have a pitched roof with natural slate tiles. The single storey has a door and window to the side elevation and seven rooflights to the rear, this is currently used for storage. The two storey building has a car accessories shop to the front elevation on Colne Road, the first floor is used for storage and has one window on the front elevation to Colne Road. There is a back street access route with footpaths either side.

The proposal would create a first floor flat with three roof lights on the front elevation, and a dormer across the roof containing three windows to the rear elevation. A door would be created to the rear elevation of the existing single storey building. The proposed doors and windows would be uPVC to match the existing. The proposed front rooflights would face Colne Road with a car sales dealer opposite and would have limited impact on the building. To the rear it is proposed that a rear dormer is erected to increase the living space. The Design Principles SPD advises dormers should be in keeping with the dwelling and not dominate the roof slope. The proposed dormer would have a flat roof and be set below the ridge line and set in from the sides by 0.7m, it would measure 8.45m across and 1.7m high and would contain three windows. This would be a large dormer, to mitigate the appearance of the dormer, a suitable condition could be placed for the use of slate tiles to match the existing roof tiles, this would improve the appearance of the dormer and improve the appearance of the proposal from the rear elevation.

The design and materials of this development are acceptable in this location and as such comply with Policy ENV2 and the Design Principles SPD.

Amenity

The application site is in a location where there are a mix of uses including a car sales forecourt opposite, office use, petrol station and car wash, estate agents and residential properties. To the front elevation, the proposed development would have three roof lights which would look onto the A682 road facing the car sales business, there would be a distance of circa 28m from the front roof lights to the car business building which would be a sufficient distance to not cause amenity issues.

The Design Principles SPD advises that dormers should not cause an overbearing effect on the street scene and adjoining properties. The proposed dormer would extend to the rear elevation of the two storey building, however, the single storey rear extension abuts the two storey building and therefore the dormer would appear to be set back from the rear elevation of the single storey building, there are no adjoining neighbours and the proposed dormer is to the rear and would not impact the street scene. No. 4 and No. 6 Every Street would look toward the application site, the dormer would be on the roof of the two storey building which would be staggered back from the view of No. 4 and No. 6 Every Street and would not impinge on their outlook over and above the existing.

The proposed windows to the dormer and the two proposed rooflights to the single storey building would face onto the blank gable of the end terrace No. 1 Every Street, the distance from the rear elevation to the blank gable is circa 4.5m, although this is considerably less distance than advised in the Design Principles SPD, the existing building has seven rear rooflights which look to No. 1 Every Street's blank gable wall, the proposed development would have two roof lights to the single storey building which is less than the existing seven rooflights and three additional windows to the dormer at first floor. There is a public highway between the application site and No. 1 Every Street and there is an existing relationship here, the proposed development does not detrimentally impact on the opposite dwelling over and above existing conditions.

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

Highways

LCC Highways have no objection to the proposal in principle subject to details for bin storage for the proposed residential use and business use which would not obstruct access to properties on Every Street and Humphrey Street, and to not be stored on the adopted footway on Every Street, to ensure that bin storage would not cause obstruction and potential hazard to pedestrians.

The application site does not have off-road parking, however there is public transport available on Colne Road. LCC Highways would require secure cycle storage for one cycle per flat in line with the borough council's Parking Standards.

Subject to suitable conditions for details on bin storage and secure cycle storage, the application would be acceptable for highways.

Reason for Decision

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

RECOMMENDATION: Approve

Subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Block Plan 61-63 Colne Road
 - Existing Floor Plans and Elevations, Project number 22/301
 - Proposed Floor Plans and Elevations, Project number 22/301

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

3. All the external materials to be used in development hereby permitted shall match those of the existing building in colour, form and texture and there shall be no variation without the prior consent of the Local Planning Authority.

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

4. No part of the development shall be commenced unless and until details for the storage of refuse bins for the residential and business uses has been submitted to and approved in

writing by the Local Planning Authority and such storage facilities shall be retained at all times thereafter that the development is in use.

Reason: To ensure that refuse bins are not stored on the unadopted backstreet or the adopted footway on Every Street and that there are no obstruction and potential hazard to pedestrians.

5. Prior to first occupation of any approved residential unit, cycle storage details should be submitted to and approved by the Local Planning Authority and such storage facilities shall be retained at all times thereafter that the development is in use.

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

Informative Note:

Environmental permit - advice to applicant

The property to be altered is located within 8metres of Hollin Mill Watercourse which is designated as a Main River. Whilst no external alterations are proposed at ground floor level, the applicant should be aware that if any alterations are intended within 8metres of Hollin Mill Watercourse, they may require an environmental permit to be obtained from the Environment Agency.

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

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

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Application Ref: 20/0519/FUL

Proposal: Full: Change of Use of part ground floor and first floor to two flats (Use Class C3), insertion of dormer to rear roof slope and three roof lights to front roof slope.

At: 61-63 Colne Road, Brierfield.

On behalf of: Mr Saeed Ahmed.

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0532/CND

Proposal: Approval of details Reserved by Condition: Discharge Condition 13 (Drainage) of Planning Permission 18/0903/FUL.

At: Site Of Former Bus Station, Broadway, Nelson

On behalf of: McDonald's Restaurants Ltd

Date Registered: 08/08/2022

Expiry Date: 03/10/2022

Case Officer: Alex Cameron

Site Description and Proposal

The application site is the former multi-story car park in Nelson. Planning permission was approved in 2019 from the demolition of the car park and erection of a drive-through restaurant.

This application is for approval of details required to be submitted and approved in writing by condition 13 (Drainage) of that permission.

Condition 13 - Foul and surface water shall be drained on separate systems. Prior to the commencement of the erection of the building hereby approved, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The development shall be completed in accordance with the approved details prior to the commencement of the use of the building.

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

Relevant Planning History

18/0903/FUL - Full: Demolition of multi-storey car park and erection of a 24 hour opening restaurant and drive through hot food takeaway (Use Classes A3/A5) (379 sq.m.) with associated car parking and landscape works. Approved

Consultee Response

United Utilities – No objection.

Officer Comments

Condition 13 (Drainage) The submitted foul and surface water drainage details (Drawing No. 4220118-1200 Rev C5) are acceptable.

RECOMMENDATION: Discharge Condition 13

Condition 13 (Drainage) The submitted foul and surface water drainage details (Drawing No. 4220118-1200 Rev C5) are acceptable, the condition is therefore discharged subject to implementation.

Application Ref: 22/0532/CND

Proposal: Approval of details Reserved by Condition: Discharge Condition 13 (Drainage) of Planning Permission 18/0903/FUL.

At: Site Of Former Bus Station, Broadway, Nelson

On behalf of: McDonald's Restaurants Ltd

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0537/CND

Proposal: Approval of Details Reserved by Condition: Discharge of Condition 7 (drainage) and Condition 8 (drainage) of Planning Permission 21/0312/VAR.

At: Black Carr Mill, Skipton Road, Trawden

On behalf of: CRS Plant Ltd

Date Registered: 09/08/2022

Expiry Date: 04/10/2022

Case Officer: Laura Barnes

Site Description and Proposal

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

This application requests the discharge of condition numbers 7 & 8 on the Planning Permission. This condition is listed below:

Condition 7

No development shall commence unless and until details of the design, based on sustainable drainage principles, and implementation of a sustainable surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.

Those details shall include, as a minimum:

- a) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
- b) The drainage strategy should demonstrate that the post development surface water run-off will not exceed 17l/s for rainfall events up to and including the 1 in 100 year return period. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- d) A plan showing flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing as applicable;
- f) Details of water quality controls, where applicable.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off the site resulting from the proposed development.

Condition 8

A management scheme for the maintenance and management of the Surface Water Drainage Scheme shall have been submitted and agreed in writing by the Local Planning Authority prior to the commencement of development and this scheme shall thereafter be implemented and completed prior to the occupation of the first dwelling.

No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

- a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
- b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - i. on-going inspections relating to performance and asset condition assessments
 - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c) Means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

Reason: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development, reduce the flood risk to the development as a result of inadequate maintenance and to identify the responsible organisation/body/company/undertaker for the sustainable drainage system.

Relevant Planning History

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

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

Consultee Response

LCC Lead Local Flood Authority

The Lead Local Flood Authority is currently able to recommend the discharge of conditions 7 and 8 on planning decision 21/0312/VAR.

The Lead Local Flood Authority acknowledges the applicant's proposal to discharge surface water during an exceedance event through a flap valve based within the wall at the rear of the development. The Lead Local Flood Authority would advise the applicant and the Local Planning Authority to ensure that the flap valve located in the base of the wall is not within a flood defence and therefore needs approval from the Environment Agency or an EA permit.

The Lead Local Flood Authority acknowledges the intention for the permeable paving to be managed and maintained by a management and maintenance company and therefore directs the Local Planning Authority to ensure that appropriate mechanisms are put in place to ensure that this is stipulated to the future property owners or that the driveways not be classed as private due to their integral part within the drainage of the development.

Public Response

None necessary

Officer Comments

This application requests the discharge of condition numbers 7 and 8 on the Planning Permission.

Condition 7 & 8

The condition requires details of the drainage strategy to be submitted. The applicant has put forward a drainage strategy and summary document, outlining the intentions for surface water drainage. Part of the drainage strategy includes a flap valve which would allow water into the watercourse in the event of an exceedance event. The Environment Agency have confirmed that whilst the wall is not a formal flood defence, an Environmental Permit would be required to discharge water into the watercourse.

The Lead Local Flood Authority have questioned whether it is possible for the permeable paving to remain in perpetuity, as this forms part of the whole site drainage strategy. Given that the original application has already been determined, this is not something which can be controlled now.

This information has been reviewed and is acceptable, subject to implementation.

Summary

Conditions 7 & 8 – The information which has been submitted by the applicant is acceptable and can be discharged, subject to implementation.

RECOMMENDATION: Conditions Discharged

Condition 7 and 8 can be discharged subject to implementation.

Application Ref: 22/0537/CND

Proposal: Approval of Details Reserved by Condition: Discharge of Condition 7 (drainage) and Condition 8 (drainage) of Planning Permission 21/0312/VAR.

At: Black Carr Mill, Skipton Road, Trawden

On behalf of: CRS Plant Ltd

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0542/HHO

Proposal: Full: Erection of a single storey extension to the side.

At: 19 Whitworth Way, Barnoldswick.

On behalf of: Mr and Mrs Robertson.

Date Registered: 11/08/2022

Expiry Date: 06/10/2022

Case Officer: Joanne Naylor

Site Description and Proposal

The application site is a two storey detached dwellinghouse with a front porch within a residential area of similar properties. There is a detached single garage to the front elevation with off-street parking for one car and a rear garden.

The proposal seeks to erect a single storey extension to the side elevation for an office, utility and shower room. The proposal would have two windows and one roof light to the front elevation, two rooflights to the side elevation and patio doors to the rear elevation.

Relevant Planning History

No relevant planning history.

Consultee Response

LCC Highways

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

There are no highway concerns with this proposal and therefore no objection but given the development site's location within a residential estate we recommend that a condition is applied restricting the times of deliveries to ensure there is no conflict with traffic, both vehicular and pedestrian, at peak times entering/leaving the estate and on the surrounding highway network.

Condition

1. Deliveries to the approved development shall only be accepted between the hours of 9.30am and 2.30pm, to avoid peak traffic on the surrounding highway network. Reason: In the interest of highway safety.

Parish/Town Council – No comment.

Canal & River Trust

Based on the information available our substantive response (as required by the Town and Country Planning (Development Management Procedure) Order 2015 (as amended)) is that the Trust has no comment to make on the proposal.

Public Response

Letters were sent to nearby properties, no responses received.

Relevant Planning Policy

Pendle Local Plan Part 1: Core Strategy

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

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

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

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

National Planning Policy Framework

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

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

Officer Comments

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

Design and Materials

The Design Principles SPD advises that extensions should be constructed in materials and style to match the existing dwelling and pitched roof elements are preferred.

The material proposed would be reconstituted stone blocks which would match the existing, the existing roof is grey concrete, the proposal would have a pitched roof and would improve the quality of the slates which would match the existing in colour. The proposed windows would match the existing windows, the doors are currently brown uPVC, the proposal would have doors to be grey composite which would match the existing garage door, this would ensure uniformity in the colour and design of the doors on the dwelling house. The proposal is a single storey extension and would appear subordinate to the dwellinghouse.

The Design Principles SPD advises that single storey side extensions should preserve the street scene, protect neighbours amenity, and retain satisfactory parking space. The proposal would extend the porch by a further circa 3m to the side elevation, in front of the proposal there is an existing garage and the boundary treatment to the front has hedging and trees which would screen much of the proposal from the streetscene. The materials and design would match the existing dwelling and would not look out of place in this area.

The proposal would not create any additional bedrooms and would retain the existing level of parking spaces.

Overall, the design and materials are acceptable and would be in accordance with Policy ENV2 and the Design Principles SPD.

Residential Amenity

The Design Principles SPD advises that extensions must adequately protect neighbours enjoyment of home, to not overshadow or have an overbearing effect and windows to maintain a distance of 12m between principal window and a gable elevation and 21m between habitable room windows facing each other, however this distance can take account of existing interface distance between properties characteristic in the area.

The front elevation of the existing porch is in line with the front elevation of No. 21 Whitworth Way, the proposal would not overbear or overshadow the adjacent neighbours. The proposal would be close to the party boundary with No. 21 Whitworth Way, leaving a gap of circa 0.25m. The proposal does not have windows on the side elevation, there would be two roof lights to the side elevation. No. 21 has a ground floor window on the side elevation facing the application site and there are no windows to the upper floor of No.21, therefore there would be no amenity issues in terms of privacy and overbearing.

To the rear, there are dwellinghouses at Banks Bridge Close, with No.12 Banks Bridge Close rear garden backing onto the rear garden of the application site. The proposal would have two patio doors to the rear elevation, the patio doors would face a terraced wall forming the rear garden. No.12 Banks Bridge Close is elevated above the application site, there would be no direct overlooking and the distance between this dwelling and the application site is sufficiently large enough to ensure no amenity issues.

The proposed development would have one roof light and two windows to the front elevation facing No. 30 Whitworth Way which has ground and first floor habitable room windows. The existing dwelling has habitable room windows to the front elevation at ground and first floor. The proposal would widen the existing door and install a new side light circa 0.25m wide and would be the same height as the door. The second proposed window would serve the utility room which would not be a habitable room, the siting of this window would be screened by the existing garage, and there would be a highway between the dwellings, the distance between the application site and the opposite dwelling houses would be circa 24m which is a greater distance than advised by the Design Principles SPD of 21m between habitable room windows facing each other. The proposed development does not detrimentally impact on those dwellings over and above the existing conditions. The relationship across the public highway is also acceptable.

