



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

TO: FULL COUNCIL COMMITTEE

DATE: 8TH DECEMBER 2002

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications

Applications deferred from November

Application Ref: 22/0283/HHO
Proposal: Full: Erection of a single storey rear extension.
At 5 Becksides Close Trawden Colne
On behalf of: Mrs Nicola Rowlandson
Date Registered: 05.05.2022
Expiry Date: 30.06.2022
Case Officer: Yvonne Smallwood

Site Description and Proposal

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

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

Relevant Planning History

No relevant planning history.

Consultee Response

Parish/Town Council-

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

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

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

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

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

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

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

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

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

United Utilities

Environmental Health-

Contaminated Land Informative

If during any stage of the development any miscellaneous substances, made ground or potentially contaminated ground that has not been previously identified and planned for in a

report is uncovered, work in the area must stop immediately and the Environmental Health Department at the Borough of Pendle should be made aware. No work should continue until a contingency plan has been developed, and agreed with the local planning authority.

Environment Agency –

Informative:

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

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

Public Response

Nearest neighbours notified by letter without response.

Relevant Planning Policy

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

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

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

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

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

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

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

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

Officer Comments

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

Design and the Conservation Area

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

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

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

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

Residential Amenity

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

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

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

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

Flood Zone 3

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

Reason for Decision

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

RECOMMENDATION: Approve

Subject to the following conditions:

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

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

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

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

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

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

Application Ref: 22/0283/HHO

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

At 5 Becks Close Trawden Colne

On behalf of: Mrs Nicola Rowllandson

Application Ref: 22/0430/FUL
Proposal: Full: Erection of a pair of semi-detached dwellings.
At: Dam Head Studio, Blacko Bar Road, Roughlee
On behalf of: Mrs Moira Mortimer
Date Registered: 30/06/2022
Expiry Date: 25/08/2022
Case Officer: Laura Barnes

Site Description and Proposal

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

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

Relevant Planning History

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

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

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

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

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

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

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

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

Consultee Comments

Environment Agency

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

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

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

Roughlee Parish Council

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

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

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

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

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

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

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

Lancashire Lead Local Flood Authority

No comment

Environmental Health Officer

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

Lancashire Fire & Rescue Service

The development should accord with Building Regulations.

Lancashire County Council Highways

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

Proposal

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

Site access & visibility splays

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

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

Car & cycle parking

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

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

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

General

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

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

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

Conditions

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

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

Reason: In the interest of highway safety.

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

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

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

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

Public Comments

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

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

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

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

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

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

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

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

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

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

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

Replacement Pendle Local Plan

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

National Planning Policy Framework

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

Principle of Development

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

Design & Heritage

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

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

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

Residential Amenity

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

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

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

Highways

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

Flood Risk & Drainage

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

Other Matters

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

In terms of ecological value, the proposed development site is currently a domestic garden. Therefore, there would be no real change to the ecology of the site, with the land surrounding the proposed houses remaining as garden land, should the application be approved.

Reason for Decision

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

Recommendation: Approval

Subject to the following conditions:

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

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

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

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

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

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

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

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

Reason: In the interest of highway safety.

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

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

6. Prior to first occupation of each dwelling cycle storage facilities shall be provided in accordance with a scheme to be approved by the Local Planning Authority and permanently maintained thereafter.

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

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

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

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

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

Application Ref: 22/0430/FUL

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

At: Dam Head Studio, Blacko Bar Road, Roughlee

On behalf of: Mrs Moira Mortimer

Application Ref: 22/0486/FUL
Proposal: Full: Reconfiguration and removal of holiday restrictions to allow residential occupation (part retrospective).
At: Prospect Farm Caravan Site, Lenches Road, Colne
On behalf of: Mr Culligan
Date Registered: 18/07/2022
Expiry Date: 16/09/2022
Case Officer: Alex Cameron

Site Description and Proposal

The application site is an existing caravan site adjacent to the south of the settlement of Colne. Planning Permission was granted in 2012 for reconfiguration of the site for the siting of 26 static caravans, 15 for permanent residential accommodation and 11 restricted to holiday use only. This development was partially implemented and therefore the permission is extant.

