



REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND
REGULATORY SERVICES MANAGER

TO: NELSON, BRIERFIELD AND REEDLEY COMMITTEE

DATE: 30th JANUARY 2023

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO NELSON, BRIERFIELD & REELDEY COMMITTEE 30TH JANUARY 2023

Application Ref: 22/0316/FUL

Proposal: Full: Part conversion of upper floors of shop / storage (Use Class E) to residential flat (Use Class C3), installation of dormers to the front and rear roof slopes, erection of external metal staircase to rear and new rear doorway to first floor and erection of a single storey rear extension (Re-Submission).

At: 69 Scotland Road, Nelson

On behalf of: Mr A Hussain

Date Registered: 09/05/2022

Expiry Date: 04/07/2022

Case Officer: Laura Barnes

Site Description and Proposal

The site relates to a mid-terrace property within the settlement boundary of Nelson. It is located within the Primary shopping Area and Secondary Shopping Frontage in the Local Plan.

The application seeks planning permission to change the use of the first and second floors from storage (Use Class E - storage above the shop on the ground floor) to residential (Use Class C3).

The application includes some external alterations including an external metal staircase to provide access to the residential accommodation and the installation of dormers to the front and rear roof slopes.

Relevant Planning History

18/0846/FUL - Full: Change of use from Residential (Use Class C3) to Retail (Use Class A1) and retention of shop front and security shutters to east elevation (Retrospective).
Approved with conditions

21/0233/FUL: Full: Part conversion of upper floors of shop / storage (Use Class E) to residential flat (Use Class C3), installation of dormers to the front and rear roof slopes, erection of external metal staircase to rear and new rear doorway to first floor and erection of a single storey rear extension.

Refused

Consultee Response

LCC Highways

The development site was previously converted from residential (C3) to retail (A1) use under Planning Permission 18/0846/FUL. A further planning application for the part conversion of upper floors to a residential flat, installation dormers etc as the current application was submitted under application 21/0233/FUL. This was refused due to the unacceptable harm to the character and visual amenity of the surrounding area. The current scheme has included an amended design to the dormer on the front roof slope.

Having considered the information submitted, the Highway Development Support

Section does not have any objections regarding the proposed development at the above location. The development site has good links to the public transport network, local amenities and facilities, and is considered to be in a sustainable location.

Public Response

Nearest neighbours notified by letter, no response received.

Officer Comments

The main issue relates to the use of the property from storage (Use Class E) to residential (Use Class C3).

Policy

The following Pendle Local Plan Part 1: Core Strategy policies apply:

- CS Policy SDP2 (Spatial Development Principles) categorises settlements and aims to allocate most new development within existing settlement boundaries along the M65 Corridor;
- CS Policy ENV2 (Achieving Quality in Design) identifies the need to protect and enhance the character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that the siting and scale of development should be in context and harmony with the wider location;
- CS Policy WRK4 (Retailing and Town Centres) states that to help promote vitality, and maintain viability, the Council will seek to prevent high concentrations of non-shopping uses within Secondary Shopping Frontages;

Pendle Replacement Local Plan

- Saved Policy 25 (Location of Service and Retail Development) sets out a hierarchy for the effective allocation of new service/retail developments;
- Saved Policy 26 (Non-Shopping Uses in Town Centres and Local Shopping Areas) covers all proposals that would introduce non-shopping uses within town centre locations.
- Policy 31 sets out the requirement parking standards.

Principle of the use

This unit has previously been used as a residential dwelling, within the Town Centre. Policy WRK4 seeks to prevent a concentration of non-town centre uses. However, this proposal is for changes to the use of the first and second floors only and therefore will retain the shop frontage to the ground floor. As such, the proposed residential use would not conflict with Policy in this regard.

Impact on Amenity

The site is an existing commercial premises within the town centre close to other commercial and residential properties.

Residential use here, at first and second floors, would be compatible with surrounding commercial uses without causing any undue harm to residential amenity. The site is located within a Town Centre and there are both commercial and residential units in the area.