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

Highway

The proposed development would not result in an increase in bedrooms and the number of existing parking spaces would be retained. LCC Highways have no objections to the proposal. As the proposal is for a small extension, it would be unreasonable for deliveries to be time restricted.

Reason for Decision

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

RECOMMENDATION: Approve

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Existing Site Location Plan: drawing no. 376:3, 27 July 2022.
 - Proposed Elevations and Plans: drawing no. 376:2, 27 July 2022.
 - Existing elevations and Plans: drawing no 376:1, 27 July 2022.

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.

Application Ref: 22/0542/HHO

Proposal: Full: Erection of a single storey extension to the side.

At: 19 Whitworth Way, Barnoldswick.

On behalf of: Mr and Mrs Robertson.

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0548/CND

Proposal: Approval of Details Reserved by Condition: Discharge of Condition 8 (Estate Street Phasing & Completion Plan) 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: 12/08/2022

Expiry Date: 07/10/2022

Case Officer: Alex Cameron

Site Description and Proposal

This application is made under article 21 of the Town and Country Planning (General Development Procedure) Order 1995 to seek confirmation of compliance with conditions on planning permission 19/0901/FUL.

This application requests the discharge of condition number 8 on the Planning Permission:

Condition 8: Prior to the commencement of development an Estate Street Phasing and Completion Plan shall have been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases (including the provision of the emergency access link) and the standards that estate streets serving each phase of the development will be completed including full engineering, drainage, street lighting and constructional details to adoptable standards.

Following the occupation of the 50th dwelling, the emergency access link onto Windsor Street shall be completed or in accordance with the Estate Street Phasing Plan whichever is the sooner.

A scheme for the signing and access controls at the emergency access link and the footpath link shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to the completion of the above emergency access link.

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

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

Consultee Response

LCC Highways – No objection.

Officer Comments

Condition 8 (Estate Street Phasing & Completion Plan) The submitted Estate Street Phasing & Completion Plan is acceptable.

RECOMMENDATION: Discharge Condition 8

Condition 8 (Estate Street Phasing & Completion Plan) The submitted Estate Street Phasing & Completion Plan is acceptable, the condition is therefore discharged subject to implementation.

Application Ref: 22/0548/CND

Proposal: Approval of Details Reserved by Condition: Discharge of Condition 8 (Estate Street Phasing & Completion Plan) 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 FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0553/HHO

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

At 79 Knotts Mount, Colne.

On behalf of: Miss Daisy Nutter.

Date Registered: 24/08/2022

Expiry Date: 19/10/2022

Case Officer: Joanne Naylor

Site Description and Proposal

The application site is within the settlement boundary of Colne and within the HMR Reserved Housing Land. The existing dwelling is a modern mid-terrace within a row of four, set within a modern housing estate of similar dwellings in design and material. The dwelling has Bradstone stone walls, white uPVC windows and a front porch with an anthracite grey uPVC door. There is one parking space to the front of the property and a rear garden.

The proposal is for a rear single storey extension to extend the kitchen, it would have bi-folding doors across the rear elevation and two roof lights on the pitched roof with interlocking clay tiles.

Relevant Planning History

13/15/0178P: Full: Major: Erection of 182 dwellings with associated highway, landscaping and drainage works. Approved with Conditions (17 July 2015).

13/12/0397P: Full: Major: Erection of 212 dwelling houses with associated road network, open space, parking/garages and landscaping. Refused (8 Jan 2013).

13/15/0178C1: Approval of Details Reserved by Condition: Discharge Conditions 3 (Open space/ecological areas), 4 (Drainage), 5 (Highways), 8 (Contamination), 9 (Land stability), 10 (Phasing), 11 (Retaining structures), 12 (Ground levels), 13 (Landscaping), 14 (Materials), 15 (Construction method statement) and 19 (Sound insulation) of Planning Permission 13/15/0178P. Conditions discharged (2 March 2016).

20/0435/CND: Approval of Details Reserved by Condition: Discharge Condition 13 (Landscaping) of Planning Permission 13/15/0178P. Conditions Discharged (3 March 2021).

Consultee Response

LCC Highways

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

Town/Parish Council

No comment.

Public Response

The nearest neighbours have been notified by letter without response.

Relevant Planning Policy

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

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

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

National Planning Policy Framework

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

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

Officer Comments

The main considerations for this application are the design and materials, and residential amenity.

Design and Materials

The Design Principles SPD advises that extensions should be constructed in materials and style to match the existing dwelling, a pitched roof element is preferred, and the scale of the development should be subordinate to the original dwelling and that the extension should leave adequate room for bin storage, seating and hanging washing. As the proposal is single storey it would appear subordinate to the existing dwelling house, and there would be enough space for seating, bins and washing.

The proposed extension would match the materials of the existing dwelling, it would have a pitched roof with tiles matching the existing. The proposed windows and bi-folding doors are positioned on the rear elevation and would match the existing windows being white uPVC. The proposed windows would look onto the boundary fencing circa 1.8m high, and beyond that onto open field/green space.

The proposal would be 4m in width, 3.8m in length and would have a pitched roof to a height of 3.4m. For single storey rear extensions located on the party boundary with neighbouring property, it is acceptable where it does not project more than 4m, the proposal projects 3.8m and would be acceptable here.

The design and materials of this development are acceptable and comply with Policy ENV2 and the Design Principles SPD

Residential Amenity

The Design Principles SPD advises that rear extensions should be designed to avoid overshadowing, loss of outlook and loss of privacy to neighbours and to not be unduly dominant.

The proposed extension have no windows to the side elevation, there would be bi-folding doors to the rear elevation and two rooflights on the rear pitch roof, the windows face on to circa 1.8m high fencing and beyond that there are open fields. The boundary treatment between the neighbouring properties are circa 1.8 high fence which screens the proposal from the adjoining properties at ground floor level. The adjoining neighbours have first floor bedroom windows to the rear elevation, the proposal would have two rear roof lights on the pitched roof which would be tilted towards the rear garden and the only view would be of the boundary treatment and the open green space beyond. The proposed rear bi-folding doors would have no residential amenity issues.

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

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:
 - Proposed Site Plan, project number 2022.07. Drawing number 0004 Revision A.
 - Proposed Ground Floor Plans & Elevations, project number 2022.07. Drawing number 0002.

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

3. The external materials used in 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.

Application Ref: 22/0553/HHO

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

At 79 Knotts Mount, Colne.

On behalf of: Miss Daisy Nutter.

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 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.

The Design Principles advise that extensions to terraced properties should not normally extend beyond the existing line so as to maintain the character and appearance of the area. 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, whilst windows in side elevations overlooking adjacent property should be avoided, the window would look onto the rear extension of No.161 and the circa 1.8m high wall, this would offer some screening of the view from the application site.

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 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. In the terrace row, there are no other rear extensions projecting to the rear yard wall. Where more lengthy projections on a terrace row are characteristic and provide essential facilities, then a more lengthy projection may be acceptable subject to the impact on neighbouring properties. 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 FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0562/FUL

Proposal: Full: Change of use of the unit to bakery (Class E), external alterations and installation of plant.

At: Unit 2, North Valley Retail Park, Colne

On behalf of: Greggs PLC

Date Registered: 05/09/2022

Expiry Date: 31/10/2022

Case Officer: Laura Barnes

Site Description and Proposal

The application site is an existing commercial building, located within an area occupied by other retail outlets. The site itself is not a designated retail / employment area in the Local Plan but has instead sprung up over time and established as a retail area.

This application seeks permission to change the use of the existing unit (which the last known use was a wholesale warehouse for beauty products), to a Greggs bakery.

Relevant Planning History

13/10/0440P: Erection of two industrial units (512 m² in total) for B1 and B8 use (including trade counters) and use as an auto centre (B2 use) and associated works)
Approved with conditions

13/12/0075P: Change of use of an industrial unit for B1, B8 (including trade counter) and autocentre (B2) to B1, B8 (including trade counter), autocentre (B2) and vehicle inspection centre in association with financial services (sui generis) use
Approved with conditions

22/0630/ADV: Advertisement Consent: Installation of 2no. fascia signs (one illuminated and one non-illuminated) and 1no. illuminated totem signs
Pending Consideration

Consultee Comments

LCC Highways

Having considered the information submitted, including the agent's response (6.10.22) to the highway authority's request for further details, together with site observations, the Highway Development Control Section does not have any objections regarding the proposed development at the above location. The following comments should be noted, and condition applied to any formal planning approval granted.

Deliveries

The agent has confirmed that deliveries will take place from the car parking area at the front of the building, and there will be no loading/unloading from the adopted highway.

Deliveries will be arranged to avoid times when there is a high demand for the off-road parking.

Car parking

Prior to the development first opening for trading signage should be provided to indicate that the parking bays in front of the building are for the applicant's customers only. This is to ensure that there is no conflict with customers to the adjacent unit. This can be controlled by condition.

The following, or a similarly worded, condition should be applied to any formal planning approval granted.

Condition

Prior to the approved development first opening for trading signage for the off-road parking area shall be provided in line with a scheme to be approved by the Local Planning Authority.

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

Colne Town Council

The Town Council is happy with the plans, however, would ask that a condition is placed on the applicant to provide sufficient bins to minimise litter in the area and that the bins and area be kept tidy.

Environment Agency

No objection

Public Response

Nearest neighbours notified, without response

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

Policy SDP2 (Spatial Development Principles) sets out the roles for the various types of centres across Pendle Colne is a key service centre.

Policy SDP5 (Retail Distribution) sets out the locations in which new retail development would be acceptable, in the form of a hierarchy.

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

Policy WRK1 (Strengthening the Local Economy) Encourages proposals which would help to strengthen and diversify the local economy.

Policy WRK4 (Retailing and Town Centres) confirms that town and local shopping centres will be the primary focus for retail development in Pendle. The policy seeks to apply the sequential approach to site selection to all retail applications and seeks to protect the vitality of existing town centres.

Replacement Pendle Local Plan

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

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

National Planning Policy Framework

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

Principle of Development

The building in this case already exists and the application seeks to change the use of it. There are a number of similar uses within close proximity to the application site. This application would see the re-use of a currently vacant industrial unit, with benefits to the local economy, including jobs.

Although the proposed development is not within the Town Centre and proposes a retail use, it is not contrary to the sequential preferences set out at Policy WRK4. This is because it is within an acceptable walking distance of the Town Centre. Moreover, the planning statement confirms that there would be no intention to close the existing retail unit in the Town Centre. As such, the proposed development site is the most sequentially preferable after a Town Centre location.

Given the character of the surrounding area, the principle of development here is acceptable.

Design

At present, the building has two openings to the front elevation, including a roller shutter door and a pedestrian access door. The proposed development includes altering these openings to include a pedestrian door and a large window with two TV screens displaying advertisements. To the rear elevation there are no additional openings but there is a high level air handling unit. Given that this is to the rear of the unit, it would not have an impact upon the street scene. There are no further external alterations. The proposed drawings include advertisement signage. However, this is the subject of a separate application for advertisement consent.

As such, the proposed development accords with Policy ENV2 of the Local Plan: Part 1 Core Strategy.

Residential Amenity

In terms of neighbouring amenity, the proposed development does not involve any additional openings. As such, it would not have any greater impact upon residential amenity than the existing unit.

In terms of the air handling unit, these are common place on industrial buildings and are designed such that they would not have an unacceptable impact upon neighbouring amenity. Details of the specification of the air handling unit has been provided by the applicant and are acceptable.

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

Highways

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

Other Matters

The Town Council have requested that bins are provided to customers of the facility in order that they can dispose of their waste on site and it does not result in littering of the local area. This is something which could be secured by planning condition.

Reason for Decision

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

Recommendation: Approve

Subject to the following conditions:

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

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan
 - Proposed Plans: RPEN/S5977/09 A
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 All materials to be used for the proposed development hereby approved shall be as stated on the application form and approved drawings and they shall not be varied without the prior written permission of the Local Planning Authority.

Reason: Those materials are appropriate for the development and site.
- 4 Prior to occupation of the development hereby approved, an outside bin to collect customer's rubbish shall be installed to the front elevation and shall remain in place for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that facilities are available for customers to dispose of waste packaging and prevent litter from accumulating on the street in the surrounding area.
- 5 Prior to the approved development first opening for trading signage for the off-road parking area shall be provided in line with a scheme to be approved by the Local Planning Authority.

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

Application Ref: 22/0562/FUL

Proposal: Full: Change of use of the unit to bakery (Class E), external alterations and installation of plant.

At: Unit 2, North Valley Retail Park, Colne

On behalf of: Greggs PLC

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0566/VAR

Proposal: Full: Variation of Condition: Vary Condition 6 (Window Frames) of Planning Permission 21/0541/FUL.

At: Lower Broach Farmhouse, Skipton New Road, Foulridge

On behalf of: Mr Shaun Haycock

Date Registered: 18/08/2022

Expiry Date: 13/10/2022

Case Officer: Laura Barnes

Site Description and Proposal

The application site is a former outbuilding belonging to Lower Broach Farmhouse. It has permission to convert it from an out building to a residential dwelling. It is located within the Green Belt and Open Countryside. The site is part of a field surrounded by open countryside to three sides.

The applicant seeks a variation to the planning permission. The condition (Condition 6) states the windows and doors should be timber. The applicant would prefer the material changed to aluminium and are applying to vary the condition on this basis.

Relevant Planning History

18/0750/FUL: Full: Conversion of outbuilding to dwellinghouse and change of use of agricultural land to domestic use.
Approved with conditions

20/0491/HHO: Full: Erection of a single storey extension to front.
Refused

21/0541/FUL: Full: Conversion of outbuilding into dwelling house with single storey extension to south east elevation and use of agricultural land for domestic use.
Approved with conditions

22/0007/HHO: Full: Erection of a single storey extension to front (Re-Submission).
Approved with conditions

22/0373/CND: Approval of Details Reserved by Condition: Discharge Conditions 4 (Materials) and 6 (Windows and Doors) of Planning Permission 21/0541/FUL.
Conditions Discharge Split Decision
Condition 4: Discharged
Condition 6: Refused

Consultee Comments

LCC Highways

No objection

Public Response

Nearest neighbours have been notified by letter, without response.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy ENV1 (Protecting and enhancing our Natural and Historic Environments) seeks to ensure that the natural and historic assets of the borough are protected, conserved and enhanced over the plan period.

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.

National Planning Policy Framework

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

Development in the Countryside SPG

The Development in the Countryside SPG provides area based guidance for development proposals in the open countryside.

Design

The proposed variation in terms of the design of the windows is to alter the frames from timber to aluminium. The design which has been put forward is a slim line aluminium which would be acceptable as a substitute for timber.

Turning now to the pedestrian door. Although the door which has been put forward is a composite door with a wood grain effect, it has a similar appearance to a painted timber door. It is to be an anthracite grey colour and is not positioned on a prominent face of the building. Further, given the context of the site, within a former farm yard where various buildings have been converted to residential over time, the proposed door is acceptable.