This application is to reconfigure the approved layout of the site and allow all 26 caravans to be used for permanent residential accommodation.

Relevant Planning History

13/92/0410P - Retain residential caravan park. Approved

13/93/0538P - Modify conditions 2 and 3 of 13/92/0410P to retain residential caravan to increase units to 15. Refused

13/02/0031P - Modify condition 2 of 13/92/0410P to increase number of caravans to 15. Appeal Allowed

13/12/0154P - Full: Major: Alteration & reconfiguration of existing caravan park to provide 15 mobile homes & 11 holiday lets (26 units in total) with tarmacked access road, recycling point and siting of two storage containers 2m x 6m. Approved

Consultee Response

LCC Highways – From a strictly use perspective, the residential and holiday units in this instance are virtually indiscernible. Certainly, the relaxation of the occupancy restrictions wouldn't incur any tangible increase in highways movements from site, above those that could lawfully occur.

The Highway Authority would not dispute this having assessed the impact using the nationally recognised TRICS software.

The change from holiday to residential accommodation is likely to alter the travel patterns and there will be a small increase in vehicle movements throughout the day and during the morning and evening peak hours there is an increase from 1-2 vehicles to 6 vehicles. This is not anticipated to cause an impact to highway safety.

There are concerns about the location of the site due to the lack of facilities within walking distance. However, the traffic impact is expected to be small and not anticipated to cause a highway safety impact.

All 11 holiday units have 2 parking spaces allocated on the site layout drawing. In addition, unless they already exist, each unit should have a secure covered cycle store to support sustainable travel and electric vehicle charging points.

Public Response

Press and site notices posted and nearest neighbours notified – Two responses received objecting on the following grounds:

- Impact on the landscape in long range views
- The development does not conform with the original permission which was for log cabins in a woodland, the proposal for static caravans is not in line with local character and history.
- No facilities for bicycle storage of electric vehicle charging are proposed
- The site is outside of a settlement boundary and would not be affordable housing
- The application should be treated as retrospective
- Light pollution
- The site is out of character with the area
- Poor pedestrian access and potential vehicular access issues in winter
- The site does not accord with the NPPF in terms of sustainability and environmental improvement
- The hillside is subject to large volume of surface water flows, a flood risk assessment should be submitted and correct plans implemented to reduce risk of off-site flood and damage to neighbouring properties
- The site had a water retention pond which has been backfilled potentially compromising a watercourse flowing under the site
- Risk from contamination
- A public right of way running through the site has been blocked off
- No evidence that any attempt has been made to sell the units as holiday accommodation
- Highway safety risk due to visibility at site access

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

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

ENV4 (Promoting Sustainable Travel) requires new development to have regard to potential impacts that may be caused on the highway network. Where residual cumulative impacts cannot be mitigated, permission should be refused.

SDP2 (Spatial Development Principles) states that where Greenfield land is required for new development, such sites should be in a sustainable location and well related to an existing settlement.

WRK5 (Tourism, Leisure and Culture) states that Proposals associated with the provision of new or improved facilities for tourism, leisure and cultural activities, including accommodation for visitors, will be supported where they:

1. Promote sustainable tourism associated with walking, cycling, waterways and the appreciation of the area's natural and historic environment.
2. Help to improve the quality and diversity of the existing tourism offer, and extend the tourist season.
3. Do not result in a significant increase in car usage and are readily accessible by public transport, and sustainable modes of transport (e.g. walking and cycling).
4. Support conservation, regeneration and/or economic development objectives, including the promotion of cross-border initiatives.
5. Are of an appropriate scale and will not have a significant detrimental effect on the natural or historic environment, local amenity or character of the area.
6. Achieve high environmental standards in terms of design and accessibility.

