

REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND
REGULATORY SERVICES MANAGER

TO: COUNCIL

DATE: 8th DECEMBER 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 08TH DECEMBER 2022

Application Ref: 22/0670/HHO

Proposal: Full: Insertion of dormer windows to front and rear roof slopes.

At: 97 Bradshaw Street, Nelson, BB9 9BS

On Behalf of: Mr Umar Faruque

Date Registered: 16.11.2022

Expiry Date: 11.01.2022

Case Officer: Yvonne Smallwood

Site Description and Proposal

The application site, The Chip Shop, is an end-terraced property located in the settlement of Nelson. It is surrounded by terraced properties to all sides. The house has natural stone elevations, a slate roof and UPVC fenestration.

The proposal seeks to insert dormer windows to the front and rear roofslopes.

Relevant Planning History

None

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. Whilst the proposal would increase the number of bedrooms from three to four, and there is no associated off-road parking, the principle has been established under planning permission to extend the adjacent property at No 99 (13/13/0366P) without providing offroad parking.

Nelson Town Council

Public Response

The nearest neighbours have been notified by letter with no response.

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, context and harmony with the wider locality.

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

Saved Replacement Local Plan Policy 31 (Parking) sets out appropriate parking standards for developments.

National Planning Policy Framework

Paragraph 130 states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.'

The principle policy relating to this development proposal is Policy ENV2 of the Pendle Local Plan requiring good design. The adopted Design Principles SPD provides further clarity on what is an acceptable design in relation to neighbouring properties and the street scene.

Design and Materials

The Design Principles SPD states that the style, design and scale of domestic developments should respect the existing character of the location. Roof dormers should be designed to be in keeping with the dwelling and their volume does not dominate the roof slope. Such developments are only acceptable where there are existing dormers in 25% of other similar properties in the locality. The materials used for cladding and fenestration should match the existing dwellinghouse. The proposed materials would be slate cladding for walls, with a rubber membrane flat roof and UPVC windows. The slate cladding and UPVC windows would match existing and would therefore not accord with Policy ENV2 and the Design Principles SPD.

The surrounding area is exclusively characterised by traditional terraced dwellings located on to or immediately adjacent to the public footway. This appearance is of importance accounting for the uniformity of the row within the wider street scene and the traditional character of terraced rows in general context of mill town townscapes.

The proposed front dormer window would be of a modern 'box' style'. It would cover the majority of the roof slope rising up to just below the ridge height and would appear as a dominant feature. Its bulk and scale would be out of keeping and seen as an incongruous addition within the terrace, being immediately visible from public vantage points along Bradshaw Street. The proposal to erect a front dormer here would fail to improve the character and quality of the area. Therefore, the proposed development would represent poor design which would be detrimental of the visual amenity of the location thereby failing to comply with Policy ENV2, the guidance of the Design Principles SPD.

Amenity

The proposal would have no overbearing impacts on the immediate neighbours. Bedroom windows are proposed to the front and rear within the dormers. However, the house has existing main habitable room windows in those elevations and the distances involved are characteristic of other dwellings in the area. The proposal would therefore have no unacceptable impacts on privacy and would therefore be acceptable in relation to residential amenity.

Summary

The proposal seeks to insert roof dormers to the front and rear roof slopes. The development would have no detrimental impacts on residential amenity or the road network. However, front dormers are not existing and regular features of terraced houses in the locality. The proposal therefore represents poor design and fails to accord with Policy ENV2 and the guidance of the Design Principles SPD.

RECOMMENDATION: Refuse

The siting of a front roof dormer on this dwelling would be detrimental to the streetscene and harmful to the visual amenity of the location and would fail to improve the character and quality of the area thereby failing to accord with Policy ENV2 of the Pendle Borough Council Local Plan and the guidance of the Pendle Design Principles Supplementary Planning Document.

REPORT TO FULL COUNCIL COMMITTEE ON 08TH DECEMBER 2022

Application Ref: 22/0620/ADV

Proposal: Advertisement Consent: Display of 1 No. LED illuminated Wall Mounted fascia advertisement sign.

At: 123 Gisburn Road, Barrowford.

On behalf of: The Lancashire Wedding House.

Date Registered: 14/09/2022

Expiry Date: 09/11/2022

Case Officer: Joanne Naylor

Site Description and Proposal

The application site is a two storey premises on Gisburn Road, it is within the Barrowford Conservation Area and adjacent to the Lamb Inn WMC which is a Grade II Listed Building, and opposite the application site is the Grade II Listed milestone. The application site has black render to the front elevation, the side elevations are cream painted metal cladding, with a pitched roof. There are two advertisement signs between the ground and first floor windows. There is a central clock between the windows at first floor which was granted planning permission in 2014. The applicant site has five off-road parking spaces to the front.

The proposal is for advertisement consent for the erection of one LED illuminated wall mounted fascia advertisement sign to the centre on the front elevation, and 3.4m above the ground.

Relevant Planning History

13/16/0061P: Full: Change of use from retail (A1) to mixed use retail (A1) and beauty treatment (Sui Generis). Approved with Conditions, 31 March 2016.

13/14/0282P: Full: Re-cladding of roof and walls, enlarge windows to front and block-up one window and one high-level door. Approved with Conditions, 13 August 2014.

13/01/0420P: Clock advertisement. Approved with Conditions, 20 August 2001.

Consultee Response

LCC Highways

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

The proposed screen measures 3m by 2m and is proposed to be fixed to the building elevation of Gisburn Road at first floor level. There is a private forecourt, used for parking between the adopted highway of Gisburn Road and the building. The applicant proposes a luminance level of 600 candelas/sqm in medium brightness district areas at night (and 5,000 cd/m² during the day).

For screens under 10sqm the following level of luminance is considered acceptable by the Highway Authority in accordance with the Institute of Lighting Professionals, The brightness of illuminated advertisements 2014.

- Between sunset and sunrise the intensity of the illumination of the display screen shall not exceed 600cd/m² and between sunrise and sunset the intensity of the illumination of the display screen shall not exceed 5000 cd/m².

The submitted information is considered acceptable.

There is no objection to the proposal. Should the application be approved, the following conditions are considered necessary.

1. Between sunset and sunrise the intensity of the illumination of the display screen shall not exceed 600cd/m² and between sunrise and sunset the intensity of the illumination of the display screen shall not exceed 5000 cd/m².
Reason: To avoid glare, dazzle or distraction to passing highway users.
2. The display screen shall be fitted with a light intensity monitoring sensor to ensure the illumination intensity is dimmable to take account of ambient light conditions and comply with the maximum recommended lighting intensity. The advertisement will go to a blank (dark) screen in the circumstance of a malfunction;
Reason: In the interest of highway safety to avoid glare, dazzle or distraction to passing highway users.
3. The display screen shall not display any moving or apparently moving images, any change in advertisement display shall be 0.1 seconds or less and the complete display screen shall change without visual effects (including fading, swiping or other animated transition), the advertisements displayed shall not change more frequently than once every 10 seconds, and there shall be no fine grain material such as email address or telephone numbers.
Reason: In the interest of highway safety to protect highway users.

Parish/Town Council – **Objection:** This building is in a prominent section of the Barrowford Conservation Area and is situated next door to the Lamb Club with the White Bear at the end of the adjacent block, these two buildings are listed early 17th century yeomen farmhouses, along with the 18th century 3 storey weavers type houses and the large former cooperative store building which along with both Barrowford Memorial Park and Church Street as backdrops form the jewel in the Barrowford Conservation Area.

The applicant's property was built probably in the 1950's – 60's and was a utilitarian building used both as a workshop and retail outlet whilst the grey colour of the cladding had a neutral impact on the Conservation Area.

An application in 2014 for the removal of the then existing cladding and replacement with insulation board to be rendered in Ivory or off White, the report sent to the BWPAC on the 7th August 2014 suggested that the side and rear to be done in Mushroom and this was found acceptable. Permission was granted and samples submitted as a condition.

The neutral colour scheme again had little or no impact on this prominent area of the Barrowford Conservation Area.

A few months ago, the colour was changed to black with new signage, the overall impact of this colour change has significantly altered the setting of the building within the built landscape of the conservation area, reducing the setting and amenity of this important area of the Conservation Area. This area forms parts of essential vistas listed in both the Barrowford Neighbourhood plan and the Conservation Area appraisal the application does not cover the change of colour or new signage but is for the installation of a 3metre by 2metre advertising screen mounted centrally to the front elevation at first floor level with high definition and illumination qualities for moving pictures. The Council wish to object on the following grounds.

1. The considerable effect on the setting and public amenity of both the Conservation Area and associated vistas.
2. Traffic concerns regarding the use of such a large screen distracting motorists at an already problematic junction with Church Street.

Barrowford Parish Council wishes to know if planning permission was needed for the new colour scheme as the original was a material part of the Grant of Permission in 2014, and if new signage within the Barrowford Conservation Area required separate permission?

Public Response

A press notice and site notice have been displayed, and the 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 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.

The Conservation Area Design and Development Guidance Supplementary Planning Document.

Officer Comments

The issues to consider with this application are Design and Impact on the Conservation Area, and Highway Safety.

Design and Impact on the Conservation Area

The application site is located within the Barrowford 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 or appearance of that area.

The proposal seeks to erect one illuminated wall mounted LED fascia advertisement sign to the front elevation. It would be 2.2m high x 3.2m wide x 0.15 deep and would be 3.4m above the ground. The maximum image height of the display would be 2m and would display non-moving images. The proposal would have an illuminance of 600cd/m² at night time and 5,000cd/m² at day time.

The adjacent residential properties to the east of the application site are a row of traditional cottages with a vehicular access way between the cottage row and the application site. No. 125 Gisburn Road is the nearest property, the terrace row is set forward of the application site. The

positioning of this row being set forward and being separated by the vehicle access way would ensure that there would be no detrimental impact on the amenity of these residential properties.

To the south west there is a Grade II Listed Building, the Lamb Inn WMC, located on Church Street being approximately 30m from the application site, and has a boundary treatment of trees and shrubs. The proposed LED fascia advertisement sign would not have a detrimental impact on the amenity of this Listed Building.

In terms of the impact on the Conservation Area, the proposal does raise some issues as it would be an illuminated advertisement sign and it would be to the front elevation which is on a prominent corner location and on a main route through the settlement.

The Conservation Area Design and Development Guidance SPD states that shopfront advertisement signs should relate well to the building they are displayed on and to the surrounding area. It also states that the valued views and vistas should be protected and enhanced, and in particular that vistas aligned with key buildings are important for conservation areas. The Barrowford Conservation Character Area Appraisal identifies key views and vistas, one of the vistas is on the A682 Gisburn Road within a busy commercial area of Barrowford and identifies that the vista is terminated by the strong blank gable wall of the three-storey houses at 125-129 Gisburn Road, which is clearly a focal point for the conservation area. The application site is next to this row of houses, the application site can clearly be seen from this vista, the proposed LED screen would be highly prominent in the vista and would result in the application site being the focus of the vista and would have a detrimental impact on the conservation area.

The proposed advertisement sign would be located centrally on the front elevation of the two storey building, it would be 3.4m above the ground, and 2.2m high and 3.2m wide. The proposal would be illuminated day and night, with day illuminance being 5,000cd/m² and night illuminance 600cd/m². The Conservation Area SPD requires advertisements to be in harmony with scale and architecture of the building and the surrounding townscape and that poorly designed adverts can result in a negative impact on the conservation area. The proposed LED advertisement would be an exceptionally large advertisement placed centrally on the building, clearly visible from Gisburn Road and from the public park. The scale of the proposal and its illumination would relate very poorly to the conservation area and to the character of the streetscene, resulting in an unacceptable detrimental impact.

The proposed development is on the front elevation and is located on a prominent corner location on a main route through the village and which is sensitive to change. In addition, the proposed screen would be clearly visible from the public park opposite the application site. The scale of the proposed advertisement and its illumination would result in it being very prominent, resulting in an incongruous development within the Conservation Area. The proposal would be intrusive to the public park and impact on the vista from Gisburn Road. The proposed advertisement would not relate well to the building and would have an impact on the conservation area. That would be due to it being in a prominent location, its scale and illumination and would present as a clearly large and incongruous advertisement feature. The development would harm the conservation area. That harm would be less than substantial harm. The public benefits would be that of providing work and employment for those constructing the advertisement sign. The scale of the scheme would mean that these benefits are small and this would have to be weighed against the less than substantial harm to the conservation area. The public benefits here would not outweigh the harm. Taking into account its prominent location, scale and illumination, the proposed advertisement would not be acceptable in terms of visual amenity and would harm the character and appearance of the conservation area by virtue of its scale, location and illuminance. The proposal would not be appropriate and would be detrimental to the conservation area.

Highways

LCC Highways have reviewed the documents and plans which. For screens under 10sqm the level of illuminance of the proposed advertisement screen would be considered acceptable by the Highway Authority in accordance with the Institute of Lighting Professionals – the brightness of illuminated advertisements 2014. Therefore, there is no objection to the proposal in highway terms.

There are five off-street parking bays to the front of the property, the proposal would not result in any increase in floor space and is acceptable in highway terms.

RECOMMENDATION: Refuse

The proposal, by virtue of its prominent location, scale and illumination on the front elevation, would have a detrimental impact on the amenity of the conservation area and harm the character and appearance of the conservation area as the proposal would fail to enhance the appearance of the conservation area. The proposal therefore fails to accord with the Pendle Local Plan Part 1: Core Strategy 2011-2030 Policy ENV1, Policy ENV2, the Design Principles Supplementary Planning Document, and the Conservation Area Design and Development Guidance Supplementary Planning Document.

REPORT TO FULL COUNCIL COMMITTEE ON 08TH DECEMBER 2022

Application Ref: 22/0655/HHO

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

At 12 Wickworth Street, Nelson.

On behalf of: Mr Bilal Hussain.

Date Registered: 28/09/2022

Expiry Date: 23/11/2022

Case Officer: Joanne Naylor

Site Description and Proposal

The application site is a mid-terrace house located within the settlement boundary of Nelson. The dwelling house has natural stone walls with a pitched natural slate roof. There is a flat roof dormer to the rear elevation and a single storey rear extension to the yard. Wickworth Street has retained the chimneys, cobbled road and paved footpaths, and the front roof scene has no dormers. The proposed development is for the erection of a single storey extension to the rear and the insertion of a flat roof dormer with a window to the front elevation.

Relevant Planning History

None relevant.

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, this should still be adequate to allow for the storage of refuse bins, whilst still maintaining pedestrian access. As a result, the retained yard area should avoid refuse migrating and ultimately being left on the back street.

Parish/Town Council – no comment.

Public Response

The nearest neighbours have been notified by letter.

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

Wickworth Street comprises of two terrace rows with the front elevations facing each other. It has retained the cobbles, paving flags and chimney stacks. Wickworth Street is a very good example of an unaltered street with the character of the streetscene and roofscape being well preserved. There are no front dormers on Wickworth Street which has ensured the roofscape is intact.

Wickworth Street has no front dormers on the front elevation, and the design of the front dormer would dominate the roof slope resulting in the property being unbalanced. The materials proposed for the front dormer would have a pitched roof with rubber membrane and the walls would be natural slate tiles with a window to the front elevation. This would match the existing material of natural slate tiles and reflect the design of the pitched roof.

The Design Principles SPD advises that dormers should be set below the ridgeline of the original roof by 0.2m, set back by at least 1m from the front elevation, and 0.5m from either side to avoid an overbearing effect and to have materials matching the existing roof. The proposed front dormer

would be located on a sloping terrace, the distance from the ridgeline varies from 0.31m to 0.17m, it would be set back from the front elevation by circa 0.2m, with a circa 0.4m space either side of the dormer. The proposed dormer would dominate the roof slope and would result in a dwellinghouse which appears as unbalanced. The proposed front dormer would not respect the simple and unaltered roofscape of Wickworth Road, it would be incongruous and out of keeping with its surroundings. The proposal would have a negative impact on the visual appearance of the dwellinghouse and would disrupt the uniformity and visual harmony of the roofscene and street scene.

The proposed single storey extension would have a pitched roof with natural slate tiles and natural stone to the side elevation and painted render finish to the rear elevation. The proposal would extend the original kitchen by 2m to the boundary with an overall length of 4.7m, the Design Principles advise that 4m is acceptable, however for terraced properties longer projections could be acceptable subject to impacts on neighbouring properties. In this case, the proposal would be to extend the kitchen, the increased length of the proposal would be acceptable in terms of design and materials. The impact of the proposed extension on neighbouring properties are considered in the residential amenity section below.

The design, materials and scale of the extension would be appropriate for this location and not look out of character. There would be no adverse harm to the character of the street scene, therefore the proposed rear extension would be acceptable in design and materials.

The proposed front dormer would cause unacceptable harm to the character and visual amenity of the area contrary to Policy ENV1 and Policy ENV2 and the Design Principles SPD.