Therefore, in terms of design, this condition can be varied from timber to the materials which have been proposed in this case.

Residential Amenity

The proposed changes would not result in any different impact upon the neighbouring amenity than what has previously been approved under planning permission 21/0541/FUL.

Highways

The proposed access is not altering as part of the variation of planning permission. As such there is no unacceptable highway impact as a result.

Reason for Decision

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

Recommendation: Approve

Subject to the following conditions:

1. The proposed development hereby permitted shall be begun before the expiration of three years from 05/11/2021.

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, Site Plan & Existing Plans - 08/2021 1 001, Proposed Plans 02/2022 1 002 Rev F, received on 28/09/2022

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

3. At no time shall any openings be formed within the north east and south east elevations nor shall any additional openings, other than hereby approved, in the south west and north west elevations the without the prior written permission of the Local Planning Authority.

Reason: In order to ensure that no overlooking or loss of privacy occurs to the adjacent Lower Broach Farm and to retain the integrity of the building.

4. The material samples approved in application reference 22/0373/CND shall be implemented and shall not be varied, unless agreed in writing by the Local Planning Authority.

Reason: These materials have been assessed as being appropriate to the location of the application site.

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

Part 1

A) no extensions shall be erected

B+C) no alterations to the roof of the building shall be carried out

D) no porches

E) no curtilage buildings

Reason: To enable the Local Planning Authority to control any future development on the site and safeguard the openness of the Greenbelt and impacts on neighbouring properties.

- 6 The proposed development shall not be brought into use unless and until at least two car parking spaces and turning areas have been provide and marked out within the site. The parking spaces and turning area shall thereafter always remain unobstructed and available for parking and turning purposes.

Reason: In order to provide sufficient off street parking for the development in the interests of highway safety.

Application Ref: 22/0566/VAR

Proposal: Full: Variation of Condition: Vary Condition 6 (Window Frames) of Planning Permission 21/0541/FUL.

At: Lower Broach Farmhouse, Skipton New Road, Foulridge

On behalf of: Mr Shaun Haycock

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 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 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 FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 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 Comments

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: Approval subject to the following condition:

- 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 FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0576/FUL

Proposal: Full: Erection of an extension to the front elevation and alterations to the front of an existing outbuilding (resubmission).

At: Red Lion Inn, 70 Red Lion Street, Earby

On behalf of: Red Lion Earby Ltd

Date Registered: 08/02/2021

Expiry Date: 05/04/2021

Case Officer: Alex Cameron

Site Description and Proposal

The application site is a public house within the settlement of Earby and Earby Conservation Area.

The proposed development is the erection of a single storey extension to the front elevation and alterations to the existing garage/store to partially block it up with stone and replace with a pedestrian door. This is a resubmission of a previously approved application the only difference being the addition of patio doors to the west elevation.

Relevant Planning History

22/0082/FUL - Full: Erection of an extension to the front elevation and alterations to the front of an existing outbuilding. Approved

Consultee Response

LCC Highways – No objection.

Earby and Salterforth Drainage Board – No comments.

Public Response

Press and site notices posted and nearest neighbours notified. No response.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

Replacement Pendle Local Plan

Policy 31 sets out the maximum parking standards for development.

Visual Amenity and Heritage Impact

The Red Lion Inn is identified as being a building of local significance and a key building within the Earby Conservation Area. The submitted Heritage Statement concludes that the proposed extension will have a low level of impact on the significance of the Earby Conservation Area and a negligible level of impact on the Red Lion itself, that is also my conclusion.

The proposed extension would be appropriate in terms of design and materials of natural stone, stone slate roof and timber framed windows and doors and the erection of an extension to the building would result in negligible, less than substantial, harm to the significance of the Conservation Area. The negligible harm would be outweighed by the public benefits of supporting the continued viability of the public house and the economic and community benefits resulting from that.

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

Residential Amenity

The proposed extension would result in a small increase in the internal floorspace of the public house, at the expense of outdoor seating area, and patio doors opening to the side, this would not result in any unacceptable increase in noise and disturbance to surrounding residents.

There is a dwelling to the east side of the proposed extension that has a kitchen / dining room window adjacent to the extension. The extension would project approximately 6.5m beyond the window and enclose the gap between it and the outbuilding to the front. Whilst this would result in some reduction in light to and outlook from that window it is a secondary window to the open plan room with the main window being on the front elevation. Taking this into account the proposed extension would not have an unacceptable impact upon the residential amenity of occupants of that or any other surrounding property in accordance with policy ENV2.

Parking

The proposed extension would not reduce car parking provision as the area is used for outdoor seating and the garage/store is not of sufficient size to count towards parking provision. Taking into account the presence of a public car park adjacent the small increase in floor space would not result in an unacceptable increase in on-street car parking.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in terms of design, amenity, highway safety and heritage impact. 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, 1461-3C, 1461-4C, 1461-5A, 1461-6, 1461-7.

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

3. Unless otherwise approved in writing by the Local Planning Authority the development shall be carried out in accordance with the details of materials received 01/11/2022.

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

Application Ref: 22/0576/FUL

Proposal: Full: Erection of an extension to the front elevation and alterations to the front of an existing outbuilding (resubmission).

At: Red Lion Inn, 70 Red Lion Street, Earby

On behalf of: Red Lion Earby Ltd

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0583/HHO

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

At: 17-19 Ethel Street, Barnoldswick.

On behalf of: Mr Naeem Shazada.

Date Registered: 26/08/2022.

Expiry Date: 21/10//2022.

Case Officer: Joanne Naylor.

Site Description and Proposal

The application site is a two-storey end terraced dwellinghouse within the settlement boundary of Barnoldswick. The dwellinghouse is set within a terraced street with a uniform Victorian streetscene with residential housing to the front and rear elevations and green space/allotments to the side elevation. The dwelling has natural stone walls, a pitched slate roof, white uPVC windows and white uPVC doors and the front door being anthracite with obscure glazed windows either side. The dwelling is formed from the combination of two dwellings into one therefore there are two rear yards, one each side of the rear kitchen.

The proposed development is for the erection of a single storey rear extension to the yard of No.17 Ethel Street. The proposal would be for a gym which would have K-rendered walls and a flat roof with a roof lantern. The proposal would have a uPVC door directly onto the back street.

Relevant Planning History

17/0619/HHO: Full: Proposal to knock two dwellings into one with new front door design and dormer to rear roof slope, proposed Velux roof lights and opening alterations to rear. Approved with Conditions (22 Dec 2017).

Consultee Response

LCC Highways

The submitted documents and plans have been reviewed and the following comments are made.

The proposal includes the enclosure of the rear yard at number 17 to provide a gym for domestic use. The rear elevation has a door (inward opening) which results in pedestrians directly accessing onto the back street which has no separate footway. This is not supported as it results in a conflict between pedestrians and vehicles travelling along the back street who have very limited visibility of each other.

It is noted that this proposal results in no external yard for number 17, however due to the dwelling being combined with number 19 this is not a concern as the bins can be stored in the rear yard of number 19. The applicant should note that should an application be submitted in the future to reinstate the 2 dwellings, we would object to the proposal due to the lack of external bin storage.

Officer Comments

The issues to consider here are the materials and design, the impact on residential amenity, and highways.

Policy

Pendle Local Plan Part 1: Core Strategy

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 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.

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 and a pitched roof with slate tiles. The side elevation of the kitchen to the yard of No.17 has a rendered wall painted cream. The proposal would have K-rendered walls and a flat roof with roof lantern. The terrace rows have retained the natural stone walls and render would be an uncharacteristic use here. The terraces have a combination of pitch and flat roofs to the rear, although the Design Principles advises that flat roofs are normally poor design, in this situation a flat roof would be acceptable as it is to the rear and other properties have flat roofs to the rear extensions.

The rear elevations of the terraces of Ethel Street and Havre Park have rear extensions that extend to the rear boundary, the proposal would extend to the rear boundary and this would be characteristic to this area.

The proposed development would have a door to the rear elevation which would open directly onto the highways. As LCC Highways have commented this would result in pedestrians stepping directly onto the backstreet which does not have a separate footway. Pedestrians and vehicles would have very limited visibility of each other and this would create a highways safety issue.

The proposed development would not be acceptable in terms of design and materials and 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 to the rear elevation and one rooflight in the flat roof. The door would open directly onto the back street which would cause conflict between pedestrians and vehicles as there would be very limited visibility and would result in a highways safety issue, however it is not unusual on this backstreet for a gate to open directly onto the back street. The proposed door would have glazing which could cause a residential amenity issue to the neighbours opposite, a suitable condition for obscure glazing could mitigate this issue. The proposed roof light would be 1m wide and 1.9m long with a height of 0.3m above the flat roof, it would be sited 1.78m from the rear elevation of the dwellinghouse. The adjoining neighbour at No. 15 Ethel Street has an obscured glazed window at first floor which would mitigate any overlooking issues.

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 be acceptable, where an extension has a greater depth it would be acceptable where it does not breach the 45 degree guideline. The application site has an existing rear extension to the rear boundary which extends to 5.25m. The adjoining neighbour has a habitable room window to ground floor and an obscure glazed bathroom window to first floor. The rear extension of the existing dwelling house breaches the 45 degree guideline. The proposed extension projects 5.25m from the rear elevation, the proposal would result in the wall being circa 1.8m closer to the adjoining neighbour and would also result in breaching the 45 degree guideline. The impact of the proposal would not be any greater than that already existing in terms of overshadowing. However, the proposed development would appear as a solid blank wall to the adjoining property at No. 15 Ethel Street and would have a height of 2.9m and 5.25m in length. No. 15 has kitchen windows to the side elevation and a habitable room window to the rear elevation. In addition, the rear yard is the only outdoor space available to No. 15 as the front of the dwelling is up to the pavement. The proposed development would negatively impact on the neighbours 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.

Highways

The proposed development would retain the rear yard of No. 19 Ethel Street, this yard area is sufficient to contain the bins, hang washing and have space to sit out. The rear access door of the proposed development would open directly onto the back street which has no separate footpath resulting in conflict between pedestrians and vehicles travelling along the back street and lack of visibility. The proposed development would cause a highways safety issue.

RECOMMENDATION: Refuse

1. 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.
2. 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.

Application Ref: 22/0583/HHO

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

At: 17-19 Ethel Street, Barnoldswick.

On behalf of: Mr Naeem Shazada.

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0584/FUL

Proposal: Full: Demolition of an existing Agricultural Building and erection of a replacement Agricultural Livestock Building and Yard Area.

At: Spring Garden Villa, Skipton Road, Trawden

On behalf of: Mr Kevin Guy

Date Registered: 05/09/2022

Expiry Date: 31/10/2022

Case Officer: Laura Barnes

Site Description and Proposal

The application site is relates to an area of agricultural land adjacent to a dwelling known as Spring Garden Villa. It is located within Open Countryside, within the Green Belt and within the Trawden Forest Conservation Area. The applicant has put forward a justification statement which sets out that they have an agricultural holding of 3.1 hectares.

The application seeks planning permission for the erection of an agricultural building to be positioned adjacent but set back from the dwelling. It is to measure 18m x 9m with a height of 4.9m. A retaining wall and some cut / fill would be required in order to create a level platform for the building. An area of hardstanding immediately surrounding the building is also proposed. The building is to be constructed of natural stone lower walls (to three sides, with concrete block to the western less visible side). It is to have Yorkshire boarding to the upper walls and a dark green metal sheeting roof.

Relevant Planning History

13/06/0434P: Full: Erect agricultural storage building to replace existing derelict buildings.
Refused

13/06/0711P: Full: Erect agricultural storage building to replace existing sheds (Re-Submission).
Approved with conditions

13/05/0811P: Full: Demolish single storey rear extension and erect two storey domestic extension to rear, erection of detached double garage to side and erection of store boundary walls
Approved with conditions

Consultee Response

LCC Highways

Further information was requested regarding the volume, frequency and type of vehicle movements associated with the proposed sheep rearing business.

The site is served solely by an access on Skipton Road B6250, which is subject to a 30moh speed limit, and is a bridge over the main river named Colne Water. The bridge is privately owned and maintained, and it carries public footpath 13-7-FP1. The retaining walls along the Skipton Road boundary with the main river are owned and maintained by Lancashire County Council.

The bridge is a single vehicle width and of unknown structural capacity. Further information was requested to demonstrate that the bridge is capable of supporting the size and weight of vehicles associated with the business.

Further details have been submitted by the applicant confirming that they own and have responsibility for maintaining the bridge. The Highways Authority are satisfied that this is acceptable.

Trawden Forest Parish Council

The Parish Councillors would like to see a business plan for the proposed business and building structure, as the building seems overly large and excessive for the quantity of livestock proposed.

Public Response

Nearest neighbours notified, a site and press notice have been displayed, without response.

Policy

Pendle Local Plan Part 1: Core Strategy

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

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

Replacement Pendle Local Plan

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

National Planning Policy Framework

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

Paragraph 148 states:

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

Paragraph 149 of the Framework is set out below:

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

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

The Town & Country Planning Act 1990, section 336 sets out a definition for agriculture as follows: “agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly;”

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

The Development in the Open Countryside SPG is also relevant to this application.

Officer Comments

The applicant has applied for a building which is to be used agriculturally. This meets one of the exceptions at paragraph 149 of the Framework. The applicant has submitted a statement setting out that they intend to rear a flock of 50 ewes plus lambs. The building is to be 18m x 9m in size. The building size is based upon stocking densities of between 6 to 10 animals per acre.

Design & Heritage

The applicant has positioned the building away from the road and set it back from the dwelling, so that it would not appear prominent when viewed from the roadside. It is also to be sunk into the sloping land slightly, with cut and fill being used to create a level platform upon which to build. This further assists in assimilating the building into the surrounding landscape. The building is to be constructed of natural stone lower walls (to three sides, with concrete block to the western less visible side). It is to have Yorkshire boarding to the upper walls and a dark green metal sheeting roof. The building materials are sympathetic to the Conservation Area and are acceptable in this location.

Overall, the design and materials of this development are acceptable in this location and accord with Policies ENV1, ENV2 and the Design Principles SPD.

Residential Amenity

Although the proposed building is to be positioned within 400m of the main dwelling, this is the applicant's property. This is not an issue as the applicant would need to be within sight and sound of the animals for security and animal welfare reasons. However, there are other residential properties also within 400m of the proposed building. Had this been an application under a prior notification, the building would have had to be positioned over 400m from neighbouring dwellings for residential amenity reasons. The closest dwellings are more than 200m from the proposed building and would not result in an unacceptable impact upon neighbouring amenity.