Principle of the development

Concerns have been raised regarding the sustainability impacts of removing the restriction on occupation of the holiday caravans to allow them to be used as permanent residences, due to the distance to essential services and facilities. However, this site is just 60m from the settlement boundary of Colne and, whilst the change from holiday accommodation to permanent residences would result in some change in the need to access services and facilities such as schools, the taking into account the close proximity of the settlement this would not result in an unacceptable sustainability impact. Taking these factors into account the removal of the holiday accommodation restriction from the 11 holiday accommodation units is acceptable.

Visual and Landscape Impacts

The site is visible from the opposite side of the valley in Colne but is seen set against other buildings and partially screened by existing trees. It is towards the lower part of the valley and does not break the skyline. From Lenches Road and public rights of way, other than directly adjacent to the site, it is screened by the landform and existing trees.

The proposed layout would have a lesser impact than the approved extant permission, which proposed larger mobile homes spread across a wider area of the site, the proposed static caravans are smaller and in a more compact arrangement towards the centre of the site. With appropriate landscaping controlled by condition the proposed development is acceptable in terms of visual amenity in accordance with policies ENV1 and ENV2.

Amenity

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

The proposed development is therefore acceptable in terms of residential amenity in accordance with policy ENV5.

Drainage

Concerns have been raised in relation to drainage and alterations to the approved drainage arrangements of the previous permission. The development would not increase the impermeable area of the site and therefore the overall surface water runoff rate, acceptable drainage of the site can be ensured by condition.

Highways

The proposed development would not significantly increase traffic to and from the site and would not result in any unacceptable highway safety impacts. The development is therefore acceptable in terms of highway safety in accordance with policy ENV4.

Concerns have been raised regarding obstruction to the public right of way adjacent to the western boundary of the site. The proposed development does not affect that area of the site, obstruction of the public right of way would be a separate matter controlled under the Highways Act.

Reason for Decision

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

RECOMMENDATION: Approve

Subject to the following conditions:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 0403, GA3368-PPE-001, GA3368-PSP-001

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

- 2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device.

The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the estate road from the continuation of the nearer edge of the carriageway of Lenches Road to points measured 43m in each direction along the nearer edge of the carriageway of Lenches Road, from the centre line of the access, and shall be constructed and maintained at footway/verge level in accordance with a scheme to be agreed by the Local Planning Authority.

Reason: To ensure adequate visibility at the street junction or site access.

- 3 Within three months of the date of this decision a detailed landscaping scheme shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
 - a. the exact location and species of all existing trees and other planting to be retained;
 - b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
 - c. an outline specification for ground preparation;
 - d. all proposed boundary treatments with supporting elevations and construction details;
 - e. all proposed hard landscape elements and pavings, including layout, materials and colours;
 - f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

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

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

- 4 Within three months of the date of this decision a scheme of foul and surface water drainage, including a timescale for its implementation, shall have been submitted to and approved in writing by the Local Planning Authority the drainage shall thereafter be fully implemented in accordance with the approved scheme.

Reason: In order to ensure the development is adequately drained to reduce the risk of flooding and pollution.

- 5 Unless approved in writing by the Local Planning Authority no further ground clearance, demolition, or construction work shall commence until protective fencing, to BS 5837 : 2012 at least 1.25 metres high securely mounted on timber posts firmly driven into the ground has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land. No work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. The fencing shall be located at least 1.00 metre beyond the protected area detailed in BS 5837. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction. To prevent existing trees from being damaged during building works.
- 6 Prior to the installation of any external lighting details including type, size, location, intensity and direction of the proposed external lighting shall have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall thereafter at all times be maintained and operated in strict accordance with the approved details.
- 7 There shall be no further work within the site unless and until facilities have been provided by which means the wheels of vehicles may be cleaned before leaving the land. The facilities shall be retained for the full period of construction and all vehicles shall use the facilities.

Reason: In the interest of highway safety.

- 8 The development shall be carried out in accordance with the recommendations of the Preliminary Ecological Appraisal September 2021.