Residential Amenity

The Nelson 1947 Map identifies the original terrace of Wickworth Street, the map clearly shows the original dwelling in 1947 and it would seem that the original dwelling has not been altered since then, therefore the kitchen at the rear of the property is original.

The Design Principles SPD 45 degree guidance is designed to protect neighbouring amenity from overshadowing or obstruction of outlook for extensions close to a boundary. It also advises that extensions up to 4m from the rear elevation of the existing dwelling are acceptable subject to relationship to other properties. The proposed rear extension would be located on the party boundary. From the rear elevation of the kitchen, the proposed extension would project 2m to meet the rear boundary. However, the relationship to the adjoining neighbour at No. 10 needs to be considered, as the overall length of the extension would be circa 4.7m long. No. 10 has a habitable room window to the rear, from the rear elevation of the kitchen the 45 degree guideline would not be breached, however, the proposed extension would increase the length to 4.7m which would result in breaching the 45 degree guidance and would result in overshadowing and obstruction of outlook. In addition, No. 12 is elevated above No. 10 by circa 0.7m, which would exacerbate the impact of the proposal on the neighbour. The proposal would result in overshadowing and obstruction of outlook and would result in an unacceptable residential amenity impact on No. 10 Wickworth Street.

The proposed extension would have an additional window to the side elevation which would face onto the rear extension of No. 10. The application site already has a side window facing onto No.

10, the additional proposed window would not have any greater impact than already existing and would not result in any greater harm than currently experienced

The neighbour at No. 14 has a rear extension the same height and length as the application site and also has a smaller extension with a reduced height which extends to the boundary wall. The proposed extension on neighbouring properties are considered in the residential amenity section below.

The design, materials and scale of the extension would be appropriate for this location and not look out of character. There would be no adverse harm to the character of the street scene, therefore the proposed rear extension would be acceptable in design and materials.

The proposed front dormer would cause unacceptable harm to the character and visual amenity of the area contrary to Policy ENV1 and Policy ENV2 and the Design Principles SPD.

Residential Amenity

The Nelson 1947 Map identifies the original terrace of Wickworth Street, the map clearly shows the original dwelling in 1947 and it would seem that the original dwelling has not been altered since then, therefore the kitchen at the rear of the property is original.

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The proposed extension would have an additional window to the side elevation which would face onto the rear extension of No. 10. The application site already has a side window facing onto No. 10, the additional proposed window would not have any greater impact than already existing and would not result in any greater harm than currently experienced

The neighbour at No. 14 has a rear extension the same height and length as the application site and also has a smaller extension with a reduced height which extends to the boundary wall. The proposed extension would increase the length by 2m to the boundary wall and retain the height. The impact on No.14 would be the increase in height of the wall by circa 1.2m and in the length by circa 1.9m. This increase could result in a marginally adverse impact to outlook and overshadowing for No. 14, however No. 14 is elevated above No. 12 which reduces to some extent the overshadowing impact. There is already an existing extension at No. 12 this

relationship is already established and the proposed extension would not result in any greater harm than currently experienced, it would have no unacceptable loss of outlook or overshadowing and would not warrant refusal for the extension.

The proposed front dormer would have a window to the front elevation. The distance between the front elevations of the application site to the front elevation of the properties opposite would be circa 14.2m. However, the existing dwelling house has habitable room windows to the front elevation at ground and first floor, the proposal would have a habitable room window to the second floor. There is a public highway in between these properties. The Design Principles would require a minimum of 21m between habitable room windows facing each other. However, there is an existing relationship already, and the development does not detrimentally impact on those dwellings over and above existing conditions. The relationship across the public highway is also acceptable.

The proposed development would be overbearing and oppressive to the occupant of the neighbouring house. The proposal would have a negative impact on their residential amenity and would be unacceptable in that respect. The proposed development would be contrary to Policy ENV2 and the Design Principles SPD.

Highways

The proposal would result in the yard retaining an area of 9sqm which would be adequate for bin storage and pedestrian access.

RECOMMENDATION: Refuse

1. The development would have a detrimental impact on the living environment of the adjoining neighbour at No. 10 Wickworth Street 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 proposed front dormer would be incongruous and out of keeping with its surroundings, it would result in unacceptable harm to the character and visual amenity of the area and would result in poor design. The proposal would be contrary to Policy ENV2 of the adopted Pendle Local Plan – Core Strategy and the Design Principles SPD.

REPORT TO FULL COUNCIL COMMITTEE ON 08TH DECEMBER 2022

Application Ref: 22/0510/FUL

Proposal: Full: External alterations involved in conversion from bank to clinic including insertion of a new door & window and replacement of doors and windows.

At 2 Newtown, Barnoldswick

On behalf of: NHS Property Services Ltd

Date Registered: 31.10.2022

Expiry Date: 26.12.2022

Case Officer: Yvonne Smallwood

Site Description and Proposal

The application site was formerly Yorkshire Bank and lies within the defined Town Centre of Barnoldswick within Barnoldswick Conservation Area. It is a stone building with an existing shopfront, surrounded by retail and commercial properties. The premises would become an NHS Doctor's Surgery.

The proposal seeks to replace all of the windows and doors. A door and window to the front elevation would be transposed. An additional window would be created to the front elevation. The extract plant equipment would be removed from the rear of the site.

Relevant Planning History

13/15/0102P - Advertisement Consent: Erection of two internally illuminated fascia signs and one internally illuminated projecting sign – Approved with Conditions 26.02.2015

13/14/0493P – Full: Alterations to window openings and replacement of door – Approved with Conditions, 22.10.2012

13/03/0882P - Full: Extend ramp to give level access to premises – Refused 18.12.2003

Consultee Response

Highways -

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

Newtown (U40151, is an adopted unclassified, single carriage way minor road with a 20 mph speed limit. The development site is in a town centre location, close to local facilities and amenities, including public transport, therefore it is considered to be in a sustainable location. As a new entrance door and window has to be formed and all windows and doors to be replaced (Ref Drawing 6582-T02, Proposed floor plans and elevations, Jan 2022, and Heritage Statement submitted: 4.1 C, D, & E), please see the informative note.

No parking is available with this application, however, given the site's sustainable location, this may be considered a car-free development.

There are traffic regulation order restrictions in the form of no waiting at any time on Newtown on both sides of road from its junction with Church St to its junction with Albert Road. Careful consideration should, therefore, be given to access by delivery vehicles during the construction and fit out phases. We recommend that a condition is applied restricting the times of deliveries to ensure that there is no conflict with traffic, both vehicular and pedestrian, at peak times. If the local planning authority is minded to approve this application, the following condition should be applied to any formal planning approval granted.

Condition

- 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.
 - A construction management plan should be produced to highlight how deliveries during construction will be managed and where workers on the site will park during construction. Reason: to minimise the impact of construction on pedestrians in the vicinity of the site.
- I would recommend the following informative note:

Informative 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.

Parish/Town Council

Cadent Gas

United Utilities

PBC Engineering

Architectural Liaison Unit

Environmental Health

Yorkshire Water

Public Response

A Press Notice and Site Notice has been placed and nearest neighbours notified by letter with 16 responses, summarised below:

- The site is unsuitable for use as an NHS clinic, too small, with inadequate facilities and a new purpose-built facility is requested. Three clinical rooms is not enough
- Parking and traffic concerns, insufficient drop-off/pick-up space. Illegal parking would be likely to increase
- Access for disabled workers to the second storey
- Access and parking for people who are disabled or infirm. The pavement is not level and there are steep narrow stairs.
- Suggested relocation to Rainhall Road, similar to Sainsbury's, Colne
- Not enough room for expansion with growing population/increased housing

- The Butts should be overhauled and used instead

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.

Policy 26 – Proposals to introduce non-shopping uses in town centres and local shopping centres.

Conservation Area Design and Development Guidance SPD - Planning and the Historic Environment considers the setting of a Conservation Area to be important in preserving or enhancing the area.

Officer Comments

Design and Materials within Conservation Area

The building itself is relatively modern and possesses no heritage value. The building is specifically mentioned within the conservation area character appraisals as being harmful to the character and appearance of the conservation area and therefore makes no contribution to its significance.

The proposal entails the repositioning of the existing front door to an existing window opening and the existing door opening would be altered to form a window. The repositioning of the existing doorway is required to better suit the proposed internal layout. The proposed window would have obscure glazing, which would serve the proposed disabled WC, which is to be located at the point of the existing entrance door.

One additional window opening would be created serving the proposed Clinical Room 3 at ground floor level as the existing room is not served by a window and has no means of natural lighting and ventilation.

The proposal would be acceptable in regard to design and materials and therefore accords with ENV1, ENV2, Design Principles SPD and Conservation Area Design and Development Guidance SPD.

Residential Amenity Impacts

The proposal seeks to replace all of the windows and doors. A door and window to the front elevation would be transposed. An additional window would be created to the front elevation. The extract plant equipment would be removed from the rear of the site. The proposed alterations to the windows and doors would not have any unacceptable adverse impacts to residential amenity.

The proposal would be acceptable in regard to residential amenity and therefore accords with ENV2, Design Principles SPD and Conservation Area Design and Development Guidance SPD.

Other Matters

Objections have been raised relating to the suitability and size of the site and alternative premises have been suggested as preferable locations. It is not within our remit to consider other premises, as we are only able to deal with the application which has been made to us. This application is for the NHS for a medical purpose and we would therefore support the application.

Parking and Highways Issues

There are no proposed parking spaces and there are equivalent of 7 full-time staff and patients who will be visiting the clinic. The opening hours would be 08:00 – 18:00 Mon – Fri and 08:00 – 17:00 Saturday and closed Sunday. There have been comments received raising concerns related to parking, access and highway safety. Highways LCC have assessed the parking and traffic requirements for this application within the proposed hours of use and have raised no objection to the application. Highways LCC have recommended Conditions and an Informative. We concur with Highways that with these Conditions in place, the scheme would be acceptable. Therefore the proposal would not present any highway safety issues and would accord with Saved Policy 31 Parking Standards.

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 28.07.22, 6582-T02

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.

4. 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.

5. A construction management plan should be produced to highlight how deliveries during construction will be managed and where workers on the site will park during construction.

Reason: To minimise the impact of construction on pedestrians in the vicinity of the site.

Informative 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.

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

REPORT TO FULL COUNCIL COMMITTEE ON 08TH DECEMBER 2022

Application Ref:	22/0356/HHO
Proposal:	Full: Retrospective permission for retaining wall to garden.
At:	14 Hindley Court, Barrowford, Nelson
On behalf of:	Mr Zahoor Ahmed
Date Registered:	6 th June 2022
Expiry Date:	1 st August 2022
Case Officer:	Yvonne Smallwood

Site Description and Proposal

The application site is a detached property on a cul-de-sac on Hindley Court, within the defined settlement boundary of Barrowford.

The proposal seeks retrospective planning permission for an artificial stone retaining wall to the rear of the dwellinghouse. Earth has been excavated and land infilled to terrace the rear garden of the property. The wall is 8.8m in length and 1.52m in height. The work entailed landscaping and earth works to create a patio in the rear garden to provide a useable level. There are drainage holes in the wall and there is a drainage grid around the perimeter of the patio area.

Relevant Planning History

13/91/0528P – Erection of a conservatory to the rear elevation – Approved with Conditions, 1991

Consultee Response

LCC Highways –
No objections

HSE –

Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case. The proposed development site which you have identified currently lies within the consultation distance (CD) of at least one major hazard site and/or major accident hazard pipeline; HSE needs to be consulted on any developments on this site.

You will also need to contact the pipeline operator as they may have additional constraints on development near their pipeline.

Cadent Gas –

We have **no objection** to your proposal from a planning perspective.

What you need to do

Please review our attached plans, which detail the Cadent gas asset/s in the area. If your application affects one of our high pressure pipelines, it is a statutory requirement that you input the details into the HSE's Planning Advice Web App. For further details, visit www.hse.gov.uk/landuseplanning/planning-advice-web-app.htm

The HSE may wish to apply more stringent criteria for building proximity after assessment. Please ensure that you formally consult with them before you proceed.

In order to help prevent damage to our asset/s, please add the following **Informative Note** into the **Decision Notice**:

Noise attenuation assessment to be noted for awareness if habitable buildings in close proximity near to the AGI

*Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. **Prior to carrying out works,***

please register on www.linerearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

The original holding objection was triggered due to the presence of a High Pressure Major Accident Hazard Pipeline (MAHP) and/or an Intermediate Pressure Pipeline and/or an Above Ground Installation.

Barrowford Parish Council -

No Objection if the two points are met. As this is a retrospective application the Parish Council only concerns are:

1. Is the wall and foundation structurally sound enough to retain the terraced portion of the garden?
2. As this application falls within a HSE Consultation Zone does it comply with their requirements in terms of public safety and maintenance easement rights?

Public Response

Nearest neighbours notified by letter without response.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

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

Replacement Pendle Local Plan

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

Policy ENV2 requires that developments ought to be in scale and harmony with the surroundings.

Design Principles in the Supplementary Planning Document – garden terraces require planning permission if they are raised by 0.3m. The proposed artificial stone retaining wall to the rear of the

dwellinghouse would be 8.8m in length and 1.52m in height. The work entailed landscaping and earth works to create a patio in the rear garden to provide a useable level.

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

The Design Principles SPD advises that developments should be in scale and harmony with their surroundings. The rear garden terracing was undertaken for the enjoyment of the occupants of the dwellinghouse. There are drainage holes in the wall and there is a drainage grid around the perimeter of the patio area. There are circa 1.8m fences between the application site and the neighbouring properties at number 11 and 12 Hindley Court. In order to create a flat patio area, earth was removed and infilled, however the height of the land has not been raised to a level that would have any unacceptable adverse impacts on 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

The Parish Council raised concerns relating to the structural stability of the proposal. The application site is within a HSE Consultation Zone. A structural survey has been done and the calculations from the details provided illustrated that the wall is structurally stable.

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

The development hereby permitted shall be carried out in accordance with the following approved plans: LU242 – P01, LU242 – P02

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

Application Ref:	22/0356/HHO
Proposal:	Full: Retrospective permission for retaining wall to garden.
At:	14 Hindley Court, Barrowford, Nelson
On behalf of:	Mr Zahoor Ahmed

REPORT TO FULL COUNCIL COMMITTEE ON 08TH DECEMBER 2022

Application Ref: 22/0375/FUL

Proposal: Full: Formation of an access track

At: Higher Park Barn, Salterforth

On Behalf of: Mr H Bradley

Date Registered: 29/06/2022

Expiry Date: 24/08/2022

Case Officer: Laura Barnes

Site Description and Proposal

The application site is part of an agricultural holding within the Open Countryside. There is a structure on the land which has permission to change to a residential dwelling (22/0309/AGD).

The application involves the installation of a private access road connecting the proposed barn conversion with Salterforth Lane.

Relevant Planning History

22/0309/AGD: Prior Approval: Change of Use of agricultural building to dwelling (Use Class C3) (Class Q (a) only).
Approved subject to conditions

Consultee Comments

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 safety grounds.

Environment Officer (Trees)

No major concern regarding trees

Earby & Salterforth Drainage Board

No comment

Public Response

The nearest neighbours have been notified by letter and a site notice was posted. No public comments have been received.

Officer Comments

The development involves creating a new access track to a building which has permission to convert to a residential dwelling. At the time of the site visit, the track had already been laid, constructed of crushed stone / gravel material. The track itself does not involve the removal of any trees or hedgerow. Although it traverses a field within the Open Countryside, it would not result in

any structure upon the field. The access track would not result in any unacceptable neighbouring amenity issues. There is no objection in principle to the creation of this access track.

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 landscape impacts, residential amenity and the road network. 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 Plan P2139/002T, Site Plan P2139T-001.

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: 22/0375/FUL

Proposal: Full: Formation of an access track

At: Higher Park Barn, Salterforth

On Behalf of: Mr H Bradley

REPORT TO FULL COUNCIL COMMITTEE ON 08TH DECEMBER 2022

Application Ref: 22/0433/HHO

Proposal: Full: Demolition and erection of single storey side and rear extension.

At 8 Whittycroft Avenue Barrowford Nelson

On behalf of: Mr & Mrs Anthony Lloyd

Date Registered: 27.06.2022

Expiry Date: 22.08.2022

Case Officer: Yvonne Smallwood

Site Description and Proposal

The application site is a two storey semi-detached dwellinghouse. The site is surrounded by similar residential properties within the settlement boundary of Barrowford.

The proposed a single storey side and rear extension to the west elevation of the main dwellinghouse would create a living kitchen, utility room and shower room. The existing kitchen extension and WC would be demolished. The extension would be 7.82m in length projecting back from the rear elevation by 2.13m. The width would be 4.1m and height of 2.35m to eaves and 4.3m to ridge height.

Relevant Planning History

No relevant planning history.