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

Ecology

The applicant has submitted a bat survey of the existing structure. This has found no evidence of bats within the building and that it would be of negligible potential for roosting. As such, there is no further requirement for future assessment.

Highways

The Highways Authority have not objected to the proposed development. The proposed access is via an existing domestic driveway off Skipton Road, which has a bridge over the river.

As such, there is no concern in relation to highway safety.

Other Matters

Although the Parish Council have requested a business plan from the applicant, this is not necessary in order to process the planning application.

Reason for Decision

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

Recommendation: Approve

Subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Site Plan, Proposed Elevation, Roof Plan and Floor Plans, Drawing No. Guy.1050.3160.01, Level Sections Plan Drawing No. Guy.1050.3160.02

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.

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

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

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

- 5 Within one month of the commencement of development on site the existing building edged in magenta on the Proposed Site Plan + Topo (1:200) on plan reference: Guy.1050.3160.01 shall have been demolished and the building material removed from site and the land restored to its former condition.

Reason: In order to preserve the openness of the Green Belt and reduce the amount of built form on the site.

Application Ref: 22/0584/FUL

Proposal: Full: Demolition of an existing Agricultural Building and erection of a replacement Agricultural Livestock Building and Yard Area.

At: Spring Garden Villa, Skipton Road, Trawden

On behalf of: Mr Kevin Guy

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0585/FUL

Proposal: Full: Change of Use of First Floor Office Accommodation to 1 Bedroom Flat and Ground Floor Garage Workshop to Store, with external alterations at Ground & First Floor.

At: Store 2, Essex Street, Nelson

On behalf of: Mr Khaliq Mohammed

Date Registered: 30/08/2022

Expiry Date: 25/10/2022

Case Officer: Laura Barnes

Site Description and Proposal

The site relates to part of a former works building located on the corner of Essex Street and Fleet Street.

The application seeks planning permission to change the use of the first floor from offices (Use Class A2) to a one bedroom flat (Use Class C3). The application includes some external alterations including changing the existing two separate roller shutter doors for a double one and inserting a new first floor window to the front elevation.

Relevant Planning History

21/0125/FUL: Full: Change of use of first floor office accommodation (Use Class A2) to 1 bedroom flat (Use Class C3) with external alterations at ground and first floor.
Withdrawn

Consultee Comments

LCC Highways

There has been a previously submitted application for this proposal under reference 21.0125.FUL which was withdrawn.

There is an existing dropped kerb on the footway across part of the footway and a street lighting column positioned between the two roller shutter doors.

The footway kerb arrangement will require amending to suit the widened access. These works will need to be constructed to Lancashire County Council specification and by an approved contractor with agreement of Lancashire County Council.
Street lighting column number 2 will require moving to accommodate the amended roller shutter door arrangement and these works will be undertaken by Lancashire County Council. All the costs will be borne by the applicant.

It is noted that the bins are to be stored internally on the ground floor entrance to the flat.

Space should also be provided internally to store a bicycle to support sustainable travel.
There is no objection to the proposal subject to the following conditions.

1.No building or use hereby permitted shall be occupied or use commenced until drop kerbs have been installed at the carriageway edge and a vehicle cross-over constructed across the footway on Essex Street fronting the site and the repositioning of street lighting column number 2 to Lancashire County Council Specification, to be retained in that form thereafter for the lifetime of the development.

Reason: In the interests of pedestrian safety and accessibility.

2.Prior to first occupation a secure cycle store/space for a bicycle shall be provided and maintained thereafter for this use.

Reason: To support sustainable travel.

Informative Note

1. This consent requires the construction, improvement or alteration of an access to the public highway. A list of approved contractors only, can undertake the approved works under the Highways Act 1980 Section 171. Before any work begins at the site, please contact highways@lancashire.gov.uk for the list of approved contractors and to start the section 171 process.

2. This consent requires the repositioning of a street lighting column. Please contact the Lancashire County Council Street Lighting Team to progress this element of the scheme. highways@lancashire.gov.uk

Public Response

Nearest neighbours have been notified by letter, one letter of objection has been received raising concerns regarding privacy, light pollution, parking and traffic.

Officer Comments

The main issue relates to the change of use of the property from offices to residential (C3).

Policy

The following Pendle Local Plan Part 1: Core Strategy policies apply:

- CS Policy SDP2 (Spatial Development Principles) categorises settlements and aims to allocate most new development within existing settlement boundaries along the M65 Corridor;
- CS Policy ENV2 (Achieving Quality in Design) identifies the need to protect and enhance the character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that the siting and scale of development should be in context and harmony with the wider location;

Pendle Replacement Local Plan

Policy 31 sets out the requirement parking standards.

Principle of the use

This unit is located in a largely residential area, with the exception of some works units to the east.

Impact on Amenity

The site is an existing commercial premises close to other commercial and residential properties.

The nearest residential property is No. 16 Essex Street, to the side. A residential use here would be compatible with the surrounding residential uses. The proposed development includes the insertion of one window to the front elevation, looking onto Essex Street. There are already windows in this elevation. As such, the proposed window would not cause any greater overlooking or loss of privacy between dwellings on the opposite side of Essex Street than already exists.

Parking and Highway Issues

The scheme proposed to keep the existing parking to the ground floor, which can accommodate three vehicles. This exceeds the requirements for parking set out in Policy 31 of the Council's Replacement Local Plan.

Summary

The site is located within the settlement boundary and has an existing commercial use to the first floor as offices.

The site does not propose any changes to existing parking provision and therefore accords with policy ENV2 of the Pendle Local Plan Core Strategy: Part 1 and saved policy 31 of the Replacement Pendle Local Plan.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in terms of scale and amenity, thereby complying with Local Plan policies. 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 & Site Plan, received on 26/08/2022, Proposed Floor Plans and Elevation Plans, received on 26/08/2022

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

Application Ref: 22/0585/FUL

Proposal: Full: Change of Use of First Floor Office Accommodation to 1 Bedroom Flat and Ground Floor Garage Workshop to Store, with external alterations at Ground & First Floor.

At: Store 2, Essex Street, Nelson

On behalf of: Mr Khaliq Mohammed

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0586/HHO

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

At 384 Gisburn Road, Barnoldswick.

On behalf of: Miss Morag Davis

Date Registered: 30/08/2022

Expiry Date: 25/10/2022

Case Officer: Joanne Naylor

Site Description and Proposal

The application site is a two storey semi-detached dwellinghouse within the settlement boundary of Barrowford. There are a range of dwellinghouse types including detached, semi-detached and terraces and a primary school. The application site has natural stone and white rendered walls and a pitched slate roof with off-street parking for two cars to the front and a rear terraced garden.

The proposed development is for the removal of the existing conservatory to the rear and the erection of a single storey rear extension with a flat roof and roof lantern.

Relevant Planning History

None relevant.

Consultee Response

LCC Highways

The submitted documents and plans have been reviewed and the following comments are made.

There is no objection to the proposal.

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

Parish/Town Council

The Parish Council have no objections to this application.

Public Response

Letters were sent to nearby properties, no responses received.

Relevant Planning Policy

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

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

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

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

National Planning Policy Framework

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

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

Officer Comments

The main considerations are design and materials and residential amenity.

Design and Materials

The Design Principles SPD advises that extensions should be constructed in materials and style to match the existing dwelling, a pitched roof element is preferred, and the scale of the development should be subordinate to the original dwelling and that the extension should leave adequate room around the dwelling. The existing dwelling has natural stone and K-render finish to the walls, the existing conservatory would be replaced with the proposed rear extension. The proposal would have K-rendered walls to the side elevation facing No. 386 and to the rear elevation. The proposed material to the side elevation facing No. 382 would be artificial stone, this would be appropriate as it would be difficult to K-render this elevation with the wooden fence forming the party boundary and the proximity of the neighbours conservatory, therefore the use of artificial stone to the rear of the property would be acceptable and ensure there would be a neat finish to the wall. The proposal would match the existing windows and doors being grey uPVC. As the proposal is a single storey extension it would be subordinate to the existing dwelling.

The roof of the conservatory is pitched with the ridge height being 2.79m and a height of 2.16m to the eaves. The proposal would have a flat roof with Sarna fill single ply membrane finish and would have a roof lantern measuring 2.5m x 1.2m. The height of the proposal would measure circa 3m in height, and the width would be circa 5.5m, of which 1.05m would project outwards from the side elevation. The proposal would have a flat roof which is normally viewed as poor design, the majority of the proposed rear extension would be to the rear of the property and not visible, however, the element which would project from the side elevation by 1.05m would be visible from the highway, the application site has a circa 1.8m high solid wooden gate to the front elevation which would obscure most of the protruding extension and would have very little visual impact. In addition the neighbour at No. 386 has a rear extension with a flat roof. In this instance a flat roof would be acceptable, and the protruding side element would not have an unacceptable impact in terms of visual amenity.

The proposed rear extension would be immediately adjacent to the party boundary with the neighbouring property at No. 382. The proposal would project 4m from the rear elevation of the existing dwelling and would be acceptable.

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

Residential Amenity

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

The proposal would be immediately adjacent to the party boundary and would project 4m from the rear elevation of the existing dwelling, this would be acceptable.

The adjoining neighbour at No. 382 has a rear conservatory up to the party boundary, it projects circa 3m from the rear elevation and has a tiled pitched roof. The proposal would have a height of 3m (not including the glass roof light), this would be 0.2m higher than the existing conservatory at 2.8m. The ridgeline of the neighbour's conservatory appears to be higher than the proposed roof height of the proposal. In addition, the neighbour has a shed in front of the conservatory and close to the boundary and there is a solid wooden fence circa 2m high between the applicant's conservatory and the neighbour's conservatory. Considering the terraced rear gardens, the height of the fence, the neighbours shed and the pitched tiled roof, the proposal would not result in overshadowing or overbearing.

The proposal would have no windows proposed to the side elevations. The neighbour at No. 386 has a rear single storey extension and a fence circa 1.8m high, the proposal would project 1m more than the existing conservatory, however, the neighbours rear extension and the fencing would reduce any overbearing or overshadowing impact of the proposal, and would not have an unacceptable impact over and above that already existing.

The proposal would have a roof lantern on the flat roof, the adjoining neighbour has a bathroom window with obscure glazing and a first floor bedroom window to the outer side of the property to the rear elevation. The view from within the proposed extension would be limited to viewing the ceiling of the bedroom. The neighbour could see into the roof lantern from the bedroom window, however, the distance from the bedroom window to the roof lantern would be circa 5.4m, the angle from the bedroom window to the roof lantern and accounting for the distance, the view would be very limited. There would be no unacceptable amenity impact on the adjoining neighbour regarding the roof lantern.

To the rear of the application site there are properties on Beverley Road and Malkin Close whose rear elevations and gardens face onto the rear garden of the application site. The proposal would have bi-folding doors to the rear elevation, the proposed bi-folding doors would look onto the applicant's terraced rear garden and there is sufficient distance between the application site and the rear dwellings to ensure there would be no overlooking issues.

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

Reason for Decision

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

RECOMMENDATION: Approve

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan 384 Gisburn Road.
 - Proposed Single Storey Rear Extension to Rear, Drawing no. 2/21/2022 (Date August 2022).

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

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

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

Application Ref: 22/0586/HHO

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

At 384 Gisburn Road, Barnoldswick.

On behalf of: Miss Morag Davis

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0589/FUL

Proposal: Full: Change of use from office (Use Class E) to house in multiple occupation and management office/on-site accommodation (Use Class C4

At: 1 Carr Road, Nelson

On behalf of: Mrs N. Azam

Date Registered: 20/09/2022

Expiry Date: 15/11/2022

Case Officer: Laura Barnes

Site Description and Proposal

The application site is a two storey end-terraced property which is located within the settlement boundary and also within the Whitefield Conservation Area. The building is opposite the Grade II Listed Former Nelson Old Library.

The proposal is for the change of use of the building to a House in Multiple Occupation, including a management office with on-site accommodation. No external alterations are proposed.

Relevant Planning History

17/0738/FUL: Full: Change of use of offices (Use Class A2) to house in multiple occupation (HMO) (Use Class C4).
Approved with conditions

Consultee Response

LCC Highways

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

The following comments should be noted.

Permission for a change of use from an office to a house in multiple occupation was previously granted in January 2018 (ref 17/0738/FUL) and this permission has lapsed without implementation.

The previous application was for six bedrooms with no live-in provision. The current application seeks to increase the number of bedrooms to eight plus provide live-in accommodation with one bedroom.

Although there is no associated off-road parking and carriageway restrictions prevent parking on Carr Road outside No 1, the site is in a town centre location within acceptable walking distances of local amenities and facilities, including links to the public transport network. There is also limited waiting available on the lower section of Carr Road and a short stay free, public car park opposite on Booth Street.

There is a yard to the rear where refuse bins can be stored off the adopted back street and where secure cycle storage could also be provided, if necessary.

Given the above, the highway authority is of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Public Response

Nearest neighbours have been notified by letter, a site & press notice have been displayed. One letter of objection has been received raising the following issues:

- No car parking at the property

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

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

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

Replacement Pendle Local Plan

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

National Planning Policy Framework

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

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

Principle of Development

The application seeks to change the use of an existing office to a house in multiple occupation. The application site is located amongst a mix of existing uses, both residential and commercial. An application for a change of use to a house in multiple occupation has previously been approved in this location.

The principle of development has been established through the planning history and is acceptable here.

Design & Heritage

There are no external alterations to the building in order to facilitate the change of use. The proposal would have a neutral impact upon the Conservation Area.

Residential Amenity

The site is located within the designated town centre of Nelson and is adjacent to a number of commercial properties, with rows of residential dwellings to the rear. There is also an application pending consideration for a respite care facility at no. 3-5 Carr Road.

No external alterations are proposed to the building, with no extensions or additional windows being added.

The majority of the adjacent buildings are occupied for financial and professional services. These are quite low intensity uses, which commonly only operate during typical daytime office hours. Therefore, no significant impacts on residential amenity would result for future occupiers of the HMO. The only windows which face towards no. 3-5 are a utility room, to the ground floor and a WC / bathroom, to the first floor. These windows can be obscurely glazed in the interests of neighbouring amenity.

Within the building residents would be provided with individual bedrooms, in addition to three bathrooms, kitchen, dining room, lounge and office. These are considered sufficient facilities for future occupants.

Highways

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

Reason for Decision

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

RECOMMENDATION: 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, Block Plan and Proposed Floor Plans 2151-01-Rev A

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

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

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

Application Ref: 22/0589/FUL

Proposal: Full: Change of use from office (Use Class E) to house in multiple occupation and management office/on-site accommodation (Use Class C4

At: 1 Carr Road, Nelson

On behalf of: Mrs N. Azam

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0592/CND

Proposal: Approval of Details Reserved by Condition: Discharge of Condition 3 (Material Samples) of Planning Permission 22/0082/FUL.