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

REPORT TO FULL COUNCIL COMMITTEE ON 17TH NOVEMBER 2022

Application Ref: 22/0503/CND

Proposal: Approval of Details Reserved by Condition: Discharge of Conditions 5 (Site Access & Off-Site Highway Improvements), Condition 6 (Construction Method Statement), Condition 7 (Height of Obstacles within the Visibility Splay), Condition 14 (Tree Protective Fencing), Condition 15 (Landscaping scheme)

At Spencer House Farm 262 Wheatley Lane Road Fence

On behalf of: Dalfour Limited

Date Registered: 25.07.2022

Expiry Date: 9/19/2022

Case Officer: NW

Site Description and Proposal

The site is a development of barns to convert to four dwellings. The application seeks to discharge 5 conditions relating to access improvement, construction method statement, visibility splay, tree protection fencing and landscaping.

Relevant Planning History

No relevant planning history.

Consultee Response

Highways: The Highway Development Control Section's opinion is that this condition cannot be discharged at this time. The proposed scheme for highway works is not acceptable as it is not to Lancashire County Council's specification. The road construction details should be for a Category 1 road, the lighting column is not shown on the plan and no details of a street lighting assessment have been provided to support the lighting column's new location.

Until satisfactory details have been provided the highway authority considers that this condition cannot be discharged. In addition, no contact has been made to start the Section 278 process. The applicant or their agent should contact the county council as soon as possible to start this process. Details needed to discharge this condition would also form part of the above legal agreement.

In the Highway Development Control Section's opinion the information shown on Drawing DL SP03 and submitted in the discharge of conditions statement are acceptable and considers that this condition can be discharged, subject to satisfactory implementation. Deliveries should be planned to avoid the bus services timetabled along Wheatley Lane Road.

In the Highway Development Control Section's opinion the information shown on Drawing DL SP02 and submitted in the discharge of conditions statement are acceptable and considers that this condition can be discharged, subject to satisfactory implementation.

Although not part of this condition discharge application it has been noted that Drawing DL SP02 shows a pedestrian access and gateway to the rear of Plot 1 through the hedge and onto Wheatley Lane Road. This was not on the approved plan and should not be constructed. The highway authority would have objected to this due to the curved layout of Wheatley Lane Road and the hedge which obstruct visibility on the approach in both directions. There is also no footway and so pedestrians would be stepping out into live traffic.

Parish/Town Council

Environment Health: With regards to this development, we are little concern about the potential noise impact of this development on the residents of Regent street backing onto the development, late at night, and causing sleep. Can we put some controls in place to ensure this doesn't happen?

Where will the taxis park when waiting for a job come in, we don't want them waiting near the residents houses, and get out of their cars, slamming doors, beeping horns and chatting late at night, also where will customers stand and wait?

Public Response

None

Officer Comments

Conditions 5 (Site Access & Off-Site Highway Improvements). Amended plans have been received and at the time of writing are out for consultation.

Condition 6 (Construction Method Statement), The information submitted is acceptable and the condition can be discharged.

Condition 7 (Height of Obstacles within the Visibility Splay), The visibility splay details are acceptable.

Condition 14 (Tree Protective Fencing). The main issue is the protection of the hedge. Protective fencing will be put in place to protect this.

Condition 15 (Landscaping scheme). The landscaping of the site comprises of peripheral hedges around internal landscaping. The scheme is simple but appropriate to the site.

RECOMMENDATION: Delegate to the Planning, Economic Development & Regulatory Services manager to determine

Subject to the following conditions:

Conditions 5 (Site Access & Off-Site Highway Improvements),

Condition 6 (Construction Method Statement). The information submitted is acceptable and the condition can be discharged.

Condition 7 (Height of Obstacles within the Visibility Splay). The information submitted is acceptable and the condition can be discharged.

Condition 14 (Tree Protective Fencing). The information submitted is acceptable and the condition can be discharged.

Condition 15 (Landscaping scheme). The information submitted is acceptable and the condition can be discharged.