Consultee Response

Highways –

There is no parking plan submitted for this proposal.

This proposal does not require a change in the existing parking requirements, however as the proposal reduces the drive space; a parking plan is required to show that the parking spaces required by this size of dwelling can be provided within the curtilage of the property.

The submitted plan does not include the number of bedrooms for the dwelling

2 parking spaces are required for 2/3 bedroomed property and 3 parking spaces are required for a 4+ bedroomed property.

Parish/Town Council –

There have been several recent applications within the immediate area for extensions and this is one of the more modest ones. The location within the curtilage of the property gives sufficient distances to adjacent properties and should not impact adversely on the amenity and streetscape.

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.

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 Design Principles SPD advises that single storey side extensions should preserve the streetscene, protect the light and privacy of neighbours and retain satisfactory parking space.

Design and Materials

The proposed development for a single storey side and rear extension to the west elevation of the main dwellinghouse. The existing kitchen extension and WC would be demolished. A living kitchen, utility room and shower room would be erected. The extension would be 7.82m in length projecting back from the rear elevation by 2.13m. The width would be 4.1m and height of 2.35m to eaves and 4.3m to ridge height.

The proposed materials are brickwork with K Rend in off-white, blue slate roof, UPVC windows and grey aluminium bi-fold doors.

These materials would be appropriate in the street scene and for the character of the property.

There are no objections to the proposed extensions and as such the development complies with Policies ENV1, ENV2 and the Design Principles SPD.

Residential Amenity

The proposed single storey extension would be sited to the western elevation and rear of the main dwellinghouse.

The extension of modest in proportion, projecting to the rear of the property by 2.13, there are no windows proposed to the east elevation, therefore the development would not result in any unacceptable adverse impact for the adjoining neighbour.

The proposed single storey extension extends onto the existing driveway towards 192 Gisburn Road. There are no windows proposed to the side elevation. The separation distance is such that there would not be any unacceptable adverse impact for the neighbour at number 192 Gisburn Road.

There is a small window proposed to the rear elevation of the proposed extension, which would not result in any additional unacceptable impact to the amenity of the neighbours to the rear of the property at number 1 Whittycroft Drive.

Glazing and bi-fold doors are proposed to the front elevation. This glazing would not result in any additional adverse impact to the neighbours opposite at number 11 than the existing front elevation windows.

The proposed extension would not result in any unacceptable loss of amenity for the neighbouring properties. Therefore, the proposal is acceptable and accords with ENV2 and the Design Principles SPD.

Highways

This development does not increase the number of bedrooms to the property. The driveway would be reduced in size, however the amended plan shows that the drive has capacity for 2 No. 5m x 2.5m parking spaces. There is an existing detached single garage. In total there is space to park 3 cars within the curtilage, which accords with Saved Policy 31 Parking Standards. Highways raise no objection to the proposal, therefore the development is acceptable in regard to highway safety.

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: 670/1A, 670/3

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: 22/0433/HHO

Proposal: Full: Demolition and erection of single storey side and rear extension.

At 8 Whittycroft Avenue Barrowford Nelson

On behalf of: Mr & Mrs Anthony Lloyd

REPORT TO FULL COUNCIL COMMITTEE ON 08TH DECEMBER 2022

Application Ref: 22/0663/PIP

Proposal: Permission in Principle: Erection of 9 No. dwellings.

At: Land to the north of Turney Crook Mews, Ivegate, Colne

On behalf of: M&A Holdings Ltd

Date Registered: 13/10/2022

Expiry Date: 17/11/2022

Case Officer: Laura Barnes

Site Description and Proposal

The application site is a piece of land located within the settlement boundary. It is currently heavily wooded with some public footpaths running through the wider site, directly to the north.

This is an application for Permission in Principle for the erection of nine dwellings on the site.

Relevant Planning History

13/02/0278P: Erection of 8 semi detached dwellings and 22 flats
Approved with conditions

13/03/0519P: Erect terrace of 9 houses and associated parking
Approved with conditions

13/13/0544P: Full: Major: Erection of 22 No. apartments in one two/three storey block, formation of 33 space car park with access off Ivegate.
Approved with conditions

17/0005/FUL: Full: Major: Erection of 22 apartments in one 2/3 storey block and formation of 33 space car park with access from Ivegate.
Approved with conditions

Consultee Comments

LCC Highways

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

History

The site has previously had approval (reference 17.0005) for the erection of 22 apartments in one 2/3 storey block and formation of a 33 space car park with access from Ivegate. The approved drawing shows the retention of the 25 car parking spaces used by the residents of Ivegate Mews. The retention of these parking is considered necessary for this application.

Technical details stage

At technical details stage, a road layout which meets Lancashire County Council's specification including bound porous paving, street lighting and surface water drainage and geometry which provides sufficient space for service vehicles (refuse, emergency and delivery vehicles) to enter and leave Ivegate in forward gear will be required.

The appropriate level of car and secure, covered cycle parking to Pendle Borough Council parking standards will be required (that is, two spaces for two – three bedroom dwellings and three spaces for four plus bedrooms) and an electric vehicle charging point at each dwelling. Any garages should measure 3m x 6m internally to count as a parking space and 6m x 6m for a double garage.

Conclusion

There is no objection to the principle of the development.

United Utilities

We provide this response as guidance to the applicant when considering any future application for Technical Detail Consent. Any future response issued or communication regarding this site, will be based upon the information that is available at the time of our response and therefore, our position and advice may vary.

We strongly recommend that the applicant or any subsequent developer contacts United Utilities, using our pre-development enquiry service to discuss their proposals directly with our Developer Services team. They can find further advice, along with a pre-development enquiry form, on our website: <https://www.unitedutilities.com/builders-developers/>

Drainage

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

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

Should the applicant receive Planning in Principle permission for this proposal, United Utilities will review the drainage element of any application for Technical Detail Consent in line with the surface water hierarchy. United Utilities will request evidence that the drainage hierarchy has been fully investigated and why more sustainable options are not achievable before a surface water connection to the public sewer is acceptable.

In the event of us reviewing an application for Technical Detail Consent, it is likely we may request the following condition:

CONDITION

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

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

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

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development. Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

Please note, United Utilities is not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as main river).

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, their proposed detailed design will be subject to a technical appraisal by our Developer Services team and must meet the requirements outlined in 'Sewers for Adoption and United Utilities' Asset Standards'. This is important as drainage design can be a key determining factor of site levels and layout.

The applicant should not presume that the principles outlined within a drainage strategy will meet the detailed requirements for a successful adoption application. We strongly recommend that no construction commences until the detailed drainage design, 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.

WATER AND WASTEWATER SERVICES

If the applicant intends to receive water and/or wastewater services from United Utilities, they should visit our website or contact the Developer Services team for advice. This includes seeking confirmation of the required metering arrangements for the proposed development.

If the proposed development site benefits from existing water and wastewater connections, the applicant should not assume that the arrangements will be suitable for the new proposal.

In some circumstances we may require a compulsory meter is fitted. For detailed guidance on whether the development will require a compulsory meter please visit <https://www.unitedutilities.com/my-account/your-bill/our-household-charges-20212022/> and go to section 7.7 for compulsory metering.

If reinforcement of the water network is required to meet potential demand, this could be a significant project and the design and construction period should be accounted for. To avoid any unnecessary costs and delays being incurred by the applicant or any subsequent developer, we strongly recommend the applicant seeks advice regarding water and wastewater services, and metering arrangements, at the earliest opportunity. Please see 'Contacts' section below.

Environmental Health

Requested conditions including a Construction Method Statement and Contaminated Land Informative

Public Response

Nearest neighbours have been notified by letter. 1 letter of objection has been received raising the following issues:

- Impact upon wildlife

- Loss of privacy to properties on Windy Bank

Officer Comments

This type of application can only be determined on matters of the principle of the development with its scope limited to location, land use and the amount of development. Conditions and/or planning obligations cannot be imposed at this stage. If approved a Technical Details application would be required before the development could take place, which would include details such as plans and technical reports. Conditions and planning obligations can only be imposed at that stage.

Policy

Local Plan Part 1: Core Strategy

The following Local Plan policies are relevant to this application:

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. The proposal's compliance with this policy is addressed in the design and amenity sections.

Policy LIV1 sets out the housing requirements for 2011 to 2030 and how this will be delivered.

Policy LIV3 provides guidance on the housing needs in order to provide a range of residential accommodation.

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

Principle of Housing

The proposed development is located within the settlement boundary, where the principle of development is acceptable. Therefore in terms of the location, this is acceptable. Land use is one of the other elements which a Permission in Principle can focus on, the use of this land as residential development given that it is within the settlement boundary and within close proximity to the town centre is acceptable. Finally, the amount of development is the third area which a Permission in Principle can focus on. The area of land in this case is 0.6 hectares, the prevailing character of the surrounding area is high density with terraced dwellings dominating, there are also some apartments within close proximity. Therefore, the principle of nine residential dwellings in this location is acceptable.

Other Matters

Comments have been received regarding residential amenity and impacts on local wildlife. This Permission in Principle application can only consider the principle of development, including location, land use and the amount of development. Therefore, factors outside of this cannot be considered as part of this application and must be dealt with at the technical details consent stage.

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. Taking into account all material considerations the proposed development is acceptable in principle. 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

INFORMATIVE

As part of a technical details application the following information should be provided:

- Plans, including location plan, site plan, access visibility splay plan, elevation and floor plans.
- Planning Statement
- Foul and Surface Water Drainage Scheme
- Ecology Survey
- Arboricultural Impact Assessment
- Landscaping Scheme

Application Ref: 22/0663/PIP

Proposal: Permission in Principle: Erection of 9 No. dwellings.

At: Land to the north of Turney Crook Mews, Ivegate, Colne

On behalf of: M&A Holdings Ltd

REPORT TO FULL COUNCIL COMMITTEE ON 08TH DECEMBER 2022

Application Ref: 22/0410/FUL
Proposal: Full: Erection of 2 No. detached double garages.
At: Garage Site to the NE of 31 to 45 St. Paul's Road, Nelson
On behalf of: Mr M Ansar
Date Registered: 20/06/2022
Expiry Date: 15/08/2022
Case Officer: Laura Barnes

Site Description and Proposal

The application site is an existing garage site, to the rear of properties on St. Paul's Road. The site is located within the settlement boundary of Nelson.

The proposed development is for the erection two detached double garages.

Relevant Planning History

None relevant

Consultee Response

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 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 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 proposed garage would sit alongside existing flat roof garages. The proposed development involves the erection of two detached double garages which would each measure 5.8m x 5.5m and 2.6m in height. They are to be constructed of render / pebble dash walls with a flat roof and steel up & over doors.

The proposal is acceptable in accordance with Policy ENV2 and the Design Principles SPD.

Residential Amenity

The proposed garage would not be used for accommodation, would be of single storey nature and would be sited amongst existing garages. Therefore, it would raise no unacceptable residential amenity impacts in accordance with Policy ENV2.

Highways

The proposed development is not directly related to any residential use. The proposed garage would provide sufficient space for four vehicle. This is acceptable in accordance with Saved Policy 31.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed garage is acceptable in terms of policy, design, amenity and highway safety. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: 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 dated 20/06/2022, Plans dated 20/06/2022

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 shall not be varied without the prior written permission of the Local Planning Authority.

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

REPORT TO FULL COUNCIL COMMITTEE ON 08TH DECEMBER 2022

Application Ref: 22/0721/ADV

Proposal: Advertisement Consent: Display of a single sided digital LCD screen.

At Nelson And Colne College, Scotland Road, Nelson

On behalf of: Nelson And Colne College Group

Date Registered: 28.06.2022

Expiry Date: 23.08.2022

Case Officer: Yvonne Smallwood

Site Description and Proposal

The application site is a triangular parcel of land to the east of the further education college, within the settlement boundary of Nelson.

The proposal seeks Advertising Consent to display a single sided digital LCD screen.

Relevant Planning History

22/0622/ADV - Advertisement Consent: Display of Non-illuminated vinyl sticker to front elevation of building – Approved with Conditions, 18.11.2022

Consultee Response

Highways LCC –

The submitted documents and plans have been reviewed and the following comments are made. The sign is to be sited behind a low wall with railings on top, which would obscure it partially, especially as banners are fixed to the railing.

Therefore, please could the applicant confirm the sign position in relation to the wall.

The sign position does not interfere with the visibility splays for drivers at the College site access and Scotland Road. The luminance level is proposed at 300cd/m² with a dimmer and the screen size is 1.228m by 0.696m.

For screens under 10sqm the following level of luminance is considered acceptable by the Highway Authority in accordance with the Institute of Lighting Professionals, The brightness of illuminated advertisements 2014.

- Between sunset and sunrise the intensity of the illumination of the display screen shall not exceed 600cd/m² and between sunrise and sunset the intensity of the illumination of the display screen shall not exceed 5000 cd/m².

The submitted information is considered acceptable.

There is no objection to the proposal. Should the application be approved, the following conditions are considered necessary.

1. Between sunset and sunrise the intensity of the illumination of the display screen shall not exceed 600cd/m² and between sunrise and sunset the intensity of the illumination of 2 the display screen shall not exceed 5000 cd/m². Reason: To avoid glare, dazzle or distraction to passing highway users.
2. The display screen shall be fitted with a light intensity monitoring sensor to ensure the illumination intensity is dimmable to take account of ambient light conditions and comply with the maximum recommended lighting intensity. The advertisement will go to a blank (dark) screen in the

circumstance of a malfunction; Reason: In the interest of highway safety to avoid glare, dazzle or distraction to passing highway users.

3. The display screen shall not display any moving or apparently moving images, any change in advertisement display shall be 0.1 seconds or less and the complete display screen shall change without visual effects (including fading, swiping or other animated transition), the advertisements displayed shall not change more frequently than once every 10 seconds, and there shall be no fine grain material such as email address or telephone numbers. Reason: In the interest of highway safety to protect highway users.

Nelson Town Council

Cadent Gas

Environmental Health

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.

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

Amenity

The proposed signage is to be erected to the gable end of No. 2 Gordon Street, which faces towards Skipton Road. The application seeks to have a digital board displaying advertisements on a 24 hour basis. The images displayed on the signage are not to be moving or flashing but would change every 10 seconds. Between sunset and sunrise the intensity of the illumination of the display screen shall not exceed 600cd/m² and between sunrise and sunset the intensity of the

illumination of 2 the display screen shall not exceed 5000 cd/m². It is understood that the display will have an ambient light sensor which constantly tracks light conditions and adjusts, so that in bright direct sunlight for example the sign is still visible, whilst in overcast conditions the illuminance can be lowered.

The signage would not adversely affect the amenity of the area within which it is located. The display screen would face towards the roundabout.

The materials and design are appropriate in this location and the illuminance level can be controlled via a condition.

The signage therefore does not adversely impact on amenity and therefore accords with policy ENV2 of the Pendle Local Plan: Part 1 and the SPD: Design Principles

Highways

Highways LCC queried the positioning of the screen, as it would be sited behind a low wall with railings on top, which would obscure it partially, especially as banners are fixed to the railing. This was discussed with the applicant and the screen would be positioned in the correct place for the College.

Highways have raised no objection to the proposal and have provided conditions to limit the intensity of illumination between sunset and sunrise. A light intensity monitor sensor is to be fitted to ensure that the illumination intensity is dimmable and compliant with maximum recommended lighting intensity. The display screen shall not display moving or apparently moving images, have any visual effects or display any fine grain materials, such as email addresses. These conditions are applied in the interest of highway safety to protect highway users.

Reason for Decision

The proposed development is acceptable in terms of amenity and highway safety.

RECOMMENDATION: Approve

Subject to the following conditions:

1. Notwithstanding the provision of Part 3 (Regulation 14) of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007 this consent shall expire five years from the date of the grant of consent

Reason: In order for the impact of this method of advertising on the highway network at this location to be determined.

2. The display of advertisement hereby permitted shall be carried out in accordance with the following approved plans: 2901-401, 2901-402.

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. Between sunset and sunrise the intensity of the illumination of the display screen shall not exceed 600cd/m² and between sunrise and sunset the intensity of the illumination of 2 the display screen shall not exceed 5000 cd/m².

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

- 9. The display screen shall be fitted with a light intensity monitoring sensor to ensure the illumination intensity is dimmable to take account of ambient light conditions and comply with the maximum recommended lighting intensity. The advertisement will go to a blank (dark) screen in the circumstance of a malfunction;

Reason: In the interest of highway safety to avoid glare, dazzle or distraction to passing highway users.

- 10. The display screen shall not display any moving or apparently moving images, any change in advertisement display shall be 0.1 seconds or less and the complete display screen shall change without visual effects (including fading, swiping or other animated transition), the advertisements displayed shall not change more frequently than once every 10 seconds, and there shall be no fine grain material such as email address or telephone numbers.

Reason: In the interest of highway safety to protect highway users.