The proposed development is to have one ground floor side elevation window serving the proposed single storey extension to the rear. The neighbouring property has an existing two storey outrigger which also has a side elevation window looking towards the application site. It is recommended that the proposed kitchen window is obscure glazed, in order to prevent any loss of privacy to the neighbouring dwelling. This could be secured by planning condition. The proposed dormer to the rear would not overlook any neighbouring dwellings or have an overbearing impact upon them. As such, this element of the scheme is acceptable.

Overall, the proposed development accords with Policy EVN2 of the Local Plan: Part 1 Core Strategy in relation to amenity.

Design

The proposed development is to have two dual pitched roof dormers to the front and a flat roof dormer to the rear. The dormer to the rear would not be visible from any public vantage points which would cause harm to the visual amenity of the area. However, the dormers to the front roof slope would result in an addition to the roof which would break with the simple roof scape of the existing terraced block. It would appear incongruous with the rest of the terrace, which has had no alterations to the front roof slope. It is a simple and uninterrupted roofscape which is prominent in the town centre. As such, a dormers would not be appropriate in this location, contrary to Policy ENV2 of the Local Plan: Part 1 Core Strategy.

In terms of the metal staircase to the rear, it is a simple, functional structure which does not detract from the original building and would not be prominent in the publically available views of the building. There are no other proposed external alterations to the building as part of this application.

Parking and Highway Issues

The scheme does not propose any off-street parking and has none at present. It is, however, within close proximity to public car parks within the Town Centre and within a short walking distance of public transport including the bus and rail interchange. The Highways Authority have not objected to the proposals on this basis.

Summary

The site is located within Nelson Town Centre and has previously been used as a residential property. The proposed external alterations including dormers to the front and rear roof slopes as well as an external staircase to the rear. The external staircase and rear dormer would be acceptable. However, the front dormers are prominent within the street scene and would introduce an incongruous addition to an otherwise simple roof scape. As such, it conflicts with Policy ENV2 in this regard.

RECOMMENDATION: Refuse

By virtue of its prominent location within an uninterrupted simple roofscape the proposed dormers would dominate the front elevation and cause unacceptable harm to the character and visual amenity of the surrounding area, contrary to Policy ENV2 of the Local Plan: Part 1 Core Strategy.

Application Ref: 22/0316/FUL

Proposal: Full: Part conversion of upper floors of shop / storage (Use Class E) to residential flat (Use Class C3), installation of dormers to the front and rear roof slopes, erection of external metal staircase to rear and new rear doorway to first floor and erection of a single storey rear extension (Re-Submission).

At: 69 Scotland Road, Nelson

On behalf of: Mr A Hussain

REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE 30TH JANUARY 2023

Application Ref: 22/0389/HHO

Proposal: Full: Two storey side extension

At 1 Regent Place, Nelson.

On behalf of: Mr Muzzmel Ali

Date Registered: 13/06/2022

Expiry Date: 08/08/2022

Case Officer: Joanne Naylor

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

Site Description and Proposal

The application site is a two-storey end dwellinghouse on the corner plot of a terraced row and sited amongst dwellings of a similar scale and design. The site has a garden to the rear and side and to the front is space for parking. The property is located within the defined settlement boundary of Nelson.

The proposal is for the erection of a two storey side extension which would project beyond the rear wall of the dwellinghouse. The proposal would extend the pitched roof to the side elevation and would have a pitched roof to the two storey extension to the rear.

At the time of the site visit work had begun on the application site, subsequently the development has continued to be built prior to the determination of the planning application.

Relevant Planning History

21/0100/HHO: Full: Erection of a single storey side and rear extension. Approved with Conditions (5 May 2021)

13/02/0643P: Corner extension to dwelling at ground floor. Refused (6 November 2002).

Consultee Response

LCC Highways

I have viewed the plans and the highway related documents submitted and I have visited the site. I would raise no objection to this proposal; however, I'd make the following comments:

I would dispute the 3 parking places (Drawing no. U99-P02B), confidently 2 cars can be parked on the drive as it is tight for 3 cars. I do not also support a wall as opposite (no. 2 Regent Place), due to lack of visibility.