Application Ref: 22/0503/CND

Proposal: Approval of Details Reserved by Condition: Discharge of Conditions 5 (Site Access & Off-Site Highway Improvements), Condition 6 (Construction Method Statement), Condition 7 (Height of Obstacles within the Visibility Splay), Condition 14 (Tree Protective Fencing), Condition 15 (Landscaping scheme)

At Spencer House Farm 262 Wheatley Lane Road Fence

On behalf of: Dalfour Limited

Application Ref: 22/0583/HHO
Proposal: FULL: Erection of a single storey rear extension.
At: 17-19 Ethel Street, Barnoldswick.
On behalf of: Mr Naeem Shazada.
Date Registered: 26/08/2022.
Expiry Date: 21/10//2022.
Case Officer: Joanne Naylor.

Site Description and Proposal

The application site is a two-storey end terraced dwellinghouse within the settlement boundary of Barnoldswick. The dwellinghouse is set within a terraced street with a uniform Victorian streetscene with residential housing to the front and rear elevations and green space/allotments to the side elevation. The dwelling has natural stone walls, a pitched slate roof, white uPVC windows and white uPVC doors and the front door being anthracite with obscure glazed windows either side. The dwelling is formed from the combination of two dwellings into one therefore there are two rear yards, one each side of the rear kitchen.

The proposed development is for the erection of a single storey rear extension to the yard of No.17 Ethel Street. The proposal would be for a gym which would have K-rendered walls and a flat roof with a roof lantern. The proposal would have a uPVC door directly onto the back street.

Relevant Planning History

17/0619/HHO: Full: Proposal to knock two dwellings into one with new front door design and dormer to rear roof slope, proposed Velux roof lights and opening alterations to rear. Approved with Conditions (22 Dec 2017).

Consultee Response

LCC Highways

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

The proposal includes the enclosure of the rear yard at number 17 to provide a gym for domestic use. The rear elevation has a door (inward opening) which results in pedestrians directly accessing onto the back street which has no separate footway. This is not supported as it results in a conflict between pedestrians and vehicles travelling along the back street who have very limited visibility of each other.

It is noted that this proposal results in no external yard for number 17, however due to the dwelling being combined with number 19 this is not a concern as the bins can be stored in the rear yard of number 19. The applicant should note that should an application be submitted in the future to reinstate the 2 dwellings, we would object to the proposal due to the lack of external bin storage.

Officer Comments

The issues to consider here are the materials and design, the impact on residential amenity, and highways.

Policy

Pendle Local Plan Part 1: Core Strategy

Policy SPD 1 (Presumption in Favour of Sustainable Development) takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

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

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

Replacement Pendle Local Plan

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

National Planning Policy Framework

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

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

Design and Materials

The Design Principles SPD advises that extensions should match the materials of the existing, have a pitched roof and appear subordinate to the existing dwelling. The existing dwelling has natural stone walls and a pitched roof with slate tiles. The side elevation of the kitchen to the yard of No.17 has a rendered wall painted cream. The proposal would have K-rendered walls and a flat roof with roof lantern. The terrace rows have retained the natural stone walls and render would be an uncharacteristic use here. The terraces have a combination of pitch and flat roofs to the rear, although the Design Principles advises that flat roofs are normally poor design, in this situation a flat roof would be acceptable as it is to the rear and other properties have flat roofs to the rear extensions.

The rear elevations of the terraces of Ethel Street and Havre Park have rear extensions that extend to the rear boundary, the proposal would extend to the rear boundary and this would be characteristic to this area.

The proposed development would have a door to the rear elevation which would open directly onto the highways. As LCC Highways have commented this would result in pedestrians stepping directly onto the backstreet which does not have a separate footway. Pedestrians and vehicles would have very limited visibility of each other and this would create a highways safety issue.

The proposed development would not be acceptable in terms of design and materials and would be contrary to Policy ENV2 and the Design Principles SPD.