Application Ref: 22/0721/ADV

Proposal: Advertisement Consent: Display of a single sided digital LCD screen.

At Nelson And Colne College, Scotland Road, Nelson

On behalf of: Nelson And Colne College Group

REPORT TO FULL COUNCIL COMMITTEE ON 08TH DECEMBER 2022

Application Ref: 22/0719/HHO

Proposal: Full: Erection of Front and Rear Dormers.

At: 60 Moore Street, Nelson, BB9 0JW

On Behalf of: Mr Pawwel Klys

Date Registered: 25.10.2022

Expiry Date: 20.12.2022

Case Officer: Yvonne Smallwood

Site Description and Proposal

The application site is a mid-terraced property located in the settlement of Nelson. It is surrounded by terraced properties to all sides. The existing roof is slate with UPVC fenestration. There are no other examples of front dormers in the row.

The proposal seeks to insert dormer windows to the front and rear roofslopes.

Relevant Planning History

None

Consultee Response

LCC Highways –

The property is situated along a row of terraced properties currently with no off-street parking. There is no objection in principle to this proposed development, however, the Highway Development Control Section is concerned about the cumulative effect of the increasing numbers of terraced homes being extended to increase bedroom space without providing any additional parking facilities. This could potentially result in an addition loss of amenity and conflict for existing residents.

Nelson Town Council

Public Response

The nearest neighbours have been notified by letter without response.

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, context and harmony with the wider locality.

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

Saved Replacement Local Plan Policy 31 (Parking) sets out appropriate parking standards for developments.

National Planning Policy Framework

Paragraph 130 states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.'

The principle policy relating to this development proposal is Policy ENV2 of the Pendle Local Plan requiring good design. The adopted Design Principles SPD provides further clarity on what is an acceptable design in relation to neighbouring properties and the street scene.

Design and Materials

The Design Principles SPD states that the style, design and scale of domestic developments should respect the existing character of the location. Roof dormers should be designed to be in keeping with the dwelling and their volume does not dominate the roof slope. There are no front dormers in the row. Such developments are only acceptable where there are existing dormers in 25% of other similar properties in the locality. The materials used for cladding and fenestration should match the existing dwellinghouse. The proposed materials would be slate cladding for walls, with a rubber membrane flat roof and UPVC windows. The slate cladding and UPVC windows would match existing and would therefore accord with Policy ENV2 and the Design Principles SPD.

The proposed front dormer window would be of a modern 'box' style'. It would cover the majority of the roof slope rising up to just below the ridge height and would appear as a dominant feature. Its bulk and scale would be out of keeping and seen as an incongruous addition within the terrace, being immediately visible from public vantage points along Moore Street. The proposal to erect a front dormer here would fail to improve the character and quality of the area. Therefore, the proposed development would represent poor design which would be detrimental of the visual amenity of the location thereby failing to comply with Policy ENV2, the guidance of the Design Principles SPD.

Amenity

The proposal would have no overbearing impacts on the immediate neighbours. Bedroom windows are proposed to the front and rear within the dormers. However, the house has existing main habitable room windows in those elevations and the distances involved are characteristic of other dwellings in the area. The proposal would therefore have no unacceptable impacts on privacy and would therefore be acceptable in relation to residential amenity.

Summary

The proposal seeks to insert roof dormers to the front and rear roof slopes. The development would have no detrimental impacts on residential amenity or the road network. However, front dormers are not existing and regular features of terraced houses in the locality. The proposal therefore represents poor design and fails to accord with Policy ENV2 and the guidance of the Design Principles SPD.

RECOMMENDATION: Refuse

The siting of a front roof dormer on this dwelling would be detrimental to the streetscene and harmful to the visual amenity of the location and would fail to improve the character and quality of

the area thereby failing to accord with Policy ENV2 of the Pendle Borough Council Local Plan and the guidance of the Pendle Design Principles Supplementary Planning Document.

REPORT TO FULL COUNCIL COMMITTEE ON 08TH DECEMBER 2022

Application Ref: 22/0751/NMA
Proposal: Non-Material Amendment: Change of window and door materials from softwood to UPVC of Planning Permission 21/0596/FUL.
At: Greenbank House, Hollin Hall, Trawden, Colne
On behalf of: Mr Roy Pickles
Date Registered: 07.11.2022
Expiry Date: 05.12.2022
Case Officer: Yvonne Smallwood

Site Description and Proposal

The application site is a stable block in an open field used for grazing. It is within Trawden Forest Conservation Area. A public right of way runs along the northern boundary of the site, roughly east to west. A further public right of way crosses the field to the south.

The proposed amendment seeks to insert UPVC fenestration in colour Agate Grey RAL number 7038 to the stable block, instead of softwood.

Relevant Planning History

21/0596/FUL – Full: Erection of a stable block – Approved with Conditions 06.10.2021

Consultee Response

None necessary.

Public Response

None necessary.

Officer Comments

In order for alterations to a proposed development to be considered as minor amendments they must comply with the criteria set out in the Council's Minor Amendment Practice Note which sets out the parameters for such alterations. These criteria are set out below:

1. There would be no alteration to the application site boundary.

The proposed amendments would not alter the site boundary.

2. The amendment would not conflict with Development Plan Policies.

The proposed amendments would not conflict with policy.

3. There would be no conflict with any conditions of the planning permission.

The proposed amendments would not conflict with any condition of the planning permission.

4. There would be no conflict with any comment expressed by any party on the planning application.

The proposed development does not conflict with any comments raised by any party.

5. No external wall will be moved outwards by more than the width of a wall.

The proposed amendment would not result in any walls moving outward.

6. The height of the building or extension would not be increased.

There would be no increase in the height of any building on the development.

7. The amendment would not result in any potential overlooking of any neighbouring property.

The amendments to the fenestration would not raise any privacy issues.

8. The amendments must not result in a fundamental change in the design of the building.

There would be no fundamental change in the design of the building.

9. There are no other circumstances that would warrant refusal of the request.

There are no other circumstances that would warrant refusal of the non-material minor amendment.

Summary

The proposed amendment to 21/0596/FUL would be acceptable as a non-material amendment. The Conservation Area Design and Development Guidance SPD states that care should be taken over the design and materials of ancillary buildings and the materials should be predominantly natural. The stable is stone built, therefore the main building is natural material. The stable is situated within a field, with a public right of way run along the northern boundary of the site, roughly east to west. A further public right of way crosses the field to the south. Whilst the stable is visible from these public vantage points, UPVC RAL 6021 Pale green windows would not have a detrimental impact on the character and setting of the Conservation Area and would therefore be acceptable.

RECOMMENDATION: Approve

The proposed amendment submitted on revised plans 2021/16/2D (received 4th November 2022) would insert UPVC windows in colour Agate Grey RAL number 7038 to the stable instead of natural materials. The revised plan accords with the criterion of the Non-Material Amendment Practice Note. The proposed amendment is an acceptable Non-Material Minor Amendment.

REPORT TO FULL COUNCIL COMMITTEE ON 08TH DECEMBER 2022

Application Ref: 22/0421/CND

Proposal: Approval of Details Reserved By Condition: Discharge Conditions 4 (Surface Water Drainage), 7 (Landscaping scheme) and 11 (Construction Method Statement) of Planning Permission 21/0062/FUL.

At: Casper Fold, Francis Avenue, Barrowford

On behalf of: Buildakit UK Ltd

Date Registered: 29/06/2022

Expiry Date: 19/08/2022

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 21/0062/FUL.

This application requests the discharge of condition numbers 4, 7 and 11 on the Planning Permission. The condition are listed below:

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 7

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.

Condition 11

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) Wheel washing facilities
- v) Details of working hours

Reason: In the interests of highway safety and amenity

Relevant Planning History

21/0062/FUL: Full: Erection of detached two storey dwelling.
Approved with conditions

Consultee Response

United Utilities

No comment

LCC Highways

Condition 7: can be discharged.

Condition 11: work has already begun here, this is a retrospective application. The Construction Method Statement is acceptable.

Public Response

None necessary

Officer Comments

This application requests the discharge of condition numbers 4, 7 and 11 on the Planning Permission.

Condition 4

The applicant has submitted a drainage layout and a justification statement regarding the existing field drainage and an explanation as to why they intend to discharge to the combined sewer. The council is satisfied that an investigation of the drainage hierarchy has been undertaken and the drainage layout is satisfactory. United Utilities have no comment on this condition.

The condition can be discharged, subject to implementation.

Condition 7

The applicant has submitted details of their intended hard & soft landscaping. These details are satisfactory and this condition can be discharged subject to implementation.

Condition 11

The applicant has submitted details of their construction method statement, although building works have already commenced. The method statement been reviewed by the Highways Authority and there is no objection. The information submitted is satisfactory and this condition can be discharged, subject to implementation.

Summary

The applicant has submitted satisfactory information to discharge conditions 4, 7 and 11. These conditions can be discharged, subject to implementation.

RECOMMENDATION: Discharge conditions 4, 7 and 11 relating to the drainage, landscaping and construction method statement, subject to implementation.

REPORT TO FULL COUNCIL COMMITTEE ON 08TH DECEMBER 2022

Application Ref: 22/0766/LHE

Proposal: Permitted Development Notification (Proposed Larger Home Extension):
Erection of a single storey extension to rear.

At: 85 Charles Street, Nelson

On behalf of: Mr Daar

Date Registered: 15/11/2022

Expiry Date: 23/12/2022

Case Officer: Yvonne Smallwood

There has been no neighbor objections received so far.

REPORT TO FULL COUNCIL COMMITTEE ON 08TH DECEMBER 2022

Application Ref: 22/0766/LHE

Proposal: Permitted Development Notification (Proposed Larger Home Extension):
Erection of a single storey extension to rear.

At: 83 Charles Street, Nelson

On behalf of: Mr Daar

Date Registered: 15/11/2022

Expiry Date: 23/12/2022

Case Officer: Yvonne Smallwood

There has been no neighbor objections received so far.

REPORT TO FULL COUNCIL COMMITTEE ON 08TH DECEMBER 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.

REPORT TO FULL COUNCIL COMMITTEE ON 08TH DECEMBER 2022

Application Ref: 22/0388/HHO

Proposal: Full: Erection of rear extension to barn to form a garage.

At Piked Edge Farm, Skipton Old Road, Colne.

On behalf of: Mr Stuart Swales.

Date Registered: 13th June 2022

Expiry Date: 8th August 2022

Case Officer: Joanne Naylor

Site Description and Proposal

The application site is a detached farmhouse property with an attached barn within an 1.4 hectare plot within the open countryside. There is a large poultry shed to the north of the farmhouse which was previously associated with the farmhouse but is now in separate ownership. The dwellinghouse has a pitched slate roof and white painted natural stone walls, the barn has natural stone walls. The windows and doors are wood. At the time of the site visit, there was a garage built to the rear of the barn, the application is for retention of the garage and to extend it.

The proposal seeks to retrospective permission for the garage to the rear of the barn and for an enlargement of that garage. The garage has a footprint of circa 10m x circa 4.1m, with an eaves height of circa 3.4m and a ridge height of circa 4m at the rear elevation. The proposed enlargement would increase the footprint by an additional 2.9m wide, the length would remain 10m long, the ridge height would increase by 0.4m and the eaves by 0.1m. Overall the proposal would have a footprint of 10m x 7m, an eaves height of 3.5m and a ridge height of 4.4m.

Relevant Planning History

22/0525/FUL: Full: Extension to existing poultry shed to provide office space, break room, welfare facility and overnight accommodation (retrospective). Refused.

21/0986/FUL: Full: Erection of agricultural building. Refused (19 May 2022).

21/0221/FUL: Full: Erection of a single storey side extension to an existing poultry shed. Application withdrawn, 6 September 2021.

13/07/0160P: Full: Erect agricultural building for storage of feed stuffs, equipment and livestock shelter. Approved with Conditions, 4 May 2007.

13/08/0509P: Full: Erection of an agricultural building to house free range laying hens. Approved with Conditions, 26 August 2008.

13/06/0017P: Full: Raise and level field no. 5171 (over an area of 0.8ha) to form new pasture land. Approved with Conditions, 20 April 2006.

GEN/20/0055/PREAPP: Pre Application Enquiry: Erection of a agricultural building

Consultee Response

LCC Highways

Parish/Town Council – The application has been named as an “enlargement of existing” and that it should have been named as a new building. The size should be no greater than 33ft x 22ft. The proposal should be conditioned for domestic storage only.

Public Response

A site notice has been displayed and the nearest neighbours have been notified by letter. There have been one response which objects. The comments relate to:

- This is not the enlargement of a legitimate building as the existing garage erected does not have planning permission.
- Application has insufficient information, difficult to determine the size and perspective.
- The application can be seen from the footpath
- The proposal is a large outbuilding in a domestic setting

Officer Comments

The main considerations for this application are the policies, visual amenity and landscape impact, amenity, and highways.

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 sets out the aspects required for good design.

Principle of the Development

An application for the erection of a 167sqm agricultural building was refused in March 2022 as the applicant had failed to demonstrate how the size of the building was commensurate with the needs of the land. The proposal was refused due to the unacceptable visual amenity impact of the views from the public right of way.

This application seeks to gain retrospective permission for the existing garage erected to the rear of the barn, and for the enlargement of said garage, to be used for storage of equipment to manage the land and to store the motorhome. The parcel of land is approximately 1.2 hectares, the existing barn has a floor area of circa 18m x 7m, the proposal would have a floor area of 10m x 7m. Overall, the barn provides circa 126sqm of floor space, and the proposal would provide 70sqm of floor space, resulting in circa 196sqm of floor space available.

In principle, the proposal would be acceptable in its location to the rear of the barn and in its size and scale.

Visual Amenity and Landscape Impact

The application site is set in the open countryside and located on a relatively flat plateau which gently rises in elevation to the east and set in front of land which rises more steeply to the north and rear of the property. The existing garage and proposed enlargement would be located to the rear of the barn with the land rising steeply behind with trees planted. The retrospective garage and proposed enlargement would adjoin the rear elevation of the barn and would be flush with the side elevation of the barn, there is a single storey extension to the side elevation which projects forwards of the side elevation of the barn.

There is a Public Right of Way, 13-4-FP-23, which travels through Shawclough Barn, continues diagonally to then travel across the front elevation of Piked Edge Farm and continues down the drive to join Old Skipton Road. From where the footpath enters the curtilage of the application site, it is possible to view the rear of the farmhouse and the barn, the retrospective garage is not visible from the footpath, however the proposed enlargement would increase the width by 2.9m, this could possibly be seen from the footpath. To the rear of the property, there are existing trees and shrubs which will provide sufficient screening of the proposal. In addition, the proposed materials for the walls would be dark stained timber boards which would appear as unobtrusive and reduce the impact of the proposal. The land rises steeply to the rear of the proposal which would also draw the eye away from the development. Overall, the point where the proposal could be viewed from the footpath is minimal as the footpath soon turns towards the south and draws the eye to the farmhouse and the views beyond.

Due to the siting of the farmhouse and barn and the topography of the land to the rear, the proposed garage would not be visually prominent in the landscape. The proposal would be located to the rear of the barn and would not appear isolated.

The proposed development would be sited adjacent to the existing building, it is located to ensure it does not impact on the skyline, and the proposal is screened by trees. The impact on the PROW and landscape amenity would be minimal.

The proposed development would conform to Policies ENV1 and ENV2 and the Development in the Open Countryside SPG.

Design and Materials

The materials of the retrospective garage are dark stained timber boards for the walls and profiled steel for the roof, the proposed enlargement would also use the same materials. This would reflect a typical agricultural building within the open countryside. The scale of the proposal would result in it being subordinate to the barn, it would be sited adjacent to the existing barn, it would have minimal impact on the skyline with it being attached to the barn with steeply rising land adjacent, and there are existing trees to the rear which would offer screening of the proposal.

The proposed development would be acceptable in design and materials and would conform to Policies ENV1 and ENV2 and the Development in the Open Countryside SPG.

Residential Amenity

The application site is set within agricultural land of 1.2 hectares, there are no near neighbouring properties and the proposal is to the rear of the property. The proposal would have no unacceptable residential amenity impacts.

Highways

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

Reason for Decision

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

RECOMMENDATION: Approve

Subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plan: Location Plan - Drawing JW 3046.

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 garage and its extension hereby permitted shall be used solely for domestic purposes incidental and ancillary to the enjoyment of the existing dwelling known as Piked Edge Farm and shall not be used as a separate dwelling or for any other purpose whatsoever.

Reason: To control the use of the garage for domestic use only.

REPORT TO FULL COUNCIL COMMITTEE ON 08TH DECEMBER 2022

Application Ref: 22/0631/CND

Proposal: Approval of Details Reserved by Condition: Re-Discharge of Condition 4 of Planning Permission 21/0142/HHO.