I would recommend the following condition as the development site's location is within a residential area we recommend that a condition is applied restricting the times of deliveries to ensure there is no conflict with traffic, both vehicular and pedestrian, at peak times entering/leaving the estate and on the surrounding highway network.

Conditions

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.

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

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

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 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.

Paragraph 134 of the National Planning Policy Framework (2021) states that poor design should be refused where it fails to reflect local design policies.

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 dwellinghouse has red brick wall to the first floor level with pebble dashed render above and has a red brick plinth and pebble dash render to the side and rear elevations and a pitched roof of natural slate. The dwellinghouses on Regent Place have materials of red brick plinths and walls and pebble dashed render or white render, these materials are characteristic to the property types in the area, there are also terraced rows of natural stone. The proposed extension would have yellow rendered walls to the front, side and rear elevations. The proposed materials for the walls would not match or be in keeping with the character of the dwellinghouse or the neighbouring properties. The proposed colour would be an incongruous addition to the street scene, and particularly noticeable with it being located on a corner plot. The proposal would have a pitched roof of natural slate and charcoal coloured uPVC windows and doors.

The Design Principles advises that window styles should match those on the original property and positioned to reflect the position of windows on the main dwelling. In addition the Design Principles also states that windows in side elevations overlooking neighbouring property should be avoided. The windows of the dwellinghouse have a vertical emphasis with the windows overall being taller than they are wide. The two proposed windows to the front elevation would be 2.5m wide x 1.2m high to the ground floor, and 2.5m wide x 0.9m high. To the side elevation the ground floor window would be 1.5m wide x 1m high, and the first floor window would be 1.6m wide x 0.9m high. The two windows to the rear elevation have a vertical emphasis and match more closely to the existing windows. The windows to the front and side elevations would not reflect the scale, design or positioning of the existing windows and would be an incongruous design to the building. The scale, design and positioning of the windows would be an alien design to the existing dwelling and would result in poor design.

The Design Principles advises that particular attention is needed for the design of extensions on corner plots due to the prominence in the street scene and that extensions on corner plots should be set in by 2m from the boundary. However, the dwellinghouse opposite at No.1 Regent Place has a two storey extension up to the boundary which has been approved and would not affect the character of the surrounding area here. In addition, the proposed two storey extension would have a length of 9.9m which would be the same length approved under planning permission 21/0100/HHO. The proposed two storey extension would not be set back from the front elevation and would be marginally less in width than the existing dwellinghouse. The ridgeline of the proposal would retain the height of the dwellinghouse, with the rear projection having a ridgeline which would be lower than the dwellinghouse ridgeline, the application site is also set down by circa 0.7m from the highway. The proposed development would appear as proportionate to the original dwelling.

The plans indicate that a fence will be erected around the boundary, at the time of the site visit the fence was in place at a height of circa 1.8m, however, the fence will be to the rear of the proposed extension and to the front, a gap will be left along the side elevation for the windows on the side elevation. LCC Highways have raised a concern that the fencing could potentially impact the visibility to the highway. Therefore a suitable condition could be placed to ensure the fencing to the front and side abutting the highway to be less than 1m in height.

The proposed materials would not be in keeping with the existing dwellinghouse resulting in poor design. The design, scale and positioning of the windows would be an alien design and the materials and design of the proposed extension would result in poor design. The materials and design would not conform to paragraph 134 of the Framework, Policy ENV2 and the Design Principles.

Residential Amenity

The proposed two storey extension would project 2.3m more than the existing rear elevation of the dwellinghouse, the adjoining neighbour at No. 3 Regent Place has a single storey rear extension to the rear yard, there are no windows to the side elevation or roof facing No. 1 Regent Place, the proposed extension would not result in an overbearing effect.