At: Red Lion Inn, 70 Red Lion Street, Earby, Barnoldswick

On behalf of: Red Lion Earby Ltd

Date Registered: 30/08/2022

Expiry Date: 25/10/2022

Case Officer: Alex Cameron

Site Description and Proposal

This application is made under article 21 of the Town and Country Planning (General Development Procedure) Order 2015 to seek confirmation of compliance with conditions on planning permission 22/0082/FUL.

This application requests the discharge of condition number 3 of the Planning Permission:

Condition 3: Prior to the commencement of above ground works involved in the erection of the external walls of the development samples of the external materials of the walls and roof shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

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

Relevant Planning History

22/0082/FUL - Full: Erection of a single storey extension to the front and alterations to the front of an existing outbuilding. Approved.

Officer Comments

Condition 3 (Materials) The submitted details of samples of natural stone and slates received 01/11/2022 are acceptable.

RECOMMENDATION: Discharge Condition 3

Condition 3 (Materials) The submitted details of samples of natural stone and slates received 01/11/2022 are acceptable, the condition is therefore discharged subject to implementation.

Application Ref: 22/0592/CND

Proposal: Approval of Details Reserved by Condition: Discharge of Condition 3 (Material Samples) of Planning Permission 22/0082/FUL.

At: Red Lion Inn, 70 Red Lion Street, Earby, Barnoldswick

On behalf of: Red Lion Earby Ltd

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0593/HHO

Proposal: Full: Insertion of rooflight windows to front and rear.

At: 1 North View, Trawden

On behalf of: Mr Paul Verity

Date Registered: 31/08/2022

Expiry Date: 26/10/2022

Case Officer: Laura Barnes

Site Description and Proposal

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

The proposal is for the insertion of two roof lights to the front roof slope and two roof lights to the rear roof slope. The roof lights are to be conservative style windows, with a central glazing bar.

Relevant Planning History

13/99/0397P: Erection of porch to front
Approved with conditions

13/96/0163P: Extension of kitchen to side
Approved with conditions

Consultee Comments

LCC Highways

There is no objection to the proposal.

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

Trawden Forest Parish Council

The Councillors feel that proposal is too large. Dormer windows are usually added when attics are converted in bedrooms. If this is the case, additional parking spaces would need to be considered. There is no reference to any additional parking within the application.

References: -

Local Development Framework for Pendle - Design Principles - 2009 (LDFDP)

Guidance for dormer windows in Pendle is quite detailed. Local Development Framework for Pendle (Design Principles) 2009 states:

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

- The proposed covers a large proportion of front and rear roofs.

5.17 "In general, dormers on the front of a roof slope will not be acceptable unless they are a feature of other similar houses in the locality (e.g. where at least 25% of properties have front dormers in a terrace block or street frontage) or the dormer would otherwise be appropriate in visual design terms. Dormers are not normally appropriate on older (stone slated) buildings."

- The applicant lists 2 existing houses within Trawden. The dormers on these buildings been in existence for many years - long before the guidance we use today.

5.18 A dormer should be set below the ridge line of the original roof by at least 0.2m.

- The plans are unclear on this.

- The front wall of a dormer should normally be set back at least 1m from the front elevation and 0.5m from either side, to prevent it having an overbearing effect on the street scene and adjoining properties.

- The plans are unclear on this.

- Dormers should not extend around the corner of a hipped roof or cover more than one third of the roof area to the street frontage.

- They appear to cover more than one third of the roof.

5.20 If the property is a Listed Building or within a Conservation Area then special care should be taken when altering the roof. Reference should be made to the Conservation Area Design and Development Guidance SPD. See below

Local Development Framework for Pendle - Conservation Area Design and Development Guidance - 2008 (LDFCA)

The proposed design, on a house built between 1844 and 1892 (Victorian era), falls foul of the following criteria for conservation areas:

4.19 - New dormer windows will not normally be acceptable unless they are appropriate to the age and style of the building and a feature of the surrounding architecture.

4.20 Dormers must usually be taller than they are wide, and in this way will respect the vertical emphasis of a Victorian or Edwardian facade. They must also be set back from the eaves line, and relate to the pattern of windows and the architecture of the façade below.

4.21 In particular, wide, flat-roofed dormers can detrimentally affect the character and appearance of an area by introducing a bulky shape which is at odds with an existing pitched roof.

- Although the proposed is a shed dormer, the angle of the roof almost makes it flat – something which is more obvious when viewing the south gable.

4.22 There may be an opportunity for new dormers to be located on some older buildings, but they should be out of public view and normally on the rear elevation. The design of dormers must always be sympathetic to the building in terms of position, scale, design and materials.

- Due to the positioning of this house, the rear would likely be more visible than the front, with the side, even more so.

Public Response

Nearest neighbours notified by letter, a site & press notice have been posted, no response has been received.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

Policy ENV2 (Achieving Quality in Design and Conservation) identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by

encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Replacement Pendle Local Plan

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

National Planning Policy Framework

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

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

Trawden Forest Neighbourhood Plan

Policy 4: Parking

This policy sets out that opportunities which arise to address a recognised local parking shortfall will be supported provided they are of a scale which is appropriate to the character of the area and in conformity with the Local Plan. It sets out that in order to be counted as a garage, the minimum dimensions of a car parking space should be 3m x 7m.

Policy 6: Heritage Assets

This policy requires proposed development to respect and enhance the setting of heritage assets within the neighbourhood plan area.

Design

The Design Principles SPD advises that if the property is not listed and roof lights are used instead of dormer windows then planning permission will not usually be needed to convert loft space into liveable accommodation. Roof lights are usually cheaper to install and have less impact than dormer windows. They should be set flush with the existing roof tiles in order to minimise their impact. However, in this case Permitted Development Rights do not extend to a frontage / roof slope which fronts a highway. The roof is an important element of a building's design and unsympathetic extensions can have a negative impact on the visual appearance of a dwellinghouse. Roof alterations should, therefore, be minor and sympathetic to the original design of the building.

The design and materials of this development are acceptable in this location and as such complies with Policy ENV2 and the Design Principles SPD.

Residential Amenity

The rooflights proposed would afford oblique views, rather than that direct views out of the building. The rooflights would be no closer to properties opposite the application site than the existing front and rear windows.

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

Highways

The proposed development would not require a change to the current parking arrangement.

Reason for Decision

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

Recommendation: Approve

Subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 1000, Block Plan 1001, Proposed Elevation Plans 1002

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

3. All materials to be used in the proposed development shall be as stated on the 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.

Application Ref: 22/0593/HHO

Proposal: Full: Insertion of rooflight windows to front and rear.

At: 1 North View, Trawden

On behalf of: Mr Paul Verity

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0602/FUL

Proposal: Full: Change of use from residential dwelling (Use Class C3) to residential institution (Use Class C2) to provide care for up to 4 No. children, replacement windows and erection of a single storey rear extension.

At: 196 Halifax Road, Nelson

On behalf of: Thrive Residential Properties Ltd

Date Registered: 06/09/2022

Expiry Date: 01/11/2022

Case Officer: Laura Barnes

Site Description and Proposal

The application site is a two storey detached dwelling set within a generous plot. It is accessed off Halifax Road up a steep driveway and there is a significant change in levels between the road and the property itself, resulting in the front garden being steeply sloping. The application site is located within the settlement boundary. There is a public right of way which runs up the side of the property in the direction of Kings Causeway.

The proposal is for the change of use of the property from a domestic dwellinghouse to a children's home. It also seeks permission for the erection of a single storey rear extension.

Relevant Planning History

None relevant

Consultee Comments

LCC Highways

The application seeks to change the use of the dwelling from C3 to C2 with 4 bedrooms on the first floor, as existing, and a conversion of the garage to a staff bedroom.

There will be a maximum of four staff members on site at any one time.

There is an existing vehicle access to the dwelling on Halifax Road and further information is requested to show the car parking within the site on a site plan.

The provision of secure, covered cycle parking and electric vehicle charging point are requested to support sustainable travel.

Following the submission of a car parking layout, the Highways Authority have not raised any objection.

Public Response

Nearest neighbours have been notified, multiple representations have been received, raising the following issues:

- Concern over Japanese knotweed on the site, roots may be beneath the ground and if disturbed may result in the issue arising again
- Speeding cars are dangerous and this would not be a suitable place for children to live
- Anti-social behaviour on the public right of way to the side of the property

- The trees provide a natural sound barrier
- Concerns over foul sewage, the applicant states that it is not known how this will be disposed of
- There is no longer a bus route in this area
- Specialist vehicles may be required to assist with the children who have special needs, there will not be sufficient space for these vehicles
- The company was only registered in May 2022
- No nearby facilities for children's recreation
- The drive is too steep for a wheelchair
- A remote location would not be suitable for children with behavioural problems
- Question the large amounts of money which are involved in this particular type of child care

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

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

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

Replacement Pendle Local Plan

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

National Planning Policy Framework

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

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

Principle of Development

A change of use from C3 (dwellinghouse) to C2 (residential institution) requires planning permission. This is because there would be a difference in the way the property is used which may result in wider impacts upon the surrounding area, as a result of an intensification of the use of the property. For example, it would be expected that there would be more car journeys or vehicle

movements resulting from a residential institution such as staff, visitors and healthcare professionals. This would differ from if the property was being used residentially by a family. However, the proposed development is located within the settlement boundary. A use which is compatible with residential uses is acceptable, subject to amenity and design issues. Although the proposed development would result in a more intensive use of the building than a traditional family home, the increase in activity would not lead to an unacceptable impact. This will be discussed further later in this report.

Design

The proposed development seeks to extend the property to the rear to provide a single storey rear extension. This is to be an infill extension in between two existing outriggers and would provide an extended kitchen area. The proposed extension would not project any further than the existing rear wall of the existing outriggers. The extension is to be constructed of block and rendered with a similar appearance to the existing building. The roof is to be tiled to match the existing dwelling.

The design and materials of this development are acceptable in this location and as such comply with Policies ENV2 and the Design Principles SPD.

Residential Amenity

In terms of impact upon the neighbouring dwelling, none of the windows proposed would be any closer to the neighbouring dwellings than the existing windows. As such, there would be no unacceptable neighbouring amenity impact.

In terms of the change of use, although there would be more people coming and going from the property, it is in a very private setting, surrounded by trees and there is sufficient car parking available for the number of staff who would be working at the facility. Clearly, there would be more comings and goings as a result of the shift pattern of the staff but this would not be detrimental to the character of the surrounding area. This is because although there would be more vehicle movements these would not be at unsociable times of the day or night and are only likely to be every 8 hours at the beginning and end of shifts.

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

Highways

The proposed development is to provide three off-street car parking spaces. This would be sufficient for a four bedroom dwelling. As such, it accords with Policy 31 of the Pendle Replacement local Plan.

Trees

The application is accompanied by a tree report which sets out that one tree will be removed in order to facilitate the development. At present the entire property is surrounded by mature trees which add to the character of the plot and create interest in the wider street scene. The removal of one of the trees to the rear of the property would not result in an unacceptable impact upon the wider visual amenity. The applicant has also provided a tree protection fencing specification. The tree roots can be protected during the construction phase by a suitably worded planning condition.

Other Matters

There have been some concerns raised by local residents about the presence of Japanese knotweed. However, this would be covered by Environmental Crime legislation and does not form part of the assessment here.

The other issues which have been raised are existing issues which are experienced currently by the local community and it is not the responsibility of this application to mitigate those. Many of the other issues raised are not material planning considerations and therefore do not form part of the determination of this application.

Reason for Decision

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

Recommendation: Approve

Subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan, GL452F/00, received on 30/09/2022
 - Proposed Floor Plans, GL452F/31
 - Proposed Elevation Plans, GL452F/71

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.

4. The development hereby approved shall be carried out in accordance with the survey details for trees, prepared by Christians Environmental "Site Report, Appraisal & Plans" 196HR-BS-001 Rev A, dated July 2022

Reason: To ensure the trees are adequately protected.

Application Ref: 22/0602/FUL

Proposal: Full: Change of use from residential dwelling (Use Class C3) to residential institution (Use Class C2) to provide care for up to 4 No. children, replacement windows and erection of a single storey rear extension.

At: 196 Halifax Road, Nelson

On behalf of: Thrive Residential Properties Ltd

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0605/FUL

Proposal: Full: Change of use of ground floor (Use Class E) to one bed flat (Use Class C3) (retrospective).

Address: 265 Leeds Road, Nelson

On behalf of: Legacy Property Investors Ltd

Date Registered: 06/09/2022

Expiry Date: 01/11/2022

Case Officer: Laura Barnes

Site Description and Proposal

The application site relates to an existing two storey mid-terraced property. It is located on a main route between Nelson & Colne and is within the settlement boundary.

The application seeks planning permission retrospectively to change the use of the ground floor from a veterinary practice to a dwelling.

Relevant Planning History

20/0196/FUL: Full: Change of use of a veterinary surgery to a retail shop at ground floor and a flat at first floor and installation of a shop front.
Approved with conditions

Consultee Comments

LCC Highways

Application 20/0196/FUL approved the change of use of a veterinary surgery to a retail shop at ground floor and a flat at first floor and installation of a shop front.
This application seeks to provide a one-bedroom flat at ground floor and there is an existing one-bedroom flat at first floor.

There is no objection to the proposal.

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

Public Response

Nearest neighbours notified by post, without response.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) 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 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 developments, setting out the requirements for good design and protecting residential amenity.

Principle of Development

The application site is located within the settlement boundary. The principle of this type of development is therefore acceptable, subject to accordance with design and amenity policies.

Design

The proposed development does not involve any external alterations, as such there is no issue relating to design.

As such, the proposed development accords with Policy EVN2 of the Local Plan Part 1: Core Strategy and Design Principles SPD.

Residential Amenity

The proposed development was originally a residential property before being converted to a shop. As such, converting it back to a residential property would not result in any unacceptable neighbouring amenity issues.

As such, the proposed development accords with Policy ENV2 in this regard.

Highways

The Highways Authority have not raised any objections. Although the proposed development does not provide any off-street car parking this is not unusual in a built up terraced area of the borough.

Reason for Decision

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

Recommendation: Approve

Subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan DEAN/04 Dwg 00, Proposed Site Plan DEAN/05 Dwg 03, Proposed Elevation and Floor Plans DEAN/05 Dwg 02

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

Application Ref: 22/0605/FUL

Proposal: Full: Change of use of ground floor (Use Class E) to one bed flat (Use Class C3) (retrospective).

Address: 265 Leeds Road, Nelson

On behalf of: Legacy Property Investors Ltd

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0612/SCREEN

Proposal: Screening opinion request regarding proposed development of a 50 MW battery storage facility with associated infrastructure.