Residential Amenity

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

The proposed development would have one door to the rear elevation and one rooflight in the flat roof. The door would open directly onto the back street which would cause conflict between pedestrians and vehicles as there would be very limited visibility and would result in a highways safety issue, however it is not unusual on this backstreet for a gate to open directly onto the back street. The proposed door would have glazing which could cause a residential amenity issue to the neighbours opposite, a suitable condition for obscure glazing could mitigate this issue. The proposed roof light would be 1m wide and 1.9m long with a height of 0.3m above the flat roof, it would be sited 1.78m from the rear elevation of the dwellinghouse. The adjoining neighbour at No. 15 Ethel Street has an obscured glazed window at first floor which would mitigate any overlooking issues.

The proposed extension would be located on the party boundary with a neighbouring property, the Design Principles SPD advises that an extension projecting up to 4m from the rear elevation would be acceptable, where an extension has a greater depth it would be acceptable where it does not breach the 45 degree guideline. The application site has an existing rear extension to the rear boundary which extends to 5.25m. The adjoining neighbour has a habitable room window to ground floor and an obscure glazed bathroom window to first floor. The rear extension of the existing dwelling house breaches the 45 degree guideline. The proposed extension projects 5.25m from the rear elevation, the proposal would result in the wall being circa 1.8m closer to the adjoining neighbour and would also result in breaching the 45 degree guideline. The impact of the proposal would not be any greater than that already existing in terms of overshadowing. However, the proposed development would appear as a solid blank wall to the adjoining property at No. 15 Ethel Street and would have a height of 2.9m and 5.25m in length. No. 15 has kitchen windows to the side elevation and a habitable room window to the rear elevation. In addition, the rear yard is the only outdoor space available to No. 15 as the front of the dwelling is up to the pavement. The proposed development would negatively impact on the neighbours outside space and would have a detrimental impact on the living environment. The proposal would have an overbearing affect and loss of outlook to the adjoining neighbour.

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

Highways

The proposed development would retain the rear yard of No. 19 Ethel Street, this yard area is sufficient to contain the bins, hang washing and have space to sit out. The rear access door of the proposed development would open directly onto the back street which has no separate footpath resulting in conflict between pedestrians and vehicles travelling along the back street and lack of visibility. The proposed development would cause a highways safety issue.

RECOMMENDATION: Refuse

1. The development would have a detrimental impact on the living environment of the adjoining neighbour in terms of their amenity and ability to enjoy their outside space. The

development would be contrary to Policy ENV2 of the adopted Pendle Local Plan – Core Strategy and contrary to the Design Principles SPD.

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

Application Ref: 22/0583/HHO

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

At: 17-19 Ethel Street, Barnoldswick.

On behalf of: Mr Naeem Shazada.

Application Ref: 22/0659/FUL

Proposal: Full: Remodelling of land surrounding the mosque, including the provision of 49 No. additional car parking spaces and associated landscaping works, a fenced children's play area, access paths with lighting, steps within the woods, a water fountain, a 3G s

At Madina Mosque 144 Manchester Road Nelson

On behalf of: Mr Ishtiaq Mohammed

Date Registered: 29.09.2022

Expiry Date: 24/11/2022

Case Officer: NW

Site Description and Proposal

The application is to surface and path the outside of the listed building, to create a play area and to have a temporary marquee in place.

Parking is proposed where it currently is around the road and side of the building. The play equipment is proposed on the lower northern side of the site and the marquee to the western boundary beyond which there are terraced houses.

Relevant Planning History

Consultee Response

Highways

Parish/Town Council

United Utilities: Request a drainage condition.

Environmental Health: Concern about noise in the construction phase. Recommend a construction code of practice condition.

Environment & Conservation: No response received at the time of writing the report.

Public Response

- Objection to the path entry/exit leading onto Lime Street because there are already several entrances in place and this will cause traffic and parking issues leading right outside my door.

Relevant Planning Policy

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

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

The application site lies in both a conservation area and it is a listed building. There is a duty⁷ under section 72 of the Listed Buildings Act to have regard to the preservation and enhancement of conservation areas. Section 66 of the Act states:

In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 16 of the National Planning Policy Framework relates to conserving and enhancing the historic and natural environment.