At: 44 Lancaster Gate, Nelson

On behalf of: Mrs Amara Irfan Malik

Date Registered: 20/09/2022

Expiry Date: 15/11/2022

Case Officer: Joanne Naylor

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 a condition on planning permission 21/0142/HHO.

This application requests the discharge of condition number 4 of Planning Permission 21/0142/HHO. The condition is listed below:

Condition 4

Prior to any above ground work being undertaken details of the proposed external materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The materials used thereafter shall at all times comply with the materials so approved.

Reason: In order to ensure the materials compliment the design and are compatible with the locality.

Relevant Planning History

21/0142/HHO: Full: Erection of two storey extension to side and single storey extension to rear. Approved with Conditions, 8 April 2021.

Consultee Response

None necessary.

Public Response

None necessary.

Officer Comments

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 21/0142/HHO.

This application requests the discharge of condition number 4 on the Planning Permission and is dealt with below.

Condition 4 (Materials) – The applicant has submitted details of their proposed materials. The roof are to be slates to match the existing house. The wall to the front elevation are to be stone, render and pebbledash coloured to match the existing house. The walls to the side and rear elevations are to be smooth render and painted white. The windows and doors are to be white uPVC double glazed to match the existing windows and doors. The rainwater goods are to be black uPVC to match the existing. The driveway was to be bitmac, an amendment (correspondence by email dated 11/11/2022) has been submitted by the applicant and confirms that the driveway material are to be block paving.

This condition can be discharged subject to implementation.

RECOMMENDATION: Discharge Condition 4

Condition 4 (Materials) - The proposed materials of natural roof slate, stone render and pebble dash front elevation walls and white painted render walls to the side and rear elevations, the colour of the windows, doors and rainwater goods, and block paving for the driveway are acceptable. The section of the condition requiring the submission of approval of details is therefore discharged subject to implementation.

REPORT TO FULL COUNCIL COMMITTEE ON 08TH DECEMBER 2022

Application Ref: 22/0709/HHO
Proposal: Full: Erection of a single storey side extension.
At Plantation Cottage Greenhead Lane Fence
On behalf of: Mr Tom Lister
Date Registered: 21/10/2022
Expiry Date: 16/12/2022
Case Officer: Joanne Naylor

Site Description and Proposal

The application site is set within open countryside and within the greenbelt. The property is a detached two storey dwelling with a pitched roof and a single storey side extension with mono-pitched roof. The existing walls are white painted render, with cream uPVC windows and white painted timber doors, the guttering and downpipes are black. The pitched roof is grey concrete tiles. There is a double garage and carport and additional off street parking areas. There are gardens to all sides of the dwellinghouse and the boundary treatment is stone walls and hedging.

The proposal is for the erection of a single storey side extension for a kitchen with a utility room and shower room to the ground floor.

Relevant Planning History

22/0383/HHO: Full: Full: Erection of a two storey side extension. Refused, 12 September 2022.

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.

There are public footpaths in the vicinity of the site, although the proposed extension does not interfere with the line of any of these paths. Should the application be approved the following informative note is requested.

The proposed development may affect Public Right of Way ref 13-16-FF43 and 13-16-FP66 during construction works. The grant of planning permission does not entitle a developer to obstruct a right of way.

Health & Safety Executive - There is no objection to the application.

Parish/Town Council – No comment

National Grid – maps received, forwarded to agent.

PBC Public Rights of Way – No comment.

Public Response

Letters were sent to nearby properties, no responses were 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.

Paragraph 149 of the National Planning Framework (2021) has regard to development within green belt locations.

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

Development in the Open Countryside Supplementary Planning Guidance has relevance.

Officer Comments

The main issues are impact on Green Belt, amenity, design and materials, and highway issues.

Design and Materials

The proposed extension would accommodate a kitchen, utility room and shower room at ground floor.

The proposed development would use materials which match the existing dwelling, with white painted render to the walls, grey concrete roof tiles and cream uPVC windows. However, the proposed doors would be aluminium with the same colour as the existing doors which are white painted timber doors, this would be acceptable in design terms.

The design of the proposed single storey side extension would reflect the rectangular form and pitched roof of the existing dwelling. The roofline of the proposed extension would be lower than the existing roof and the front elevation would be marginally set back by circa 10cm, this would ensure the proposal would appear as subordinate to the existing dwelling.

The Design Principles SPD advises that windows should match those of the original property and to be positioned to reflect the position on the main dwelling. The proposed front and rear elevation windows would match the position of the existing windows. To the side elevation there would be one door and two patio doors, although these would not match the size and positioning of the windows on the main dwelling with them being on the side elevation they would not result in an unacceptable impact in terms of design.

The design and materials of the proposed single storey extension would be acceptable and would conform with Policy ENV2 and the Design Principles SPD.

Impact on Amenity

The proposed development is for a single storey side extension to a detached property on the north east side, there is one property north-west of the application site with a distance of at least 25m from the applicant site. The proposal would not overlook the neighbouring property nor cause overbearing or overshadowing due to the distance and scale and siting of the proposal.

Impact on Open Countryside and Green Belt

Policy ENV1 states that development proposals should aim to safeguard or enhance the landscape character of the area and have regard to the landscape types.

The application site is located within the Valley Sides and Western Industrial Foothills Landscape Character Type as defined in the Open Countryside SPG. This advises that the area is commonly made up of pastures and small fields, with the settlements of Fence and Higham. Development related to existing settlement or building groups is acceptable and where it is contained by natural landform and avoids visibility against the skyline. The proposed development would extend the existing dwelling and it would not impact any further on the open countryside than already exists.

Paragraph 149 of the NPPF (2021) states that certain forms of development are not inappropriate in the Green Belt and identifies that the extension or alteration of a building would be appropriate provided that it does not result in disproportionate additions over and above the size of the original building. Development that is not appropriate in the green belt is harmful to the openness of green belt and should only be allowed if there are very special circumstances.

The Wheatley Lane, Old Laund Booth, Higham and Reedley 1947 Map identifies the original dwelling of Plantation Cottage, it would seem that the original dwelling has already been extended although there are no records of that happening. In the absence of any further information on the size of the original dwelling the building that exists now needs to be taken as the original.

The proposed single storey extension would result in an overall increase of 10% over the existing building. The proposed development would be proportionate to the existing dwelling and would not impact on the openness of the green belt.

The proposed single storey extension is acceptable and would conform to Policy ENV1, Policy ENV 2, the Open Countryside SPG and the Design Principles SPD.

Highway Issues

There are two Public Rights of Way which cross over the applicant's site. 13-16-FP43 goes across the driveway and continues along the stone wall boundary to the south-east in front of the dwelling. 13-16-FP-66 comes from the north-west along the boundary of the parking area and applicants garden, this then joins 13-16-FP-43. The siting of the proposal would require builders to cross the PROW 13-16-FP-43, appropriate conditions could be placed to ensure the PROW was not obstructed or temporary diversions put in place.

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 plan: Drawing no. ADM/22/18/04; Proposal Site Layout – Scale 1:500 Drawing no. ADM/22/18/03A; Planning Scheme Drawing no. ADM/22/18/05.

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.

Informative Note – LCC Highways

The proposed development may affect Public Right of Way ref 13-16-FF43 and 13-16-FP66 during construction works. The grant of planning permission does not entitle a developer to obstruct a right of way.

REPORT TO FULL COUNCIL COMMITTEE ON 08TH DECEMBER 2022

Application Ref: 22/0645/VAR

Proposal: Variation of Condition 2 (Plans) to amend parking layout and farm access of Planning Permission 21/0915/FUL.

At: Bridge House Farm, Keighley Road, Colne

On behalf of: Mr Hickey

Date Registered: 26/09/2022

Expiry Date: 21/11/2022

Case Officer: Laura Barnes

Site Description and Proposal

The application site relates to an existing building which is a barn adjacent to a farmhouse on Keighley Road, Colne. It is located within the settlement boundary and is opposite a modern housing estate. The application site already has permission for the conversion of the barn into two dwellings.

This application seeks to vary the existing permission to change the parking layout and farm access.

Relevant Planning History

13/03/0621P: Erect agricultural storage building
Approved with conditions

13/95/0613P: Erection of a barn
Approved with conditions

21/0916/AGD: Prior Approval: Change of Use of agricultural buildings to two dwelling houses (Use Class C3) (Class Q (a) only).
Prior Approval Approved

21/0915/FUL: Full: Conversion of barn to two dwellings.
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 amended plans to those previously approved for the development at the above location. The following comments should be noted, and conditions and note applied to any formal planning approval granted.

Proposed amendments

Re-location of the previously approved off-road parking, widening of the existing access from Keighley Road, provision of an internal field gate and provision of infrastructure to support sustainable transport are now proposed.

Site access & off-site highways works

Access to the site from Keighley Road would be via an existing gated entrance. This access should remain ungated to allow vehicles to pull clear of the carriageway.

The access is proposed to be widened, with a section of stone boundary wall being removed. To prevent large agricultural vehicles from overrunning, and potentially damaging the kerbs, the dropped crossing should be extended by approximately 2.5m to the East of the access. This work would need to be carried out under a legal agreement (Section 278) with Lancashire County Council as the highway authority.

To discourage vehicles from parking on the footway on Keighley Road, where they would obstruct visibility from the site, and to protect pedestrians, a new section of footway with full height kerbs should be constructed to an appropriate standard. This would be between the site access and Bridge House Farm (approximately 8m) and should tie into the existing footway. Given the increase in use of the existing access a street lighting assessment should also be undertaken.

If planning approval is granted the developer should contact Lancashire County Council as soon as possible to start the Section 278 process and should not wait until condition discharge stage. Due to the high volume of agreement submissions currently being received by the county council this process can take at least six months to complete. Noworks should be undertaken within, or which affects, the adopted highway network without the necessary agreement being in place to prevent legal action from being taken against the developer.

There is also a planning application for the construction of a new vehicle access onto Keighley Road to the East of the existing one and formation of an agricultural track to land serving Bridge House Farm (ref 22/0109/FUL); this is pending a decision. However, the highway authority does not support the provision of two vehicular access points so close together and would now be minded to object to application 22/0109/FUL on highway safety grounds, unless this application is withdrawn in view of the amended access arrangements being proposed under application 22/0645/VAR.

Visibility

To ensure there is adequate visibility to and from the site, and to protect this visibility, there should be no boundary treatments between the front walls of the proposed dwellings and Keighley Road greater than 0.9m in height.

Car & cycle parking

An amended parking layout plan has been submitted (Drawing No P2087Barn/002b - dated 9.8.22). Parking for both dwellings has been re-located away from inside the site access to the rear of the dwellings. Three parking spaces are proposed per dwelling, which is considered an adequate level. The bays and manoeuvring area are also considered adequately sized to allow vehicles to enter and leave in forward gear.

A secure cycle store for two bikes is proposed for each dwelling. An electric vehicle charging point is proposed for each dwelling.

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

Conditions

1. No part of the development hereby approved shall commence until a scheme for the construction of the off-site works of highway mitigation (approximately 8m of footway on Keighley Road in front of the dwellings, extension to the East of the existing dropped vehicle crossing [approximately 2.5m], street lighting assessment) has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority. Reason: In order to satisfy the Local Planning Authority and Highway

Authority that the final details of the highway scheme/works are acceptable before work commences on site.

2. No part of the development hereby approved shall be occupied until all the highway works have been constructed and completed in accordance with the approved scheme referred to in Condition 1. Reason: In the interest of highway and pedestrian safety.

3. Nothing shall be erected, retained, planted and/or allowed to grow at or above a height of 0.9 metres above the nearside carriageway level of Keighley Road which would obstruct the visibility splay. The visibility splays shall be maintained free of obstruction at all times thereafter for the lifetime of the development. Reason: To ensure adequate inter-visibility between highway users at the site access, in the interest of highway safety.

4. Prior to the occupation of any dwelling the parking areas shown on the approved plans shall be constructed and laid out. The parking areas shall thereafter always remain available for the parking of domestic vehicles associated with the dwellings. 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.

5. Prior to first occupation of any approved dwelling cycle storage facilities shall be provided and permanently maintained thereafter. Reason: To ensure that the development provides the infrastructure for sustainable transport modes.

6. Prior to first occupation of any approved dwelling an electric vehicle charging point shall be installed. Reason: To ensure that the development provides the infrastructure for sustainable forms of transport.

Note

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

- the construction of a section of footway between the site access and Bridge House Farm (approximately 8m long) to an appropriate standard, including full height kerbs,
- extension of the existing dropped vehicle crossing to the East of the site access on Keighley Road (approximately 2.5m),
- a street lighting assessment.

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

Public Response

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

- Keighley Road is already dangerous, another residential and farm access would add to the existing problem
- 5 parking spaces would be encroaching into the open countryside to the south of the site
- Where would the farm vehicles be stored once the existing farm buildings have been converted?

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

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

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

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

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

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

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

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 principle of development has already been established through the planning history. Therefore, the change between the existing permission and the proposed development is as follows: the re-location of the previously approved off-road parking, widening of the existing access from Keighley Road, provision of an internal field gate and provision of infrastructure to support sustainable transport are now proposed.

Design

The proposed change in terms of the design relates to the car parking and access off Keighley Road. Rather than the car parking area being alongside Keighley Road, it is now proposed to be to the rear of the barn conversion, within the yard. In terms of the impact upon the street scene, having the car parking tucked to the rear of the buildings would result in less visual impact than the existing arrangement. It is acknowledged that the intention with the current application is to retain the existing agricultural yard with a new metal field gate, however, this would result in no change to the existing arrangement. As such there would be no unacceptable adverse impact upon the wider visual amenity.

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 21/0915/FUL. The height of the building and roof materials would not result in an unacceptable neighbouring amenity issue.

Highways

The amendments consist of an alternative layout for car parking, LCC as Highways Authority have assessed this and indicate that in their view the changes are acceptable. I concur with that view. The changes to the car parking layout are acceptable.

Other Matters

Although concern has been raised about the additional impact upon highway safety, the Highways Authority has not raised concerns in this regard.

In terms of the encroachment into the open countryside, this area of land is already part of a hardstanding area which serves the agricultural buildings. The impact of this development has already been assessed as part of the previous planning application. There is no additional impact as a result of the variation.

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 14/01/2022.

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 P2087 Barn/004b, Site Plan P2087 Barn/003b, Plans and Elevations P2087 Barn002b

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

3.Prior to any external works commencing, samples of the external materials for the stone to match the existing stone to be used for blocking up doorways shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter times be carried out in strict accordance with the approved materials.

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

4.Prior to commencement of works on site, a foul and surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority and has been fully installed and completed in accordance with the approved details.

The drainage scheme must include:

(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;

(ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and

(iii) A timetable for its implementation.

(iv) Details of how foul and surface water will be disposed of.

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

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

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

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

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

6.No part of the development hereby approved shall commence until a scheme for the construction of the off-site works of highway mitigation (approximately 8m of footway on Keighley Road in front of the dwellings, extension to the East of the existing dropped vehicle crossing [approximately 2.5m], street lighting assessment) has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority. Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.

7. No part of the development hereby approved shall be occupied until all the highway works have been constructed and completed in accordance with the approved scheme

referred to in Condition 1. Reason: In the interest of highway and pedestrian safety.

8. Nothing shall be erected, retained, planted and/or allowed to grow at or above a height of 0.9 metres above the nearside carriageway level of Keighley Road which would obstruct the visibility splay. The visibility splays shall be maintained free of obstruction at all times thereafter for the lifetime of the development. Reason: To ensure adequate inter-visibility between highway users at the site access, in the interest of highway safety.

9. Prior to the occupation of any dwelling the parking areas shown on the approved plans shall be constructed and laid out. The parking areas shall thereafter always remain available for the parking of domestic vehicles associated with the dwellings. 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.

10. Prior to first occupation of any approved dwelling cycle storage facilities shall be provided and permanently maintained thereafter. Reason: To ensure that the development provides the infrastructure for sustainable transport modes.

11. Prior to first occupation of any approved dwelling an electric vehicle charging point shall be installed. Reason: To ensure that the development provides the infrastructure for sustainable forms of transport.

12. 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.

13. A scheme for the insulation of the building in respect of noise and vibration so as to provide insulation against internally generated noise and potential noise nuisance shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved scheme shall be completed prior to the first occupation of the building and shall thereafter be retained throughout its occupation.

Reason: To safeguard the amenities of the neighbouring properties.

Note

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

- the construction of a section of footway between the site access and Bridge House Farm (approximately 8m long) to an appropriate standard, including full height kerbs,
- extension of the existing dropped vehicle crossing to the East of the site access on Keighley Road (approximately 2.5m),
- a street lighting assessment.

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

REPORT TO FULL COUNCIL COMMITTEE ON 08TH DECEMBER 2022

Application Ref: 22/0001/FUL

Proposal: Full: Change of Use of former Lomeshaye Village Nursery premises (Use Class E) to form 3 No. individual storage units (Use Class B8) including the installation of a concrete access ramp (Retrospective).