At: Land To The South West Of The Old Vicarage, Greenhead Lane, Reedley

On behalf of: European Energy

Date Registered: 08/09/2022

Expiry Date: 29/09/2022

Case Officer: Alex Cameron

Site Description and Proposal

The site is an agricultural field located within the Green Belt to the west of Greenhead Lane.

This is a Screening Opinion request for a proposed development of a 50 MW battery storage facility with associated infrastructure to establish whether an Environmental Impact Assessment (EIA) is required for the development.

Consultee Response

LCC Highways – A Transport Statement would be required to be submitted with an application of this nature. Greenhead Lane is a classified road subject to a national speed limit. A fully radii, paved vehicle access for the largest vehicle will be required with full visibility splays along Greenhead Lane in both directions for a 60mph stopping distance or 85thile vehicles speeds collected over a 7-day period with an automatic traffic count. Internally there needs to be sufficient space for the largest vehicles to enter and exit Greenhead Lane in forward gear and parking for maintenance vehicles.

Natural England - The proposed development is located within/partly within or has the potential for adverse effects on the following designated nature conservation sites or designated landscapes:

- Forest of Bowland Area of Outstanding Natural Beauty

Natural England has not assessed the significance of any impacts on these designated sites or landscapes. The proposed development may therefore be likely to have significant effects on the interest features for which these sites are notified or the purposes of designation and we advise you to consider further whether an Environmental Impact Assessment (EIA) is required.

Should you decide that an EIA is not required, Natural England advises that sufficient information on the potential impacts of this proposal upon these designated sites/areas is submitted with any subsequent planning application.

Environment Agency - No comments.

United Utilities – No comments.

Officer Comments

This screening opinion is undertaken under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ("the Regulations").

Schedule 1 of the Regulations specifies classes of development for which an Environmental Statement is mandatory.

Schedule 2 of the Regulations specifies classes of development that may require an Environmental Statement. For developments falling Schedule 2 a Screening Opinion request must be submitted to assess whether an Environmental Statement is necessary.

The development does not fall under Schedule 1 development. The proposed battery storage facility would fall under Schedule 2 category 3(a) Industrial installations for the production of electricity, steam and hot water and the 1.5ha compound site area of the development would be over the threshold of 0.5ha. Therefore, the proposed development is Schedule 2 development.

Characteristics of the potential impact

Schedule 3 requires that the characteristics of developments are considered with particular regard to—

- (a) the size and design of the whole development;
- (b) cumulation with other existing development and/or approved development;
- (c) the use of natural resources, in particular land, soil, water and biodiversity;
- (d) the production of waste;
- (e) pollution and nuisances;
- (f) the risk of major accidents and/or disasters relevant to the development concerned, including those caused by climate change, in accordance with scientific knowledge;
- (g) the risks to human health (for example, due to water contamination or air pollution).

The indicative EIA criteria and threshold table for this category of development indicates that EIA is more likely to be required for development with a 'thermal output' of more than 50 megawatts (MW) and for 'novel' forms of generation. Key issues that might result in a project being screened as EIA development include the levels of emissions to air, transport of fuel and visual impacts.

Size and Design

The scale and design of the development indicated would not give rise to significant effects at a level that would require an EIA. The site is approximately 1km from the boundary of the Forest of Bowland AONB but would not result in significant effects upon it, the impacts of the scale and design of the development can be adequately assessed under a planning application.

Cumulative Impact

There are no other developments in the vicinity that would not give rise to significant cumulative effects with other development that would require an EIA.

Use of Natural Resources

The development would not result in significant impacts upon natural resources at a level that would require an EIA.

Production of Waste

The development would not result in a level of waste production that would result in significant effects requiring an EIA.

Pollution and Nuisances

There is no indication that the site would have a significant level of contamination. The operation of a battery storage facility would not result in emissions or high levels of noise. Noise associated with a construction site and would not be significant and could be controlled by conditions if necessary should planning permission be granted. The proposed development would not result in significant effects from pollution and nuisance.

Risk of Major Accidents/Disasters

The nature of the development and surrounding uses would not result in significant risk of major accidents/disasters. Risks from fire etc. could be acceptably managed without the requirement for Environmental Impact Assessment. The site lies with Flood Zones 1 and flood risks could be adequately assessed within a planning application.

Risk to Human Health

There development would raise no significant risks to human health, any risks such as from contamination could be addressed via the planning application process.

Conclusion

The development falls would not result in significant effects requiring an EIA.

RECOMMENDATION: An Environmental Impact Assessment is not required.

Application Ref: 22/0612/SCREEN

Proposal: Screening opinion request regarding proposed development of a 50 MW battery storage facility with associated infrastructure.

At: Land To The South West Of The Old Vicarage, Greenhead Lane, Reedley

On behalf of: European Energy

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0615/HHO

Proposal: Full: Part first floor extension to front, insertion of two new dormers to front roof slope and one new window to first floor side elevation.

At: 17 Highgate, Nelson

On behalf of: Mr Atiq Rehman

Date Registered: 12/09/2022

Expiry Date: 07/11/2022

Case Officer: Laura Barnes

Site Description and Proposal

The application site is a two storey detached dwelling, sited within the settlement boundary. It is set within a large plot, with an extensive rear garden.

The application seeks planning permission for the erection of a part first floor extension to the front along with two dormer windows to the front and the insertion of one window to the side elevation at the first floor level.

Relevant Planning History

None relevant

Consultee Comments

LCC Highways

There is no objection to this proposal on highway grounds.

The parking areas must be constructed of a bound porous material to ensure that satisfactory parking is provided.

Public Response

Nearest neighbours notified, multiple letters have been received, raising the following issues:

- Concerns regarding loss of privacy with the insertion of dormer windows
- Obstructing a view

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

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

Replacement Pendle Local Plan

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

National Planning Policy Framework

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

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

Design

Although the proposed extension to the front involves lifting the height of the existing apex to the front projection, this would not exceed the height of the main ridge line of the roof. As such, it still appears as a subordinate extension to the main dwelling. The dormers are both to have pitched roofs and do not dominate the roof slope to the front. They are set back from the eaves and do not project above the main ridge of the dwelling. They are to be constructed of cement boarding with a colour to match the existing concrete roof tiles.

Although there is a feature window in the eaves which is not traditional, this dwelling is uniquely placed within the surrounding area, it does not look like any of the others and there is no uniform pattern to follow. The existing boundary treatment to the front is such that the property is screened from the road and it is set well back within the plot, so not to dominate within the street scene.

Overall, the proposals accord with Policy ENV2 of the Local Plan: Part 1 Core Strategy and the Design Principles SPD.

Residential Amenity

The proposed development includes the addition of bi-folding doors and a set of patio doors to the first floor, serving the bedrooms. These doors would open out onto a balcony to the front elevation. Whilst this would not normally be a feature found in the street scene, the property is unique from the others within the street scene and is well screened by mature boundary trees and shrubs to the front. Further, the distance between the front elevation of the property and the neighbouring dwelling opposite is 31m. As such there would be no unacceptable impact upon neighbouring amenity.

There are no additional openings to the side which faces towards Delph mount. There is also a separation distance to this side which exceeds 21m. As such, there would be no unacceptable neighbouring amenity issues. Similarly, to the rear, there are no proposed changes to the openings.

To the opposite side, there is to be an additional window inserted to serve a bedroom to the first floor. The side of the application property is more than 21m from the neighbouring dwelling at No. 19. As such, there would be no unacceptable impact upon neighbouring amenity.

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

Highways

There is sufficient space for three vehicles to park off-street. This is acceptable in accordance with Policy 31 of the Pendle Replacement Local Plan.

Reason for Decision

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

Recommendation: Approve

Subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan LU279-P01
 - Proposed Elevation and Floor Plans LU279-P02

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

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

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

4. The proposed driveway shall be laid out and surfaced in bound porous materials. The parking area shall thereafter always remain available for the parking of domestic vehicles associated with the dwelling.

Reason: In the interest of highway safety in order to ensure satisfactory levels of off-street parking are achieved within the site and to prevent loose surface material from being carried onto the public highway.

Application Ref: 22/00615/HHO

Proposal: Full: Part first floor extension to front, insertion of two new dormers to front roof slope and one new window to first floor side elevation.

At: 17 Highgate, Nelson

On behalf of: Mr Atiq Rehman

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0617/FUL

Proposal: Full: Creation of additional car parking and turning head for goods vehicles.

At: County Brook Mill, County Brook Lane, Foulridge

On behalf of: Mitchell Interflex Ltd

Date Registered: 12/09/2022

Expiry Date: 07/11/2022

Case Officer: Laura Barnes

Site Description and Proposal

The application site relates to an area of land adjacent to an existing mill building, currently occupied by Mitchell Interflex. The application site is beyond the settlement boundary, within the Open Countryside and there is a Public Right of Way running along the side of the building in the direction of County Brook Lane. The land is sloping with the highest ground level being to the south, falling away to the north towards the mill.

The proposal is for the creation of additional car parking along with a turning head for goods vehicles. The proposed car parking area would be to the south of the existing mill building.

Relevant Planning History

None relevant

Consultee Comments

LCC Highways

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

Car & cycle parking

An amended proposed site plan (Drawing PL.-1 Rev C dated 12.10.22) has been submitted reducing the number of proposed additional car parking bays from 28 to 26 to avoid obstructing the line of the Public Right of Way which passes through the site.

The size and layout of the bays, together with the manoeuvring areas, are considered adequate and should keep the HGV turning head free from obstruction.

Two motorcycle bays have also been provided which will allow the car parking bays to be used efficiently.

The agent has also confirmed in their e-mail dated 12 October that cycle storage is currently provided within the mill building and that this arrangement will continue.

Details of an electric vehicle charging point have also been submitted. Its provision will improve the site's sustainability given its remote location from the public transport network.

Public Right of Way

Public Footpath 20a Foulridge (ref 13-12-FP 20a) passes through the development site and immediately adjacent to the additional car parking and turning head area. This Public Right of Way

must not be obstructed during the proposed development. If it is necessary for this Public Right of Way to be temporarily diverted or temporarily closed, it is the landowner's responsibility to ensure that this is done following the appropriate legal procedures.

Any proposals for the temporary diversion or closure of the above footpath should be made to Lancashire County Council's Public Rights of Way team prior to any development starting.

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

Conditions

1. Prior to first use of the approved development the car and motorcycle parking bays shall be laid out to the approved plans and the bays and manoeuvring areas maintained free from obstructions for the lifetime of the development. Reason: To ensure the effective use of the parking and manoeuvring areas.
2. Prior to first use of the approved development an electric vehicle charging point shall be installed in line with the approved documents. The charge point must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicle currently available. Reason: To ensure that the development provides the infrastructure for sustainable forms of transport.

Informative note

The setting of Public Footpath 20a Foulridge (ref 13-12-FP 20a) may be affected by the proposed development. The grant of planning permission does not entitle a developer to obstruct a right of way. Any proposals for the temporary diversion or closure of the above footpath should be made to Lancashire County Council's Public Rights of Way team before any development works begin.

They can be contacted by email at

PROW@lancashire.gov.uk – the location, district and planning application number should be included in any correspondence.

Public Response

Nearest neighbours notified by letter and a site notice has been displayed, without response.

Policy

Pendle Local Plan Part 1: Core Strategy

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

Replacement Pendle Local Plan

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

National Planning Policy Framework

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

Officer Comments

The proposed development is outside the settlement boundary within the open countryside. However, the proposed car parking area is very well contained by a row of mature trees to the west and the adjoining land to the south. As such, the proposed car park would be well screened from the properties to the west. To the east lies the Leeds & Liverpool Canal. Views of the car park would be against the backdrop of the mill building itself.

There are 16 car parking spaces currently at the site but the proposed development would see an increase in this to 26. As such, there would be an increase in 10 car parking spaces. The proposal also incorporates space for motor bicycles to park as well as some electric vehicle charging points.

Design

The proposed car park is laid out to the side of the building. The spaces themselves are laid out in an L-shape, making the most of the space available to the south of the mill. This also allows for a space for larger vehicles including HGVs to turn.

Overall, the proposed development accords with Policy ENV2 of the Local Plan: Part 1 Core Strategy and the Design Principles SPD in relation to design.

Residential Amenity

The proposed development would not result in any part of the mill building being brought closer to the neighbouring dwellings to the west. The mature trees are to remain in place to provide the same level of screening as existing. Although some retaining structures would be required to the south, due to the change in levels, this would not result in a wall which projects high above the existing ground level.

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

Highways

The proposed development has been assessed by the Highways Authority. They had originally raised some concern about the Public Right of Way but this has been addressed by a reduction in the number of spaces from 28 to 26. As a result, there is no objection from the Highways Authority in this regard.

Reason for Decision:

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

Recommendation: Approve

Subject to the following conditions:

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

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

- The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 20.40 EX00, Proposed Site Plan 20.40 PL.01 Rev C

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

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

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

3. Prior to first use of the approved development the car and motorcycle parking bays shall be laid out to the approved plans and the bays and manoeuvring areas maintained free from obstructions for the lifetime of the development.

Reason: To ensure the effective use of the parking and manoeuvring areas.

4. Prior to first use of the approved development an electric vehicle charging point shall be installed in line with the approved documents. The charge point must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicle currently available.

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

Informative note

The setting of Public Footpath 20a Foulridge (ref 13-12-FP 20a) may be affected by the proposed development. The grant of planning permission does not entitle a developer to obstruct a right of way. Any proposals for the temporary diversion or closure of the above footpath should be made to Lancashire County Council's Public Rights of Way team before any development works begin. They can be contacted by email at PROW@lancashire.gov.uk – the location, district and planning application number should be included in any correspondence.

Application Ref: 22/0617/FUL

Proposal: Full: Creation of additional car parking and turning head for goods vehicles.

At: County Brook Mill, County Brook Lane, Foulridge

On behalf of: Mitchell Interflex Ltd

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref **22/0618/CEU**

Proposal: Certificate of Lawful Development (s192 Proposed Use): The siting of a caravan for ancillary residential use.

At: Jerusalem Farm, Skipton Old Road, Colne

On behalf of: Mr Norman Bowker

Date Registered: 13/09/2022

Expiry Date: 08/11/2022

Case Officer: Alex Cameron

Site Description and Proposal

The application site is a strip of domestic land adjacent to the Jerusalem Farm. The land has a hedge to the south and east boundaries and a stone wall to the other boundaries, there is a summerhouse at its north end.

This is a Section 192 application for a Certificate of Lawfulness for the proposed siting of a caravan for ancillary residential use.

Relevant Planning History

22/0145/CEU - Lawful Development Certificate (Existing use or development): Use of land as a residential garden and erection of summerhouse. Approved.

Public Response

Site notice posted – No response.

Officer Comments

Evidence has been provided that the proposed structure would meet the statutory definition of a caravan, therefore it is established practice that its siting be treated as a use of land rather than the erection of a building.