Para 197 states:

In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development.*

Para 202 advises:

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

Officer Comments

The site was a former hotel restored partly through heritage funding administered by Pendle. The main building has been restored with the exception of some rear structures that will need to be worked n in due course.

The outside of the building to its main elevation to the west has rough gravel hard surfacing that is in place which has been there over many years. That also exists for the whole of the land that adjoins Manchester Road. The proposal is to formalise this with the installation of new surfacing material. The proposal does not materially alter the areas in which vehicles can already park.

It would be preferable not to have parking to the front so that the setting of the building would be better preserved but as cars have been able to park there for the past 20 years and beyond the principle of parking there has already been set and this application does not alter the existing situation. The scheme proposed take away the parking that can currently take place form

immediately in front of the building. Lawns would be provided with parking away from the building. That will enhance the setting of the front of the well restored listed building.

The proposal is to lay tiles as a surfacing treatment for the pedestrian areas around the building. Whilst there is no objection to laying a hard surface the material to be used would be critical to the success of this. A condition requiring samples of the materials for this would adequately deal with this.

The surfacing of the site represents an opportunity to better enhance the listed building by putting in surfacing that is appropriate to its setting. The manoeuvring areas are proposed to be porous and would look similar to the appearance of the currently surfacing. Parking spaces would be provided of a porous material bound by defining stone. This pattern would work well provided the materials are of an acceptable colour. A condition has been suggested to ensure that samples are provided before work is undertaken.

Footpaths are proposed around the remainder of the land. These cross in some areas the roots of trees and could impact on the trees. The comments of the Councils Arborist are awaited in order to ensure that the health of the trees is not affected by the proposals. Whilst no ground remodelling will take place there is a need to ensure that the roots are protected by an appropriate condition.

A play area is proposed to the rear of the site. This would be located on land lower than the application site and not towards the main elevations. The setting of the listed building would not be adversely affected by the play equipment in that location.

A site for a temporary marquee is proposed to the west of the site. Residential properties lie beyond to the west. The marquee would not be a structure that would represent a design that would be found in the curtilage of this listed building. It would be an alien feature that would affect the character and setting of the listed building. The applicant has been asked to remove this from the proposed development. An update on this will be given to Committee.

The site of the marquee is proposed to be used for recreational activities on the site. The use is located to the rear of residential properties and could lead to noise issues. The activities would be low key with the size of the land limiting the number of people who could use it. Activities are not likely to have a noise impact on residents. A condition requiring details of the hours of operation of this would allow for control of this during evening hours when any likelihood of disturbance would be highest.

The application is acceptable except for the installation of the marquee.

Reason for Decision

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

RECOMMENDATION: That the application is approved subject to the removal of the marquee but refused if the marquee is retained.

Subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: LD0028/p02,

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

3. Prior to any works being undertaken samples of all materials to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. The materials to be used thereafter shall strictly comply with the materials so approved.

Reason: In order that the Local Planning Authority can control the appearance of the site to protect and preserve the character and setting of the listed building.

4. Prior to any works being undertaken on the footpaths around the site details of how the roots of the trees would be protected as part of the laying of the footpaths shall be submitted to and approved in writing by the Local Planning Authority. The works thereafter shall be undertaken in strict accordance with the approved details.

Reason: In order to protect the trees on site.

5. No use of the recreation area to the west of the site shall occur unless and until full details of the timing of the activities are submitted to and approved in writing by the Local Planning Authority. The area shall only thereafter be used in strict accordance with the approved details.

Reason: in order to protect the aural amenity of the nearby residential properties.

Application Ref: 22/0659/FUL

Proposal: Full: Remodelling of land surrounding the mosque, including the provision of 49 No. additional car parking spaces and associated landscaping works, a fenced children's play area, access paths with lighting, steps within the woods, a water fountain, a 3G s

At Madina Mosque 144 Manchester Road Nelson

On behalf of: Mr Ishtiaq Mohammed