At: Lomeshaye Day Nursery, Lomeshaye Business Village, Turner Road, Nelson

On behalf of: EP Properties

Date Registered: 04/01/2022

Expiry Date: 12/04/2022

Case Officer: Alex Cameron

Site Description and Proposal

The application site is units within an industrial building the most recent approved use of which was a nursery. The building is located within the settlement of Nelson and Lomeshaye Conservation Area

The proposed development is the change of use of the premises to three storage units with a concrete access ramp and loading doors to the north side.

Relevant Planning History

13/11/0390P - Full: Change of use of office units (use class B1) to a nursery and school holiday club (use class D1) - Approved

Consultee Response

Environment Agency – Please refer to standing advice.

LCC Highways – Requested plans demonstrating that acceptable access can be achieved.

Environmental Health – The noise assessment is acceptable.

Lancashire Fire and Rescue – Comments related to building regulations.

Nelson Town Council -

Public Response

Site and press notices posted and nearest neighbours notified – No response.

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 WRK2 (Employment Land Supply) states that within the Protected Employment Areas only employment generating development proposals falling within Use Classes B1, B2 and B8 will be permitted, with the exception of a small allowance for the provision of public open space, shops and leisure facilities to serve the immediate needs of the area and reduce the need to travel.

Replacement Pendle Local Plan (RPLP)

Policy 22 (Protected Employment Areas) states that within the Protected Employment Areas (mixed use) planning permission will be granted for B2 development. Permission will be granted for B1 development provided this does not result in an excess of 25% of total floorspace in the Protected Area at any one time. Planning permission will be granted for B8 use provided this does not result in an excess of 10% of total floorspace in the Protected Area at any one time.

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 in a sustainable location within the settlement of Nelson, this is an acceptable location for the proposed development in accordance with policies SDP2, SDP4 and WRK2. The site is within a Protected Employment Area, taking into account the small scale of the proposal in relation to the Protected Employment Area as a whole the proposed B8 use would not have an unacceptable impact on the Protected Employment Area.

Visual Amenity and Heritage Impact

The external alterations to the building involve the installation of roller shutter loading doors to the south elevation and formation of concrete access ramp. This does not affect the ornate arched windows and stone detailing to the front of the building. The metal roller shutters and ramp do result in minor, less than substantial, harm to the significance of the Conservation Area and visual amenity of the area, however that would be offset by the economic and social benefits of enabling the continued use of the building.

The development is therefore acceptable in terms of design and visual amenity and heritage impacts.

Residential Amenity

The site is located adjacent to dwellings at Lomeshaye Place, a noise assessment has been submitted and this finds that there would be no unacceptable impacts from the proposed use and no requirement for mitigation or control over hours of use. This has been assessed by Environmental Health and is acceptable. The proposed development would not result in any unacceptable residential amenity impacts.

Highways

The proposed use would result in a lower parking requirement than the previous use and taking that into account the lack of on-site car parking is acceptable.

Amended plans have been received to demonstrate that acceptable access to the loading doors can be achieved.

Flood Risk

The site is located within Flood Zone 2 and therefore is at risk of flooding, however, the proposed use is of lower vulnerability to flooding than the previous use and taking that into account would not result in an unacceptable increase in risk from flooding.

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: 21072 – LP, 21072 - 01(1), 21072 - 01(1), DTP/3705322/ATR001

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

2. Unless otherwise agreed in writing by the Local Planning Authority the alterations to the vehicular access detailed in drawing No. DTP/3705322/ATR001 shall be completed within three months of the date of this permission.

Reason: In the interest of highway safety.

3. 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.

REPORT TO FULL COUNCIL COMMITTEE ON 08TH DECEMBER 2022

Application Ref: 22/0446/CND

Proposal: Approval of Details Reserved by Condition: Discharge of Conditions 3 (Investigation and Remediation of Contamination), 4 (Foul & Surface Water), 5 (Visibility Splay kept clear), 6 (Construction Method Statement), 9 (Material Samples), 14 (Landscaping), 15 (Tree Protective Fencing) and 17 (Tree clearance schedule) of Planning Permission 21/0758/FUL.

At: Land to the North West of Parrock Road, Barrowford

On behalf of: Therapy Assist Ltd

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 21/0758/FUL.

This application requests the discharge of condition numbers 3, 4, 5, 6, 14, 15 and 17 on the Planning Permission. The conditions are listed below:

Condition 3

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

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

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

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

Advisory Notes:

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

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

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

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

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

Condition 4

No development approved by this permission shall commence unless and until a scheme for the disposal of foul and surface water for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing foul or combined sewerage systems. Any surface water draining to the public surface water sewer must be restricted to a maximum pass forward flow of 5l/s. The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

Condition 5

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device over 0.9m above road level. The visibility splays at both accesses 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 site access road from the continuation of the nearer edge of the carriageway of the unnamed lane leading from Parrock Road to points measured 11m in each direction along the nearer edge of the carriageway of the unnamed lane, and shall be constructed and maintained at verge level in accordance with a scheme to be agreed by the Local Planning Authority.

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

Condition 6

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

- a) A programme of works including phasing, hours of operation and measures for the control of traffic to and from the site, and within the site, during construction.
- b) The areas and methods of loading and unloading of plant and materials.
- e) Details of wheel-washing facilities including location
- k) Measures to ensure that vehicle access of adjoining access points are not impeded.
- n) Location and details of site compounds
- u) Parking area for construction traffic and personnel
- v) Routeing of construction vehicles

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

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

Condition 14

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

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

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

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

Condition 15

Unless 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 on site from being damaged during building works.

Condition 17

No clearance of any shrubs, trees or hedgerows on the site shall take place until a schedule of clearance including timing has been submitted to and approved in writing by the Local Planning Authority. The clearance of the site shall thereafter be undertaken in strict accordance with the approved details and shall cease if any evidence of nesting birds are found on the site.

Reason: To ensure that existing vegetation remains on the site in the interests of protecting habitats and biodiversity.

Relevant Planning History

13/87/0455P – Outline: Erection of two dwellings on land off Parrock Road – Refused and Appeal Dismissed.

13/99/0446P – Outline: Residential development – Refused.

17/0670/FUL - Full: Major: Erection of a residential development comprising 16 detached houses, garages, estate road, landscaping and ancillary works – Withdrawn.

18/0373/FUL – Erection of a single two storey dwelling house with detached garage and associated curtilage – Approved.

21/0758/FUL – Full: Erection of two detached dwellinghouses. Approved.

Consultee Response

LCC Highways

No objections

Tree Officer

In terms of the proposed landscaping, I have no objections. The planting shows a good use of native trees, shrubs and hedges and comes with the relevant maintenance and management information that should ensure successful establishment.

The tree protection fencing line is appropriate and suitable to approve. Please can we spell out that this fencing will need to be in position prior to the commencement of any works starting on the site.

When looking at all the documents submitted relating to trees, I can see that only 2 trees are to be removed and are categorised as U, which means they should be removed regardless of any development. The main concern I have is the potential impact upon the group of trees G1, these trees are off site and graded as A, the highest category. The existing access is a narrow tarmac track, do we know if this is to be kept 'as is', or changed in any way?

Environmental Health

Satisfied with the Contaminated Land Report. However, the validation report will be required before this condition can be fully discharged.

Public Response

None necessary

Officer Comments

This application requests the discharge of condition numbers 3, 4, 5, 6, 9, 14, 15 and 17 on the Planning Permission.

Condition 3

The information which has been submitted regarding contaminated land is acceptable. In order to fully discharge this condition, a validation report will be required.

Therefore the condition can only be partly discharged at this stage.

Condition 4

The application is accompanied by a drainage strategy. Separate foul and surface water systems will be provided on the development. Subject to confirmation, surface water will discharge into the open water course to the norther boundary of the site. Foul will discharge and be collected within an adequately sized septic tank.

Alternatively, if the open watercourse is found to not be feasible, a new surface water manhole will be built on top of the UU surface water sewer running beneath Parrock Road. Given that this is a greenfield site, the run off rate for surface water will be 5l/s. This will be controlled on site using a flow control chamber.

The proposed foul and surface water drainage is acceptable and this condition can be discharged subject to implementation.

Condition 5

This condition requires that nothing is placed in the visibility splay which would be over 0.9m in height. The applicant has been requested to provide this information and the Highway Authority final comments are awaited.

An update will be provided to committee in this regard.

Condition 6

The Construction Method Statement which has been submitted is acceptable. This condition can be discharged subject to implementation.

Condition 14

The applicant has provided a full landscaping scheme which details each of the species, number and size at the time of planting, including a management and maintenance schedule. There is no objection to the landscaping scheme which has been put forward for the proposed development.

This condition can be discharged, subject to implementation.

Condition 15

The tree protective fencing line is appropriate and suitable. This should be put in place before any works starting on site. The tree officer has noted that there is a group of Category A trees which are outside the application site boundary and which may require some protection. However, the agent has confirmed that there will be no works to the access track and this will remain as it currently does. Therefore, there should be no disturbance to the group of protected trees.

This condition can be discharged, subject to implementation.

Condition 17

The applicant has submitted a plan indicating that there are only two trees to be removed from the site. These are identified as Category U in the arboricultural impact assessment and as such could be removed even if the development were not to go ahead. The plan sets out that these two trees shall be removed in accordance with the arboricultural survey.

This is acceptable and the condition can be discharged subject to implementation.

Summary

Condition 3 – partly discharged, pending a validation report

Condition 4 – this condition can be discharged subject to implementation

Condition 5 – an update report will be provided to committee on this point, pending the Highway Authority comments regarding the visibility splay

Condition 6 – this condition can be discharged subject to implementation

Condition 14 – this condition can be discharged subject to implementation

Condition 15 – this condition can be discharged subject to implementation

Condition 17 - this condition can be discharged subject to implementation

RECOMMENDATION: Split decision

REPORT TO FULL COUNCIL COMMITTEE ON 08TH DECEMBER 2022

Application Ref: 22/0646/AGD

Proposal: Prior Approval: Change of Use of agricultural buildings to two dwelling houses (Use Class C3) (Class Q (a) only).

At: Bridge House Farm, Keighley Road, Colne

On Behalf of: Mr Sean Hickey

Date Registered: 26/09/2022

Expiry Date: 21/11/2022

Case Officer: Laura Barnes

Site Description and Proposal

This notification is made under the provisions of Part 3, Class Q (a) of the General Permitted Development Order 2015 for change of use and external alterations to convert two agricultural buildings into two separate dwellings.

The application site is two agricultural buildings located in the open countryside. Both buildings are of similar age and are constructed of steel portal frames supporting timber purlins carrying corrugated cement roof sheets.

Planning History

13/03/0621P: Erect agricultural storage building
Approved with conditions

13/95/0613P: Erection of a barn
Approved with conditions

21/0915/FUL: Full: Conversion of barn to two dwellings
Approved with conditions

21/0916/AGD: Prior Approval: Change of Use of agricultural buildings to two dwelling houses (Use Class C3) (Class Q (a) only).
Prior Approval Approved

22/0109/FUL: Formation of an agricultural access track to serve the land at Bridge House Farm, Keighley Road.
Pending consideration

Consultee Response

LCC Highways

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

Recent planning history

21/0916/AGD - Prior Approval: Change of Use of agricultural buildings to two dwelling houses (Use Class C3) (Class Q (a) only) – Approved January 2022.

Proposal

The current proposal is an amended scheme to that approved under 21/0916/AGD for two dwellings, with the car parking provision now proposed within the buildings' footprints.

Car and cycle parking

Both houses would have four bedrooms and three adequately sized parking spaces are proposed, which is an appropriate level of parking for the size of dwelling. There is also an adequate manoeuvring area internally to the site which would allow vehicles to enter and leave in forward gear.

Secure storage for two cycles per dwelling is proposed in the form of cycle stores.

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

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

Conditions

1. Prior to the occupation of each dwelling the parking area shown on the approved plans shall be constructed and laid out. 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.

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

Reason: To ensure adequate provision for sustainable transport.

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

Reason: To ensure adequate provision for sustainable transport.

Public Response

The nearest neighbours have been notified, without response.

Officer Comments

Proposals within Class Q are assessed against a variety of technical criteria relating to the existing site and the proposal. Development is not permitted in the following circumstances;

- the site was not last solely used for agriculture as part of an established unit
- the cumulative floor space of the buildings to be changed would exceed 450sq m
- the number of separate dwellings created on any one unit would exceed 5
- the site is occupied under an agricultural tenancy, unless express consent of both landlord and tenant have been obtained
- if a tenancy was terminated within 1 year of the commencement of development and was solely for the purposes of carrying out development under Part Q, unless both the landlord and tenant have agreed in writing that the building is no longer required.
- if any permitted works under Classes A and B of Part 6 of the GDPO have been carried out since 20th March 2013 (or within 10 years of 20th March 2023, if work begins after that date)

- the development would result in an increase in the external dimensions of the existing building, at any given point
- would include building operations other than those listed in section (i) of Part Q
- is on Article 2(3) land
- the site forms part of any of those exceptions listed in (k) (l) or (m) of Part Q

As part of the prior notification process, the Council must consider the following matters;

- transport and highways impacts of the development
- noise impacts
- contamination risks on the site
- flooding risks
- whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3
- the design or external appearance of the building.

1. Proposed Development

The building has a historic agricultural use and is under the sole ownership of the Applicant. The total floor space of the buildings to be changed would not exceed 450 sqm. The site is not within Article 2(3) land nor does it form part of any of those exceptions listed in (k) (l) or (m) of Part Q.

Based on the information provided, the application appears to meet all of the initial technical criteria detailed above and can therefore be assessed under Class Q.

2. Transport and Highways

There is no objection from the Highways Authority in relation to highway safety danger. The proposed access is acceptable to accommodate the proposed dwellings.

3. Noise

The proposed use would not result in or be affected by any potentially unacceptable noise impacts.

4. Contamination

The site has historically been used for agriculture and there is no indication that the site contains any specific contamination.

5. Flood Risk

The site does not fall within any of the flood zones designated by the Environment Agency and there are no known flood risks associated with the development.

6. Siting

The National Planning Practice Guidance document contains specific advice on applications of this nature.

Paragraphs 108 to 109 state that such applications should not be subject to a sustainability assessment in terms of location, nor should they be refused solely on the basis that the location is not one in which the LPA would normally grant permission for a dwelling. Tests from the NPPF should therefore not be applied, except where relevant to the subject matter of prior approval.

They also define the meanings of 'impractical or undesirable' for the purposes of this Order. These are described as issues such as; no available vehicular access; lack of any available power source or other infrastructure services; incompatible neighbouring uses such as intensive farming, silage storage or use of dangerous machinery/chemicals.

The location of the development would be short distance from Laneshawbridge and Colne. It sits close to the settlement boundary.

In this case there are no intensive neighbouring uses and as such at the time of the assessment there are no issues which would make it impractical or undesirable to have two dwellings at this site.

7. Design

The design of the conversion would involve the formation of new window openings. The east and west elevations are to retain large openings where the barn doors currently are. These are to be largely glazed to respect the original character of the barn and would provide an entrance doorway to the buildings. To the side elevations, unit 1 is to have 2 window openings and a door inserted (north elevation) and eight window openings to the south elevation (four to each floor). Unit 2 is to have 1 window to the north elevation, with eight windows to the south elevation. Both units are to have two ground floor windows and a door with a glazed upper section and balcony to the western elevation. Whilst the types of opening (full height windows) are modern, this is not a historic barn which is stone built and benefits from small openings as existing. The modern character of the building being portal framed and largely corrugated metal clad lends itself to a more modern style of opening which is not as traditional as would be seen on a historic barn conversion.

A condition is necessary to ensure that details of the skylights, window and door materials and designs are submitted and agreed prior to their installation. A condition is also necessary in order to agree details of the materials to be used for the elevations and roof of the development. Subject to appropriate conditions, the design proposed would be acceptable and in-keeping with the surroundings. It would not therefore be of detriment to the visual amenity of the site.

8. Summary

Based on the information provided, the development subject to this prior notification submission would meet the criteria detailed within Class Q of the GPDO and, subject to conditions, is acceptable with regard to highways, noise, contamination, flood risk, siting and design. Accordingly, prior approval is not required for these elements.

Reason For Decision

The design and external appearance of the building is acceptable and the use as a dwelling is acceptable in terms of transport and highway impacts, noise impacts, contamination risks and flood risks and the location and siting does not otherwise make the use as a dwelling impractical or undesirable.

RECOMMENDATION: Approve

Subject to the following conditions:

1. The development hereby permitted shall be carried out in strict accordance with the following approved plans: Location Plan – P2087PD/007B, Proposed Site Plan – P2087 PD/006B, Proposed Elevation Plan – P2087 PD/003a, Existing and Proposed Roof Plan – P2087 PD/005a, Proposed Floor Plans – P2087 PD/004a

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

2. The total external area of the domestic curtilage shall not be greater than the land occupied by the agricultural building subject to this notification as defined by the approved plan: Location Plan (P2087 PD/007B).