A Lawful Development Certificate for the domestic use of the land was granted earlier this year, that demonstrated that the land has been in domestic use ancillary to the house at Jerusalem farm for 10 or more years and as such is lawful.

This certificate states that the use of the land is a mixed use of residential, agricultural and equine. I do not believe that is the case, the previous LDC established that the lawful use of the land where the caravan is proposed to be sited is domestic use, the equine and agricultural uses of other parts of the site would be separate uses rather than there being a single mixed-use planning unit as is suggested in the application.

The land where the caravan is proposed to be sited is part of the residential (Use Class C3) planning unit and as such the siting of a caravan in use ancillary to that would not result in a material change of use.

Details have been provided specifying that the caravan would only be occupied by members of the household of the main dwelling in a manner ancillary to the main dwelling with cooking facilities, main meals and laundry facilities with the main house, and would not be occupied as an independent dwelling.

Therefore, on the basis of the submitted details and on the balance of probabilities, the siting and occupation of the proposed caravan would not result in a material change of use of the land

Reason for Decision

On the basis of the submitted details and on the balance of probabilities, the siting and occupation of the proposed caravan would not result in a material change of use of the land.

RECOMMENDATION: Approve

Application Ref **22/0618/CEU**

Proposal: Certificate of Lawful Development (s192 Proposed Use): The siting of a caravan for ancillary residential use.

At: Jerusalem Farm, Skipton Old Road, Colne

On behalf of: Mr Norman Bowker

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 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 FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0625/CND

Proposal: Approval of Details Reserved by Condition: Discharge of Conditions 4 (Materials), 7 (Estate Road Management) and Condition 12 (Landscape Management) of Planning Permission 21/0358/REM.

At: Land To The North West Of Laneshawbridge Methodist Church, Keighley Road, Laneshawbridge

On behalf of: Beck Homes Ltd

Date Registered: 14/09/2022

Expiry Date: 09/11/2022

Case Officer: Alex Cameron

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 the Reserved Matters approval 21/0358/REM.

This application requests the discharge of condition numbers 4, 7 and 12 of the Reserved Matters:

Condition 4: Prior to the commencement of development samples of the external facing materials to be used in the construction of the development and the hard landscaping hereby permitted (notwithstanding any details shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: To ensure the external materials and finish of the development is appropriate for the setting and character of the area.

Condition 7: No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed estate road within the development have been submitted to and approved by the local planning authority. The estate road shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and maintenance company has been established.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the estate road infrastructure serving the approved development; and to safeguard the users of the estate road and visual amenities of the locality.

Condition 12: A scheme for the management (including maintenance) of the landscaped areas shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwellinghouse. The approved scheme shall be carried out in full accordance with the agreed scheme before the first dwelling is occupied.

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

Relevant Planning History

22/0082/FUL - Full: Erection of a single storey extension to the front and alterations to the front of an existing outbuilding. Approved.

Consultee Response

LCC Highways - In the highway authority's opinion, the information submitted in the Estate Road Management & Maintenance Details document, which covers areas to be inspected and maintained, frequency of inspections and remedial actions, is acceptable, and considers that this condition can be discharged, subject to satisfactory implementation.

Officer Comments

Condition 4 (Materials) The submitted details of materials and samples of natural stone and slates received 03/11/2022 are acceptable.

Condition 7 (Estate Road Management) the submitted details of private estate road management and maintenance are acceptable.

Condition 12 (Landscape Management) the submitted details of management and maintenance of landscaped areas are acceptable.

RECOMMENDATION: Discharge Conditions 4, 7 and 12

Condition 4 (Materials) The submitted details of materials and samples of natural stone and slates received 03/11/2022 are acceptable, the condition is therefore discharged subject to implementation.

Condition 7 (Estate Road Management) the submitted details of private estate road management and maintenance are acceptable, the condition is therefore discharged subject to implementation.

Condition 12 (Landscape Management) the submitted details of management and maintenance of landscaped areas are acceptable, the condition is therefore discharged subject to implementation.

Application Ref: 22/0625/CND

Proposal: Approval of Details Reserved by Condition: Discharge of Conditions 4 (Materials), 7 (Estate Road Management) and Condition 12 (Landscape Management) of Planning Permission 21/0358/REM.

At: Land To The North West Of Laneshawbridge Methodist Church, Keighley Road, Laneshawbridge

On behalf of: Beck Homes Ltd

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0630/ADV

Proposal: Advertisement Consent: Installation of 2no. fascia signs (one illuminated and one non-illuminated) and 1no. illuminated totem sign 2

At Unit2 North Valley Retail Park North Valley Road

On behalf of: Greggs PLC

Date Registered: 30/9/2022

Expiry Date: 25/11/2022

Case Officer: NW

Site Description and Proposal

The application site is a vacant unit on the North Valley commercial estate. It sits next to a car garage opposite to two fast food outlets. There are houses set back elevated above the site circa 50m away.

The proposal is to display 2 illuminated adverts and to erect a free standing one on the other side of the car garage.

Relevant Planning History

No relevant planning history.

Consultee Response

Highways: No objections

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 vacant unit currently has two large advertisements on it which would be removed and replaced by the two proposed. These adverts would be smaller and less prominent than the ones in situ. The site sits in a commercial area and is surrounded by other illuminated advertisements. The adverts on both elevations would be approximate for a building of their nature on the industrial estate.

The residential properties are far enough away and at a much higher height than the state and would not be affected by them.

The free standing totem is away from the building. It too however sits in a commercial area that has a significant amount of commercial apparatus surrounding. It would not look out of place in the setting it is proposed to be in. It would not have any impact on any residential property.

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: RPEN/S5977/01, RPEN/S5977/09

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 the 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 advertisement, 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 a condition that does not endanger the public or impair visual amenity

Reason: Condition imposed by the Regulations

- 8 The limits of the illuminance shall not exceed those described in paragraph two of Schedule 3 Part II of the Town and Country Planning Act (Control of Advertisements) Regulations 1992.

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

Application Ref: 22/0630/ADV

Proposal: Advertisement Consent: Installation of 2no. fascia signs (one illuminated and one non-illuminated) and 1no. illuminated totem sign 2

At Unit2 North Valley Retail Park North Valley Road

On behalf of: Greggs PLC

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 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 sits 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.

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 wooden 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 not 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: 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: 66B2, 66B3, 66B4B, 66B5, 66B1

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

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

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 FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0653/CND

Proposal: Approval of Details Reserved by Condition: Discharge of Condition 9 (Site Access) of Planning Permission 21/0583/FUL (Appeal Reference: APP/E2340/W/21/3289117).

At Land Adjacent Whitewalls Drive Colne

On behalf of: Monte Blackburn

Date Registered: 28.09.2022

Expiry Date: 11/23/2022

Case Officer: NW

Site Description and Proposal

The application site sits at the end of the M65 motorway. Permission was granted on appeal in full for a petrol filling station and industrial units. Condition 9 of that consent required:

No development shall take place until a scheme for the construction of the site access including a signalised junction and off-site highway works including the validation of moving linking technology on the North Valley Road has been submitted to and approved in writing by the Local Planning Authority. The works shall be completed prior to the first use of the filling station or the drive through coffee unit, whichever is sooner, and thereafter maintained as such.

Relevant Planning History

No relevant planning history.

Consultee Response

Highways:

Public Response

None

Officer Comments

The planning permission on appeal permitted in full the development. That included the stopping up of a section of Greenfield Road and the provision of a new access. That also included the loss of trees to make way for the new access.

The responses from consultees have not been received. It is recommended that the matter is delegated to the Planning, Economic Development & Regulatory Services Manager to determine.

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: That the application is delegated to the Planning, Economic Development & Regulatory Services Manager to Determine

Application Ref: 22/0653/CND

Proposal: Approval of Details Reserved by Condition: Discharge of Condition 9 (Site Access) of Planning Permission 21/0583/FUL (Appeal Reference: APP/E2340/W/21/3289117).

At Land Adjacent Whitewalls Drive Colne

On behalf of: Monte Blackburn

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0656/CND

Proposal: Approval of Details Reserved by Condition: Discharge of Conditions 3 (Material Samples) & Condition 4 (Surface Water Drainage) of Planning Permission 22/0465/FUL

At: Broom House Farm, Bleara Road, Earby

On behalf of: D. E. & M. A. Booth

Date Registered: 28/09/2022

Expiry Date: 23/11/2022

Case Officer: Laura Barnes

Site Description and Proposal

This application is made under article 21 of the Town and Country Planning (General Development Procedure) Order 2015 to seek confirmation of compliance with conditions on planning permission 22/0465/FUL.

This application requests the discharge of condition numbers 3 & 4 on the Planning Permission. This condition is listed below:

Condition 3

Samples of external facing and roofing materials shall be submitted to the local Planning Authority for written approval prior to commencement of work on the site. 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 visual amenity of the area.

Condition 4

Prior to the commencement of work involved in the installation of drainage a scheme for disposal of surface water shall have been submitted to and approved in writing by the Local Planning Authority. The use of the building hereby approved shall not commence unless and until surface water drainage has been constructed and completed in accordance with the approved scheme.

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

Relevant Planning History

22/0465/FUL – Full: Erection of agricultural building (453 sqm)
Approved with conditions

Consultee Response

As necessary

Public Response

None necessary

Officer Comments

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

Condition 3

The applicant has submitted a material schedule including concrete base walls, Yorkshire boarding to the upper walls (north and south elevations), dark grey box profile sheeting to upper walls (east & west elevations) and dark grey roof sheeting to the roof, with Perspex roof lights.

These materials are appropriate and this condition can be discharged, subject to implementation.

Condition 4

The applicant has submitted a plan (TS364-4) indicating the surface water drainage, it shows a land drain to the north of the building which would take on the surface water discharge.

This is acceptable and this condition can be discharged, subject to implementation.

Summary

Condition 3: The information submitted is satisfactory and this condition can be discharge, subject to implementation.

Condition 4: This condition can be discharged, subject to implementation.

RECOMMENDATION: Discharge Conditions

Conditions 3 and 4 are discharged, subject to implementation.

Application Ref: 22/0656/CND

Proposal: Approval of Details Reserved by Condition: Discharge of Conditions 3 (Material Samples) & Condition 4 (Surface Water Drainage) of Planning Permission 22/0465/FUL

At: Broom House Farm, Bleara Road, Earby

On behalf of: D. E. & M. A. Booth

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0658/SCREEN

Proposal: Screening Opinion request for outline residential development of up to 140 dwellings.

At: Site Of Former Riverside Mill, Reedyford Road, Nelson

On behalf of: Foxfield

Date Registered: 29/09/2022

Expiry Date: 19/10/2022

Case Officer: Alex Cameron

Site Description and Proposal

The site is located between Charles Street, Baker Street and Crawford Street within the settlement of Nelson.

This is a Screening Opinion request for a proposed development of 140 dwellings on a former industrial site 2.79ha in area to establish whether an Environmental Impact Assessment (EIA) is required for the development.

Consultee Response

LCC Highways – A Transport Assessment and Travel Plan would be required to be submitted with an application of this nature. The trip generation and list of junctions are assessment is not disputed.

Natural England - on the basis of the material supplied with the consultation, that significant effects on statutorily designated nature conservation sites or landscapes are unlikely.

Environment Agency - The EA are not statutory consultees at the Screening stage of EIA developments.

Officer Comments

This screening opinion is undertaken under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ("the Regulations").

Schedule 1 of the Regulations specifies classes of development for which an Environmental Statement is mandatory.

Schedule 2 of the Regulations specifies classes of development that may require an Environmental Statement. For developments falling Schedule 2 a Screening Opinion request must be submitted to assess whether an Environmental Statement is necessary.

The erection of dwellinghouses does not fall under Schedule 1 development. This type of development does fall with category 10(b) urban development projects, however, the development is below the thresholds for category 10(b) as it does not involve more than 150 dwellings and does not have a development area of over 5 hectares.

Therefore, the proposed development does not fall within Schedule 1 or Schedule 2 development.

Characteristics of the potential impact

Schedule 3 requires that the characteristics of developments are considered with particular regard to—

- (a) the size and design of the whole development;
- (b) cumulation with other existing development and/or approved development;
- (c) the use of natural resources, in particular land, soil, water and biodiversity;
- (d) the production of waste;
- (e) pollution and nuisances;
- (f) the risk of major accidents and/or disasters relevant to the development concerned, including those caused by climate change, in accordance with scientific knowledge;
- (g) the risks to human health (for example, due to water contamination or air pollution).

The proposed development is not one of the types of development set out in Schedule 1 and although it would be an urban development projects for the purposes of Schedule 2 it is below the threshold of EIA development. Therefore screening of this development is not required, however, a screening opinion request has been made and the potential impacts of the development are assessed below.

Size and Design

The scale and design of the development indicated would not would not give rise to significant effects that would require an EIA.

Cumulative Impact

The development would be largely surrounded by other residential development and would not give rise to significant cumulative effects with other development that would require an EIA.

Use of Natural Resources

The development would not result in significant impacts on natural resources.

Production of Waste

The development would not result in a level of waste production that would result in significant effects requiring an EIA.

Pollution and Nuisances

There is no indication that the site would have a significant level of contamination the remediation of which could not be controlled by planning conditions. The waste produced by the development would be those associated with heating of houses and household waste. This would be minimal. Pollution would only occur from the heating of the properties and again would be minimal. Noise would be generated by the delivery of materials and in the construction of the properties. Noise issues would be those associated with a construction site and would not be significant and could be controlled by conditions if necessary should planning permission be granted. The proposed development would not result in significant effects from pollution and nuisance.

Risk of Major Accidents/Disasters

The nature of the development and surrounding uses would not result in significant risk of major accidents/disasters, there is a mill chimney present on site that is proposed to be retained. Risks from that could be acceptably managed without the requirement for Environmental Impact

Assessment. The site lies with Flood Zones 2 and 3 however risk from flooding could be adequately assessed by the planning application process.

Risk to Human Health

There development would raise no significant risks to human health, any risks such as from contamination could be addressed via the planning application process.

Conclusion

The development falls below the thresholds set out in Schedule 2 of the Regulations and would not result in significant effects requiring an EIA.

RECOMMENDATION: An Environmental Impact Assessment is not required.

Application Ref: 22/0658/SCREEN

Proposal: Screening Opinion request for outline residential development of up to 140 dwellings.

At: Site Of Former Riverside Mill, Reedyford Road, Nelson

On behalf of: Foxfield

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0659/FUL

Proposal: Full: Remodelling of land surrounding the mosque, including the provision of 49 No. additional car parking spaces and associated landscaping works, a fenced children's play area, access paths with lighting, steps within the woods, a water fountain, a 3G s

At Madina Mosque 144 Manchester Road Nelson

On behalf of: Mr Ishtiaq Mohammed

Date Registered: 29.09.2022

Expiry Date: 24/11/2022

Case Officer: NW

Site Description and Proposal

The application is to surface and path the outside of the listed building, to create a play area and to have a temporary marquee in place.