Reason: In the interests of clarity and to ensure accordance with Class Q.

3. Prior to the commencement of any above ground works on site, samples of any new or replacement external materials to be used in the walls and roof of the development hereby permitted 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 interests of visual amenity.

4. Prior to their installation details of the design, external materials and finishes of the skylights, window frames, door frames and doors to be used for the development hereby permitted 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.

5. Prior to the occupation of any dwelling the parking areas shown on the approved plans shall be constructed and laid out. The parking areas shall thereafter always remain available for the parking of domestic vehicles associated with the dwellings.

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

6. Prior to first occupation of any 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 transport modes.

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

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

1. Prior to commencement of works on site, a foul and surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority and has been fully installed and completed in accordance with the approved details.

The drainage scheme must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;

- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
- (iii) A timetable for its implementation.
- (iv) Details of how foul and surface water will be disposed of.

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

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

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

REPORT TO FULL COUNCIL COMMITTEE ON 08TH DECEMBER 2022

Application Ref: 22/0528/HHO

Proposal: Full: Erection of two storey side and single storey rear extension with parking provision and turning circle.

At 70 Higher Reedley Road, Brierfield.

On behalf of: Mr M. Arshad

Date Registered: 18/08/2022

Expiry Date: 08/12/2022

Case Officer: Joanne Naylor

Site Description and Proposal

The application site is a two-storey semi-detached dwellinghouse within the settlement boundary of Brierfield in a predominately residential area. The dwellinghouse has natural stone plinth and pebble dash walls with a natural slate pitched roof. The windows and doors are uPVC. The application site has a front garden with off-road parking and a rear garden with conservatory and a single-storey garage with pitched roof.

The proposed development would demolish the existing garage and erect a two storey side extension which would have a lounge at ground floor and two bedrooms and one shower room at first floor. To the rear of the property, the proposal would replace the garage and erect a single storey rear extension for a kitchen. The site layout parking plan indicates off street parking for three cars and a turning area.

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 is no objection to this proposal, but I would recommend the following:

Condition

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

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

Parish/Town Council

No comment.

Public Response

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

Officer Comments

The main considerations for this application are the policies, design and materials, residential amenity, and highways.

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 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.

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 walls of the dwellinghouse has a natural stone plinth with pebble dashing above and a pitched roof of natural slate tiles. The proposed two storey side extension and the single storey rear extension would have walls of natural stone plinth with render above, with natural slate pitched roof to the two storey and single storey extensions. Windows and doors would be uPVC to match the existing with bi-folding doors to the rear of the proposed single storey extension.

The Design Principles provides guidance that side extensions should be designed to avoid having an overbearing effect or cause loss of light or privacy for neighbours. For two storey extensions to semi-detached properties should respect the balance and symmetry of the property and avoid creating a terraced effect. The houses on the east side of Higher Reedley Road rise in height from the south to the north with each pair of semis being laid out in a stepped formation. The proposed two storey extension would be set in from the side boundary by 1m, it would be less in width than the original dwelling but it would only be marginally set back from the front elevation, however, this can be relaxed where there is a staggered or irregular arrangement of dwellings on the street, the neighbour at No. 72 Higher Reedley Road is at a lower elevation and set forward from the application site, this ensures that the proposed side extension would not result in a terracing effect

and a setback is not required. The proposed two storey extension would result in the gable wall being closer to the gable wall of No. 72, the height would remain the same as the existing house, and No. 70 is staggered back from No. 72, there would be little impact on the neighbouring property in terms of overbearing and loss of outlook.

For single storey rear extensions the Design Principles SPD advises that rear extensions located near the party boundary of a neighbouring property will normally be acceptable if it does not project more than 4m from the rear elevation of the existing dwelling. Where a rear extension has a greater depth it is acceptable where it does not breach the 45 degree guidance or where the extension stands away from the boundary of the adjoining property. The proposed rear extension would be 6m in length from the rear elevation and would be circa 1m from the party boundary with No. 72 Higher Reedley Road which is set forward of the application site by circa 3.5m and at a lower elevation. The height of the proposed rear extension would be 2.3m to the eaves and 3.5m to the ridgeline. There is a boundary treatment of a wooden fence circa 1m high and evergreen hedging of over two metres high up to the boundary. No. 72 has a single storey rear extension with a window to the rear elevation serving the kitchen and bi-folding doors to the side elevation facing the adjoining neighbour. The proposed rear extension would breach the 45 degree guideline to No. 72, however, with the secondary source from the bi-folding doors of No. 72 kitchen extension, the overshadowing and overbearing would be mitigated. It is worth considering that the existing garage and attached store room have an overall length of 11.6m and a height of 3.5m to the ridgeline which has established an existing relationship between No. 70 and No.72. The proposed rear extension would reduce the length by 5.6m to 6m and the height would be marginally increased by 0.5m, which would be an improvement in design and reduce the impact on the neighbouring properties.

The application site has an adjoining neighbour at No. 68 Higher Reedley Road which has a conservatory to the rear elevation and set in circa 1m from the party boundary with No. 70. The proposed single storey rear extension would not breach the 45 degree guideline for No.68, the proposed two storey would not project outwards from the front elevation or the rear elevation, and therefore there would be no issues in overbearing or overshadowing from the proposed development to No.68.

The proposed development is acceptable and would have no unacceptable impact on the character and appearance of the building and the streetscene. The proposed development would be acceptable in design and materials and would conform to Policy ENV2 and the Design Principles SPD.

Residential Amenity

The Design Principles SPD advises that extensions should adequately protect neighbours enjoyment of home, to not obstruct outlook of neighbouring dwellings or detract from their privacy. The proposed single storey rear extension would have side elevation windows facing No. 68 Higher Reedley Road, the distance between the proposed side windows and the habitable room window of the conservatory at No.68 would be circa 8.5m, the 45 degree guideline would not be breached. There are proposed bi-folding doors to the rear elevation of the single storey extension which would face the rear elevations of dwellinghouses on Moorland Drive, the distance between the proposed bi-folding doors and the habitable room windows at Moorland Drive would be circa 28m and would be of a sufficient distance to not cause any unacceptable residential amenity issues.

The proposed two storey extension would have one bedroom window to the front elevation, there is a highway between the application site and the opposite dwelling houses with a distance of 36m, there would be no residential amenity issues in this case. To the rear elevation there would be one bedroom window at first floor facing onto the rear elevations of dwellinghouses on Moorland

Drive, the distance between is circa 30m which is sufficient to avoid any residential amenity issues. To the side elevation there would be one window at ground floor and one window at first floor to serve shower rooms which are not classed as habitable room windows and which would face No.72 side elevation with a ground floor window. To mitigate any residential amenity issues, a suitable condition could be placed for obscure glazing.

Subject to a suitable condition, the proposed development would be acceptable in terms of residential amenity and would comply with Policy ENV2 and the Design Principles SPD.

Highways

The proposed development would result in an increase from three bedrooms to five bedrooms. The plans submitted indicate that three parking spaces are available with a turning area, this would be acceptable. LCC Highways have no objections to the proposed development subject to suitable conditions.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed 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, Site Plan and Site Layout - Drawing no. D2; Proposed Extension elevations – Drawing no. D3.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. The parking areas must be constructed of a bound porous material in order to ensure that satisfactory parking is provided before the proposal hereby permitted becomes operative. The parking spaces shall thereafter always remain unobstructed and available for parking.
Reason: In order to provide sufficient off street parking for the development in the interests of highway safety.
4. The two shower room windows of the development 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.
Reason: To ensure the development does not adversely affect the privacy and amenity of the neighbouring dwelling.

5. 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.

REPORT TO FULL COUNCIL COMMITTEE ON 08TH DECEMBER 2022

Application Ref: 22/0698/HHO

Proposal: Full: Erection of a boundary fence.

At 35 Clegg Street, Brierfield.

On behalf of: Mr Adeel Khalid.

Date Registered: 18/10/2022

Expiry Date: 13/12/2022

Case Officer: Joanne Naylor

Site Description and Proposal

The application site is within a traditional residential area with similar semi-detached properties and terraced housing. The site is a two storey dwellinghouse located on a corner plot formed by Clegg Street and Walter Street, with red brick walls to first floor and white render above, there are gardens to all three elevations of the dwelling house. There is a boundary treatment of red brick wall circa 1m high with a wooden fence above the red brick wall laid horizontally around the boundary of the property and there is vehicular access off Walter Street.

The application seeks permission for the erection of a fence to the boundary treatment. At the time of the site visit, the fencing that this application seeks permission for was already in place and had a height of circa 1.9m.

Relevant Planning History

19/0774/NMA: Non-Material Amendment: Change of finishing materials from pebbledash to render for Planning Permission 18/0898/HHO. (31 October 2019)

18/0898/HHO: Full: Erection of two storey side and rear extension. Approved with Conditions (22 March 2019).

18/0418/HHO: Full: Erection of two-storey extension to side (East). Approved with Conditions (8 August 2018).

Consultee Response

LCC Highways:

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

Clegg St (U19723) is an adopted unclassified, single, local road, with a 20 mph speed limit. The property is situated on the gable of Clegg St and Walter St. I note this is a retrospective application. I have visited the site. At the time of my visit parking on street was full to capacity on both Clegg St and Walter St. The vehicular access to the property is constructed on Walter Street, Brierfield and the pedestrian gate is on Clegg Street.

The vehicle access on Walter Street was included on the application 18.0898 and conditioned. The width of the access has changed from 5m to 3.43m. The opening needs widening to 5m as previously approved, because it is heavily parked the extra space is required for manoeuvring and highway safety.

The gates in place are too narrow and must be sliding. In order to retain the two parking spaces required.

Parish/Town Council – no comment.

Public Response

The nearest neighbours have been notified by letter, there has been one response supporting the proposal, and xx comment received relating to:

- No objection to the boundary fence
- That the fence appears to already exist and is it to be replaced already.

Officer Comments

The main considerations for this application are the policies, design and materials and highways, and residential amenity.

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) sets out the aspects required for good design.

Design and Materials and Highways

The Design Principles SPD provides advice for gates, walls and fences and that design plays an important role in defining the character of residential areas and particularly so on highway frontages. In traditional areas, the character of the area is determined by hedging, sandstone walls or brick walls and these boundaries should be preserved.

Within this area the front boundary treatments are red brick walls with privet hedging to the semi-detached properties and natural stone walls to the terraced properties. This has created the character of the area which is in harmony and reflects the materials and design used in this area.

The application site is on a prominent corner plot and has retained the original red brick wall with a height of circa 1m. The proposal seeks to erect a wooden fence on top of the original red brick wall resulting in an overall height of 1.9m. The material for the proposal would be wooden fencing laid horizontally along the boundary. In this location the material of wooden fencing would not match the existing materials and the design would be alien with the wooden fencing being laid horizontally. The design and material of the fencing would be poor design and an incongruous feature in a traditional setting. It would have a negative impact on the streetscene and on the character of the area.

As part of the boundary treatment, there is a vehicular access to the application site from Walter Street which was approved by planning application 18/0898/HHO. The pillars to the vehicular access have been built with concrete block and are set against the original red brick walling. The use of concrete block would be poor design in this setting and would be an incongruous development in the streetscene and harm the character of the area. A suitable condition could be placed to ensure the material would match the existing red brick wall.

LCC Highways have raised the issue that the vehicular access is not wide enough to ensure that vehicles emerging onto the highway from the application site would have a clear view of on-coming traffic and could cause highways safety issues. The proposed plans show that the vehicular access would be 3.4m wide, which would be inadequate and would result in highways safety issues when emerging from the curtilage onto the highway.

In this area there is an issue of lack of parking. LCC Highways have identified that the gate needs to be sliding to ensure that two parking spaces can be retained within the curtilage of the application site. However, even though the vehicular access would result in a highways safety issue due to the height of the fence causing visibility issues, this application is solely for the consideration of the erection of the fencing and the vehicular access and parking spaces are not included as part of the application.

The proposed fencing would be poor design and the materials would not be in harmony with the original boundary treatment of the dwellinghouse, it would not preserve the boundary treatment and would impact negatively on the character and the streetscene.

Residential Amenity

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

RECOMMENDATION: Refuse

1. The proposed fencing would be incongruous and out of character with its surrounding and the street scene. It would result in unacceptable harm to the character and visual amenity of the area and would result in poor design. The proposal would be contrary to Policy ENV2 of the adopted Pendle Local Plan – Core Strategy and the Design Principles SPD.

REPORT TO FULL COUNCIL COMMITTEE ON 08TH DECEMBER 2022

Application Ref: 22/0604/FUL
Proposal: Full: (Major) Erection of a slurry store with roof over.
At: Greenberfield Farm, Greenberfield Lane, Barnoldswick
On behalf of: WH & JW Hartley
Date Registered: 13/09/2022
Expiry Date: 13/12/2022
Case Officer: Laura Barnes

Site Description and Proposal

The application seeks planning permission for an agricultural slurry store which is to measure 39m in diameter, a wall height of 7m (with 4m protruding above ground) and a cubic content of 8,107m³. It is to be constructed of a pre-cast concrete panel wall structure with geotextile cover. The proposed slurry store is located to the Northwest of the existing farm complex, more central to the farmland to facilitate the umbilical spreading process and allow the store to be dug into the ground level and planted screening to be erected around it.

Relevant Planning History

13/02/0138P: Erect agricultural building to be used as milking parlour
Approved with conditions

13/07/0834P: FULL MAJOR: Erect agricultural building (15.24m x 67.06m) for housing of livestock.
Approved with conditions

13/12/0034P: Full: Erection of extension to agricultural building.
Approved with conditions

13/13/0512P: Major: Full: Erect agricultural building (82m x 32m) erect feed silo and widen access and new track.

16/0377/FUL: Full: Erection of an agricultural building (32.5m x 16.5m).
Approved with conditions

18/0707/FUL: Full: Demolition of stone barns and erection of agricultural building (Floor Area: 346 Sq.m).
Approved with conditions

20/0177/FUL: Full: Erection of agricultural building (42.67m x 15.24m).
Approved with conditions

Consultee Response

LCC Highways

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

The setting of Bridleway 13-1-BW1 (Barnoldswick), which passes along the track to the West of the proposed slurry store, may be affected by the development. The construction of the store, earthworks bund and hedge planting proposed should not encroach upon the line of this Public Right of Way.

Lead Local Flood Authority

No objections

Yorkshire Water

Please refer to United Utilities

Public Response

Nearest neighbours have been notified, a site and press notice have been displayed, without response.

Officer Comments

Policy

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 SDP1 (Presumption in Favour of sustainable Development) echoes the approach in National Policy which seeks to use a positive approach and find solutions towards achieving sustainable 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. Part 6 of the Framework concerns supporting a prosperous rural economy. It supports sustainable growth and expansion of all types of businesses. The encouragement of growth is predicated on the conversion of existing buildings and well-designed new buildings.

Development in the Open Countryside Supplementary Planning Guidance (SPG)

Principle of Development

The land is already within agricultural use and the proposed development would assist in meeting some of the objectives set out in The Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018, by providing 6 months of slurry storage. The farm business itself is a long established thriving one, which currently has a stock of 450 yielding cows, 120 heifers and 120 young stock. The land holding involved in this operation exceeds 348 acres (140 hectares). The principle of development in this location is acceptable, subject to conformity with design, landscape and visual impact policies. The existing slurry facility which includes covered and open silage clamps and underground tanks only provides for around 60% of this requirement.

The proposal is for an agricultural building, upon agricultural land. The principle of this is acceptable subject to design, amenity and landscape / visual impact.

Landscape Impact and Visual Amenity

The site is located on a currently open area of land to the north west of the existing cluster of buildings. Immediately to the south west boundary is an existing public right of way, from which the proposed slurry store would be accessed. The existing public right of way traverses through the middle of the existing farm, past the parlour and storage buildings as well as the farmhouse. Therefore, the experience of users of the public right of way would be altered in the short section immediately adjacent to the proposed development, but this would be in the context of the existing farm operation where there are several farm buildings already in existence. The proposed slurry store is to be dug into the ground by 3.5m, leaving approximately 3.5m of walling projecting above ground level. An area of landscaping is to be planted along the side of the track located to the west of the proposed store and Public Right of Way (13-1-BW-1). The addition of the proposed native landscaping would assist in softening the edges of the above ground structure.

The proposed storey would be viewed in the context of the existing cluster of buildings when viewed from public rights of way from the north, although these are a significant distance away.

The proposed use is acceptable in landscape and visual amenity terms in accordance with Policy ENV2 of the Local Plan: Part 1 Core Strategy.

Design

The proposed building is to be constructed of a concrete block base wall with a textile cover. The cover would serve to prevent rain water getting into the store and would also trap ammonia from getting into the atmosphere. The footprint of the store is circular, with a conical roof having its apex to the centre of the structure.

Residential Amenity

The proposed development is to be sited to the North West of the existing farmhouse and further from the dwelling than the existing agricultural buildings. This is due to the nature of the store and the material it is to contain. The proposed development would not come within an unacceptable distance of any other residential properties which are not associated with the farming operation at Greenberfield Farm. Further, the store has been positioned so that the prevailing wind (south westerly) would carry odour in the opposite direction to the farmhouse.

As such, the proposed building would not result in an unacceptable neighbouring amenity issue.

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 visual 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: TS385-3, Proposed Elevation Plan, Roof Plan & Floor Plan: TS385-1, Proposed Landscaping Scheme Additional Information (received on 28/11/2022)

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.

4. All hard and soft landscape works shall be carried out in accordance with the recommendations of BS 4428 (1989) and with the "Landscaping Scheme Additional Information, received on 28/11/2022 and the Establishment and Maintenance Schedule, received on 18/11/2022)". The works shall be carried out prior to occupation of any part of the development. Any trees or plants that within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

REPORT TO FULL COUNCIL COMMITTEE ON 08TH DECEMBER 2022

Application Ref: 22/0692/OUT

Proposal: Outline: Erection of 2 detached dwellings (Access only) Reg 4.

At: Land to the South East of 71 Mansfield Crescent, Brierfield

On behalf of: Pendle Borough Council

Date Registered: 14/10/2022

Expiry Date: 09/12/2022

Case Officer: Alex Cameron

The application is brought to committee as it is a Council application.

Site Description and Proposal

The site is located within the settlement boundary of Brierfield and is also allocated open space for outdoor sports.

Outline permission is sought (access only) for the erection of 2 dwellinghouses, this is a resubmission of an identical application approved in 2019.

Details such as layout, appearance, landscaping and scale are reserved at this stage and will be subject to a future application should outline permission be granted.

Relevant Planning History

19/0253/OUT - Outline: Erection of 2 detached dwellings (Access only) Reg 4. Approved.

Consultee Response

LCC Highways - No objection subject to conditions and notes.

PBC Environmental Health – Raise concerns of noise from the community college and noise during construction and request conditions.

United Utilities – Object due to a water main crossing the site.

Public Response

One letter of objection was received from a neighbouring occupier, their comments can be summarised as follows:

- Infringe on privacy of neighbours.
- Will encourage further similar piecemeal developments.
- Create danger for children accessing the school.

- No elevation plans for consideration.

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 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 LIV5 (Designing Better Places to Live) advises that development which primarily takes place within the M65 corridor should seek to avoid the provision of new terraced housing and have a suitable density appropriate to its location. The provision of detached and semi-detached dwellings will make up the majority of the housing types sought.

Replacement Pendle Local Plan

Policy 31 'Parking' supports car parking in new developments in line with the Maximum Car and Cycle Parking Standards. All new parking provisions should be in line with these standards unless this would compromise highway safety.

Policy 33 'Existing Open Space' advises that the loss of open space will only be permitted where it involves poor quality space in areas where there is surplus provision in the particular ward area.

National Planning Policy Framework

Paragraph 99 states that open space should not be built on unless an assessment has been undertaken that clearly shows the open space is surplus to requirement or the loss would be replaced by equivalent or better provision or, the development is for alternative sports or recreation provision.

Principle of Development

The site is located within the settlement boundary of Brierfield, therefore residential development on this site is acceptable.

However, the site is also allocated open space within the Local Plan, for outdoor sports. Paragraph 99 of the NPPF states that one of three exceptions must be met, in order to allow designated open space to be developed.

“Existing open space, sports and recreation buildings and land, including playing fields, should not be built on unless;

- an assessment has been undertaken which has clearly shown the open space, building or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.”

The application site is part of a larger plot of land, which is for recreational use by Marsden Heights Community College. However, the development site is fenced off from this land and has never been used for recreational purposes. As a result, it is clear that for a number of years this plot has been surplus to requirements and has not been needed for outdoor sports by the school.

Moreover, it is incapable of forming part of a playing pitch and does not reduce the sporting capacity of the neighbouring field or reduce the size of any existing playing pitch and the principle of the loss of the open space has been established by the previous approval. Therefore, this proposal for residential development would be acceptable in principle.

Residential Amenity

Privacy distanced between existing and proposed dwellings can be achieved on the site.

Whilst concerns have been raised in relation to noise from the school affecting residents it does not appear likely that these properties would be any more likely to be impacted than other surrounding properties and the principle of housing on this site has already been established.

Highway Safety

Two access points are proposed from Mansfield Crescent, this is acceptable for these two dwellings. Sufficient separation distance has been shown from the pedestrian access to the school and the driveway for Plot 2.

Adequate off-street car parking, secured bicycle storage provided, as well as electric vehicle charging points can be ensure by conditions and in the reserved matters.

Drainage

The site is not at unacceptable risk of flooding and acceptable drainage can be ensured by condition.

United Utilities have objected due to a water main crossing the site. This was identified at the time of the previous application but not objected to. Taking into account that the previous approval, that is could be addressed at the reserved matters stage and that UU would maintain controls over building over their infrastructure it is not necessary or reasonable to impose conditions or refuse this application on that basis.

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 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. An application for approval of the reserved matters (namely the layout, appearance, landscaping and scale of the site) shall be submitted in writing to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of the approval of the last reserved matters.

Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) (England) Order 2015 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Details of the appearance, layout, access, scale and landscaping (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: In order to comply with the requirements of Section 92 of the Town & Country Planning Act 1990.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: A1904-LIB-XX-XX-XX-AL 90-002 Rev B and A19-04-LIB-XX-XX-XX-AL 90-003.

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

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

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

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

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

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

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

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

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

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

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

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

6. Prior to the commencement of development samples of the materials to be used in the construction of the development hereby permitted (notwithstanding any details shown on previously submitted plan(s) and specification) shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

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

- a) A programme of works including hours of operation and measures for the control of traffic to and from the site including routing of any HGV's, and within the site, during construction.
- b) The areas and methods of loading and unloading of plant and materials.
- c) The areas for the storage of plant and materials.
- d) Location and details of site compounds
- e) Parking area(s) for construction traffic and personnel
- f) Erection and maintenance of security hoarding
- g) Wheel washing facilities
- h) Measures to control emission of dust and dirt during construction.
- i) measures to control noise during construction

The Construction Code-of-Practice should be compiled in a coherent and integrated document and should be accessible to the site manager(s), all contractors and sub-contractors working on site. As a single point of reference for site environment management, the CCP should incorporate all agreed method statements, such as the Site Waste Management Plan and Demolition Method

Statement. All works agreed as part of the plan shall be implemented during an agreed timescale and where appropriate maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

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

8. No part of the development hereby approved shall commence unless and until a scheme for the construction of the site accesses have been submitted to, and approved in writing by the Local Planning Authority.

Reason: To ensure that the final details of the highway scheme are acceptable before work commences on site.

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

Reason: To ensure that the development provides for sustainable modes of travel.

10. Before a dwelling unit is occupied waste containers shall be provided on each plot.

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

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 accesses to an appropriate standard, including a minimum width of 3.2m, extension of the adopted footway outside Plot 1, and re-location of a highway gully. 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 by email on developeras@lancashire.gov.uk, in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.

United Utilities will not allow building over or in close proximity to a water main. A water main crosses the site. It must not be built over, or our access to the pipeline compromised in any way. The Water Industry Act 1991 affords United Utilities' specific rights in relation to maintenance, repair, access and protection of our water infrastructure. We require an access strip as detailed in our 'Standard Conditions for Works Adjacent to Pipelines', a copy of which accompanies this letter. The applicant must comply with this document to ensure pipelines are adequately protected both during and after the construction period. It also includes advice regarding landscaping in the vicinity of pipelines.

REPORT TO FULL COUNCIL COMMITTEE ON 08TH DECEMBER 2022

Application Ref: 22/0668/HHO

Proposal: Full: Erection of a two storey side and rear extension and single storey front extension.

At 251 Halifax Road Nelson Lancashire

On behalf of: Mrs Hussain

Date Registered: 5th October 2022

Expiry Date: 30th November 2022

Case Officer: Yvonne Smallwood

Site Description and Proposal

The application site is a two storey detached dwellinghouse, with an attached single storey garage. The property is located within the settlement boundary of Nelson

This application seeks to erect a two storey side and rear extension and a single extension to the front.

Relevant Planning History

None

Consultee Response

Highways –

There is no objection to this proposal but I would recommend the following:

Condition

- The parking areas must be constructed of a bound porous material and created before first occupation up until the life time of the dwelling existing in its proposed state. Reason: To ensure that satisfactory parking is provided before the dwelling hereby permitted becomes operative.

Parish/Town Council

Public Rights of Way

Public Response

Press and site notices placed and nearest neighbours notified by letter with one response, summarised below:

- Concerns related to the side wall being built off the garage wall of number 253. The extension would be built on the boundary wall line, which would encroach on the land belonging to the neighbour at number 253. A verbal agreement has been made to build slightly back from the garage at number 253 and a request has been made for something to be provided in writing to reflect this amendment.
- Two storey extensions should be set in by 1m – the proposal is immediately adjacent to the boundary. The extension is very close to the fence at number 253.
- Loss of daylight, sunlight, overshadowing, loss of outlook or loss of privacy, or appearing dominant for number 253.

- 45 degree guidance would be broken
- 25 degree guidance would be broken
- Balance and symmetry of property should be respected – proposal incongruous.
- Proximity of proposal to public footpaths
- Impact Conservation Area due to close proximity
- Retaining wall of number 253 could be undermined by the proposed construction
- The scale, proportion, height and mass of the development is out of keeping with the existing property and locality.
- The proposed plan illustrates that the extension constructed on top of the garage wall of number 253 for which consent has not been granted.

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

Design

The proposal would create a 2 storey side extension to the north east boundary of the property. This would result in significant changes in appearance to the existing building.

The design for this application is poor. The proposal would unbalance the house. The gable looks incongruous to the streetscene. The uniformity of the property is not preserved. There should be a 1m gap between the development and the boundary.

The proposed materials would match existing, therefore they would be acceptable.

As a result, the development would unbalance the house. The development would be poor design, resulting in an unacceptable impact on the character and visual amenity of the area and would fail to accord with policies ENV2 and Pendle Design Principles SPD.

Residential Amenity

The Design Principles SPD states that all extensions must adequately protect neighbours enjoying their own home and must not overshadow to an unacceptable degree.

The 2 storey element of the extension would project to the side boundary of number 253 Halifax Road without leaving a 1m gap.

The single storey rear extension would project back from the existing rear elevation by circa 5m. Extensions to the rear are normally acceptable up to 4m in length. The neighbour at number 253 has an existing garage (which has Planning Permission to become a self-contained residential annex, Ref: 20/0396/FUL). The proposal would break the 45 degree guidance for the rear window of the lounge of number 253, however the existing garage already breaks the 45 degrees, therefore there would be circa 3m of the extension visible from the centre of the rear window of number 253, which would be acceptable in regards to the rear extension.

The 2 storey side extension would be very close to the boundary of number 253 and would not leave a 1m gap. This is contrary to Pendle Design Principles SPD.

The proposal would not have an unacceptable impact on the residential amenity of the neighbours to the front and rear of the site.

Therefore, the proposed development is acceptable in terms of residential amenity and complies with policies ENV2 and Design Principles SPD with regard to residential amenity.

Highways

The development provides adequate external parking for the proposed extensions. The existing access onto Halifax Road is to be retained. Therefore, the scheme accords with Saved Policy 31 in relation to parking.

Other matters

Concerns related to the side wall being built off the garage wall of number 253. The extension would be built on the boundary wall line, which would encroach on the land belonging to the neighbour at number 253. A verbal agreement had been made to build slightly back from the garage at number 253.

RECOMMENDATION: Refuse

The proposed development would unbalance the house. The development would be poor design, resulting in an unacceptable impact on the character and visual amenity of the area and would fail to accord with policies ENV2 and Pendle Design Principles SPD.

REPORT TO FULL COUNCIL COMMITTEE ON 08TH DECEMBER 2022

Application Ref: 22/0300/HHO

Proposal: Full: Erection of first storey bedroom extension over existing garage, erection of single storey full width rear extension, insertion of dormer to rear elevation.

At: 12 Whittycroft Drive, Barrowford, BB9 6AS

On behalf of: Mr & Mrs Young

Date Registered: 03.05.2022

Expiry Date: 28.06.2022

Case Officer: Yvonne Smallwood

Site Description and Proposal

The application site relates to a semi-detached dwelling, sited amongst dwellings of a similar scale and design. The property is located within the defined settlement boundary of Barrowford.

The proposal seeks to erect a first storey extension above the existing garage. There would be a full width rear extension and a dormer would be inserted to the rear dormer.

Planning Permission had already been granted for a dormer and rear single storey extension, Ref: 21/0926/HHO. This proposal includes a first storey extension above the existing garage and a 0.5m increase in the length of the existing orangery.

Relevant Planning History

21/0926/HHO - Full: Demolition of existing conservatory, erection of single storey rear extension, insertion of dormer to the rear roof slope and alteration of main roof from a hipped to gable arrangement – Approved with Conditions, 21.01.2022

Consultee Response

LCC Highways -
No objection

Barrowford Parish Council

The extensions materially affect three elevations of this originally modest 1930-40's semi-detached property and will increase the terracing effect on the street scape, but the stepped roofline and double pitched dormer will give variation to the streetscape. The Parish Council has two concerns:

1. Adequate provision of off-road parking.
2. Adequate mitigation scheme for surface water runoff with the significant reduction of soft surfaces in the garden and extended hard surfaces by the increased roof size.

Public Response

Nearest neighbours notified by letter, without response.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) 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.

Barrowford Neighbourhood Plan

The Barrowford Neighbourhood Plan sets out policies for new dwellings within the Neighbourhood Development Area. It has specific policies which cover Transport, Green Infrastructure and the Newbridge area.

Design and Materials

The Design Principles SPD advises that single storey rear extensions should be constructed in materials and style to match the existing dwellinghouse. Pitched roof elements are preferred and forward projections would only be supported if they are appropriate to the dwellings design. The proposed single storey extension is to have a flat roof (with two roof lanterns) and be covered in timber cladding. However, the proposed extension is to the rear of the property and not visible from public vantage points. As such, in this particular case it is acceptable. In relation to the proposed dormer, the Design Principles SPD recommends setting them down by at least 0.2m from the ridge. In this case, the proposed plans indicate that the pitched roof dormer is to the rear and has been set down from the ridgeline by the recommended amount.

The proposed dormer is to be clad in timber to match the proposed single storey extension.

The first storey side extension above the existing garage would be subservient to the host dwelling, having a lower ridgeline. The roof would remain hipped. The proposed materials would match and complement existing.

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

The proposed single storey extension would project out from the existing rear wall of the dwelling by a maximum of 7.2m. The existing orangery to the rear projects 6.7m, so the increase in length would be 0.5m on that portion of the extension. The proposal is to extend along the rear wall to the north east, projecting circa 4.1m out from the existing rear wall. The 0.5m increase would not result in any unacceptable adverse impact for the adjoining neighbour at number 10 Whittycroft Drive.

The proposed dormer window would be no closer to the neighbours to the rear on Barnoldswick Road than the existing rear elevation windows, therefore the dormer would not have any adverse impact for neighbours to the rear of the property on Barnoldswick Road.

In terms of the number of openings to the single storey part of the extension, to the rear the kitchen is to have one set of full height windows and a bi-folding door. To the side elevation, there is to be a set of patio doors serving the kitchen and a small office window closest to No. 14 Whittycroft Drive. It is noted that there is a 2m high close boarded fence along the shared boundary with No. 14, which would mitigate any ground floor privacy issues. To the first floor at No. 14 there are two small windows, serving a bathroom, both of which are obscure glazed. As such, there would be no unacceptable neighbouring amenity issue with No. 14.

To the front elevation there would be an additional first storey window serving a bedroom and a skylight window. There would also be a sky light window inserted in the roofslope. There are existing first storey windows and therefore the additional windows would not result in any unacceptable impacts for the neighbours opposite on Whittycroft Drive.

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

Highways

The Parish Council raised concerns related to parking. There would be off road provision for approximately 4 cars. This would be acceptable in regard to Saved Policy 31 Parking Standards. Highways LCC have raised no objection to the proposal. Therefore the proposal is acceptable in regard to highway safety.

Other Matters

The Parish Council raised concerns relating to rainwater run-off. As the extension would be above the existing garage, there would be no increase in roof area for this portion. There would be a marginal increase in roof area. The area this would occupy has existing hard paving, therefore there would only be a marginal difference with regard to rainwater run-off.

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: 001,003

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

3. All of 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 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