Parking is proposed where it currently is around the road and side of the building. The play equipment is proposed on the lower northern side of the site and the marquee to the western boundary beyond which there are terraced houses.

Relevant Planning History

Consultee Response

Highways

Parish/Town Council

United Utilities: Request a drainage condition.

Environmental Health: Concern about noise in the construction phase. Recommend a construction code of practice condition.

Environment & Conservation: No response received at the time of writing the report.

Public Response

- Objection to the path entry/exit leading onto Lime Street because there are already several entrances in place and this will cause traffic and parking issues leading right outside my door.

Relevant Planning Policy

Pendle Local Plan Part 1: Core Strategy Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Policy ENV1 seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new

developments on the natural environment, including biodiversity, should be kept to a minimum. Policy ENV2 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings. Saved Policy 31 of the Replacement Pendle Local Plan sets out the maximum parking standards for development. National Planning Policy Framework The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system. The Design Principles Supplementary Planning Document (SPD) applies to extensions and sets out the aspects required for good design.

The application site lies in both a conservation area and it is a listed building. There is a duty⁷ under section 72 of the Listed Buildings Act to have regard to the preservation and enhancement of conservation areas. Section 66 of the Act states:

In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 16 of the National Planning Policy Framework relates to conserving and enhancing the historic and natural environment.

Para 197 states:

In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development.*

Para 202 advises:

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

Officer Comments

The site was a former hotel restored partly through heritage funding administered by Pendle. The main building has been restored with the exception of some rear structures that will need to be worked on in due course.

The outside of the building to its main elevation to the west has rough gravel hard surfacing that is in place which has been there over many years. That also exists for the whole of the land that adjoins Manchester Road. The proposal is to formalise this with the installation of new surfacing material. The proposal does not materially alter the areas in which vehicles can already park.

It would be preferable not to have parking to the front so that the setting of the building would be better preserved but as cars have been able to park there for the past 20 years and beyond the principle of parking there has already been set and this application does not alter the existing

situation. The scheme proposed take away the parking that can currently take place form immediately in front of the building. Lawns would be provided with parking away from the building. That will enhance the setting of the front of the well restored listed building.

The proposal is to lay tiles as a surfacing treatment for the pedestrian areas around the building. Whilst there is no objection to laying a hard surface the material to be used would be critical to the success of this. A condition requiring samples of the materials for this would adequately deal with this.

The surfacing of the site represents an opportunity to better enhance the listed building by putting in surfacing that is appropriate to its setting. The manoeuvring areas are proposed to be porous and would look similar to the appearance of the currently surfacing. Parking spaces would be provided of a porous material bound by defining stone. This pattern would work well provided the materials are of an acceptable colour. A condition has been suggested to ensure that samples are provided before work is undertaken.

Footpaths are proposed around the remainder of the land. These cross in some areas the roots of trees and could impact on the trees. The comments of the Councils Arborist are awaited in order to ensure that the health of the trees is not affected by the proposals. Whilst no ground remodelling will take place there is a need to ensure that the roots are protected by an appropriate condition.

A play area is proposed to the rear of the site. This would be located on land lower than the application site and not towards the main elevations. The setting of the listed building would not be adversely affected by the play equipment in that location.

A site for a temporary marquee is proposed to the west of the site. Residential properties lie beyond to the west. The marquee would not be a structure that would represent a design that would be found in the curtilage of this listed building. It would be an alien feature that would affect the character and setting of the listed building. The applicant has been asked to remove this from the proposed development. An update on this will be given to Committee.

The site of the marquee is proposed to be used for recreational activities on the site. The use is located to the rear of residential properties and could lead to noise issues. The activities would be low key with the size of the land limiting the number of people who could use it. Activities are not likely to have a noise impact on residents. A condition requiring details of the hours of operation of this would allow for control of this during evening hours when any likelihood of disturbance would be highest.

The application is acceptable except for the installation of the marquee.

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: That the application is approved subject to the removal of the marquee but refused if the marquee is retained.

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: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and to ensure the Local Planning Authority is informed of the commencement of the first works on the site.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: LD0028/p02,

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

3. Prior to any works being undertaken samples of all materials to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. The materials to be used thereafter shall strictly comply with the materials so approved.

Reason: In order that the Local Planning Authority can control the appearance of the site to protect and preserve the character and setting of the listed building.

4. Prior to any works being undertaken on the footpaths around the site details of how the roots of the trees would be protected as part of the laying of the footpaths shall be submitted to and approved in writing by the Local Planning Authority. The works thereafter shall be undertaken in strict accordance with the approved details.

Reason: In order to protect the trees on site.

5. No use of the recreation area to the west of the site shall occur unless and until full details of the timing of the activities are submitted to and approved in writing by the Local Planning Authority. The area shall only thereafter be used in strict accordance with the approved details.

Reason: in order to protect the aural amenity of the nearby residential properties.

Application Ref: 22/0659/FUL

Proposal: Full: Remodelling of land surrounding the mosque, including the provision of 49 No. additional car parking spaces and associated landscaping works, a fenced children's play area, access paths with lighting, steps within the woods, a water fountain, a 3G s

At Madina Mosque 144 Manchester Road Nelson

On behalf of: Mr Ishtiaq Mohammed

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0662/NMA

Proposal: Non-Material Amendment: Alteration of name of property referred to in Condition 6 of Planning Permission 13/12/0121P.

At Tha Haybarn, Gisburn Old Road

On behalf of: Mr & Mrs Lang

Date Registered: 30/9/2022

Expiry Date: 28/10/2022

Case Officer: NW

Site Description and Proposal

The application site is situated in an isolated location off Gisburn Old Road. There are two cottages to one side and an access track has been created.

Relevant Planning History

13/12/0121P – Erection of stables and formation of access track- Approved

13/13/0265P – Subdivision of property to create two dwellings – Approved 24/7/2013

Consultee Response

Highways

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

This application is to alter the planning permission granted in 2012 to make reference to The Haybarn. The original planning permission for the stables and track (13/12/0121P) was made when the buildings were a single building named Lower Sandyford Farm. Permission was granted in 2013 to subdivide the farm and to create two separate dwellings.

The development of the stables was started as the track was put in. The stable itself has not been constructed but the permission has been commenced.

The decision notice for the stables refers to Lower Sandyford Farm. The track and stables were however retained at The Haybarn.

This application seeks to refer to the Haybarn in the decision notice and replace Lower Sandyford Farm. All other elements remain the same.

There are no planning implications for this and the change is a non-material one that can be dealt with under section 96A of the Town & Country Planning Act 1990.

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

That the planning permission be altered to refer to The Haybarn and not to Lower Sandyford Farm with all other conditions remaining as approved.

REPORT TO FULL COUNCIL COMMITTEE ON NOVEMBER 2022

Application Ref: 22/0667/FUL
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 8th 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 characterized 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/FUL

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

At: 208 Every Street, Nelson

On behalf of: Mr Nisar Ahmed

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0689/CPO

Proposal: Full: (County Consultation): Construction of a motor control centre kiosk.

At Sewage Treatment Centre Barnoldswick

On behalf of: United Utilities Water Limited

Date Registered: 13/10/2022

Expiry Date: 3/11/2022

Case Officer: NW

Officer Comments

This is a consultation on a proposed kiosk to be erected at the treatment works in Barnoldswick. The proposal is to put a green housing measuring circa 7m x 3m on the south west of the site.

The development does not raise any issues in terms of landscaping or impact on neighbours.

RECOMMENDATION: No comment or objection

It is recommended that Pendle raises no comments or objections to the proposal

Application Ref: 22/0689/CPO

Proposal: Full: (County Consultation): Construction of a motor control centre kiosk.

At Sewage Treatment Centre Barnoldswick

On behalf of: United Utilities Water Limited

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0690/CND

Proposal: Approval of Details Reserved by Conditions: Discharge of Condition 11 (Site Access & Off-Site Highways Works) of Planning Permission 18/0903/FUL.

At: Site Of Former Bus Station, Broadway, Nelson

On behalf of: McDonald's Restaurants Ltd

Date Registered: 13/10/2022

Expiry Date: 08/12/2022

Case Officer: Alex Cameron

Site Description and Proposal

The application site is the former multi-story car park in Nelson. Planning permission was approved in 2019 from the demolition of the car park and erection of a drive-through restaurant.

This application is for approval of details required to be submitted and approved in writing by condition 11 (Site Access & Off-Site Highways Works) of that permission.

Condition 11 - The erection of the building hereby approved shall not commence unless and until a scheme for the site access and off-site highway works has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to the first use of the site. The works shall include reinstatement to footway of the existing site access points, street lighting column positions, guard railing, signage, tactile paving, upgrade of the signalised crossing on Sagar Street, provision of tactile paving on the existing central pedestrian island on Broadway and Holme Street and widening of the refuge to 2m, unless otherwise agreed in writing by the Local Planning Authority following the submission of a swept path analysis to the Local Planning Authority.

Reason: To ensure a safe and suitable access in the interest of highway safety.

Relevant Planning History

18/0903/FUL - Full: Demolition of multi-storey car park and erection of a 24 hour opening restaurant and drive through hot food takeaway (Use Classes A3/A5) (379 sq.m.) with associated car parking and landscape works. Approved

Consultee Response

LCC Highways – No objection.

Officer Comments

Condition 11 (Site Access & Off-Site Highways Works) The submitted details of site access and off-site highway works are acceptable.

RECOMMENDATION: Discharge Condition 11

Condition 11 (Site Access & Off-Site Highways Works) The submitted details of site access and off-site highway works are acceptable, the condition is therefore discharged subject to implementation.

Application Ref: 22/0690/CND

Proposal: Approval of Details Reserved by Conditions: Discharge of Condition 11 (Site Access & Off-Site Highways Works) of Planning Permission 18/0903/FUL.

At: Site Of Former Bus Station, Broadway, Nelson

On behalf of: McDonald's Restaurants Ltd

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0693/CEA

Proposal: Certificate of Lawfulness (S. 192 Proposed Development): Installation of 15 No. replacement UPVC windows.

At Pinfold Cottage, Fence

On behalf of: Miss Siobhan Murphy

Date Registered: 14/10/2022

Expiry Date: 9/12/2022

Case Officer: NW

Site Description and Proposal

The application is to determine whether the installation of replacement of 15 windows would be lawful.

Relevant Planning History

13/05/0280P – Use of property as two dwellings and extension

Consultee Response

No comments have been received.

Public Response

None

Officer Comments

This is an application to determine if the installation of windows would be lawful.

The Town & Country Planning (General Permitted Development) Order 2015 (“the GDPO”) grants automatic planning permission for certain forms of development. Under Schedule 2, Part 1 Class A permission is given to certain extension as well as “other alteration to a dwelling”. There are certain restrictions on this. Unusually none of which relate to whether a building is listed.

The installation of the 15 windows would therefore be lawful under the terms of the GDPO.

The further question here is whether the development would require listed building consent which is governed by a separate Act of Parliament to the need for planning permission. The issue here is whether the building is listed as if it were listed then the alterations would require listed building consent.

Lyn Cottage is not listed in its own right. It formed part of the listing curtilage of Chapel House Farm which is grade 2 listed.

As detailed above the farm was separated into two dwellings in 2005 under planning permission 13/05/0280P. Since then the property has developed its own curtilage and has been extended.

The curtilages of buildings can be altered over time and curtilage buildings no longer be listed if they are outside of a curtilage. We received advice from our conservation consultants on this which is as follows:

Basically a "listed building" means a building which is included on the list compiled or approved by the Secretary of State and for the purposes of this 1990 P(LBCA) Act includes;

*(a) **any object or structure fixed to the building;***

*(b) **any object or structure within the curtilage of the building** which, although not fixed to the building, forms part of the land and has done so since before 1st July 1948. As such the issue at hand is whether Lyn Cottage is considered to lie within the curtilage of the adjacent listed building (Chapel House Farmhouse) and has done so since the 1 July 1948.*

Re curtilage structures Planning Case law over the years means that a LPA should apply 3 general tests when considering the extent of curtilage and whether a building forms part of a LB. These being;

- 1. The physical layout of the LB and other buildings*
- 2. The ownership both past and present*
- 3. The buildings uses or function both past and present*

I would point out that such matters are always open to planning judgement and are often far from clear cut. That seems to be the case in point here. From what I could see historically Lyn cottage was likely a small ancillary stable/coach house/store building relating to Chapel House Farmhouse. Historic maps from both 1845 and 1890 clearly show a building on the north side of the LB, which is likely to be what we identify as Lyn Cottage. The 1890's map clearly shows an ancillary building sat on the edge of an angled enclosure, which is still evidenced today as being the garden enclosure to Chapel House Farm. Visually the cottage is closely related to the listed building and appears in construction terms to be contemporary to the mid to late C18 LB. In this respect I would regard the building as lying within the historic curtilage of Chapel House farm and passing the first of the 3 tests above. As such the building could be considered (under criteria b above) to be a curtilage building under the provisions of the Act and as such be form part of the listing for Chapel House Farm.

I note that this ancillary relationship has been accepted by the Council in previous applications affecting the 'Cottage', most recently with the application to extend the cottage in 2012 which was dealt with under a LBC application (13/12/0211P). From the planning record you supplied it seems the cottage was only split from Chapel House Farm in 2005. The red edge on that application (13/05/0311P) clearly showing it as part of the curtilage to the Listed Building. On this basis I do not feel the LPA could be criticised by continuing with that stance and treating the building as being within the curtilage of the adjacent listed building.

However as with such matters, they are rarely 'black and white' and a counter argument can be applied to say that in relation to points 2 and 3 above there has been a clear intention to separate the property from the LB and that as the building is now in a separate ownership and no longer functions as an ancillary building to the listed property, that it can no longer be considered as being a 'curtilage' building. The LPA has been complicit in this by facilitating this separate use and approving substantial extensions to the building. This is further reinforced on site by the fact that the cottage has a separate enclosed garden area. It clearly now functions, as it has done for some years, as an independent dwelling.

The conclusions that are drawn from this is that Lyn Cottage is no longer a curtilage building. As such it does not have the blanket cover of being listed by virtue of being in the curtilage of a listed building. As such listed building consent is not required to alter the windows.

RECOMMENDATION: Issue certificate of development

On the balance of probability the installation of 15 windows would be lawful as it would be permitted development under the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and listed building consent is not required as the building no longer forms part of the curtilage of a listed building.

Application Ref: 22/0693/CEA

Proposal: Certificate of Lawfulness (S. 192 Proposed Development): Installation of 15 No. replacement UPVC windows.

At Pinfold Cottage, Fence

On behalf of: Miss Siobhan Murphy