The Design Principles SPD advises that extensions should not have an unacceptable impact upon residential amenity. To the rear of the proposed two storey extension there would be a wet room on the ground floor and an ensuite on the first floor, these windows would be obscure glazed. To the rear elevation, the proposed extension would face the gable wall of No. 89 Regent Street which is currently used as a shop (granted under planning permission 13/16/0069P), however there could be residential use at the first floor, as the windows are obscure glazed there would be no unacceptable residential amenity impact. The proposed extension would have one ground and one first floor window to the front elevation, these windows would face the dwellinghouses opposite who have habitable room windows to the front elevation. There is already an existing relationship with habitable room windows facing habitable room windows in properties opposite, the distance between the dwellinghouses is 21m which would be sufficient distance as stated in the Design Principles

The windows on the side elevation would be for one ground floor and one first floor bedroom window which would have a view to No. 55 Newport Street which is on a corner plot and has windows on Newport Street and Regent Street, there is a distance of circa 22m between the side elevation windows and 55 Newport Street. The proposed windows could also view towards No. 58 and No 66 Regent Street which have habitable room windows, however, No 58 and No 66 Regent Street are at an oblique angle and there is a distance of circa 19m between windows facing each other, the highway between and the distances and the oblique angle of the dwellinghouses would ensure there was no unacceptable residential amenity harm to these properties.

Subject to suitable conditions the proposed extension would be acceptable in residential amenity terms and would conform to Policy ENV1, Policy ENV2 and the Design Principles SPD.

Highways

The proposed development would increase the bedrooms from two bedrooms to four bedrooms plus a study. In accordance with the Council's parking standard this would require three vehicular parking spaces. The applicant has submitted details indicating that three off-street parking spaces could be accommodated within the boundary of the application site which would be 4.8m x 2.4m. LCC Highways has stated that there is space for two cars to be comfortably parked within the curtilage of the application site, however, LCC Highways do not raise an objection to the proposal. In addition, LCC Highways have stated that walls or fences to the highway which limit visibility would not be supported. A suitable condition to manage the boundary treatment to the highway could be placed to mitigate highway safety issues.

RECOMMENDATION: Refuse

The proposed design, materials and fenestrations would be incongruous to the character and appearance of the existing dwelling. This would cause harm to the character and appearance of the wider visual amenity and would result in poor design. This would be contrary to Pendle Local Plan Part 1: Core Strategy Policy ENV2, the Design Principles Supplementary Planning Document and Paragraph 134 of the National Planning Policy Framework 2021.

Application Ref: 22/0389/HHO

Proposal: Full: Two storey side extension

At 1 Regent Place, Nelson.

On behalf of: Mr Muzzmel Ali

REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE 30TH JANUARY 2023

Application Ref: 22/0546/VAR

Proposal: Variation of Condition: Variation of Conditions 4 (Foul & Surface Water Drainage), 7 (Updated Landscaping including footpath) and 8 (Updated Landscaping showing visibility splays) and Discharge of Conditions 3 (Materials), 5 (Window Reveal Details), and 6 (Construction Method Statement) of Planning Permission 22/0150/FUL.

At: Land to the South of Chamber Hill Farm, Clitheroe Road, Brierfield

On behalf of: Consensus Support

Date Registered: 24/08/2022

Expiry Date: 19/10/2022

Case Officer: Laura Barnes

The application is before the committee for determination due to the level of public interest.

Site Description and Proposal

The application site relates to a piece of land adjacent to No. 43 Clitheroe Road. It is immediately to the south of Chamber Hill Farm and immediately to the north of two pairs of semi-detached dwellings (Nos. 20-26 Clitheroe Road). The western boundary is the access track to Chamber Hill Farm, beyond which is the M65. The application site measures 2,523 sqm (0.25 ha) and is located within the settlement boundary. A Public Right of Way 13-3-FP-6 runs around the north western perimeter of the site from Clitheroe Road towards Chamber Hill Farm and beyond towards the rear of properties on Chatburn Park Drive.

The applicant seeks a variation to the planning permission for the proposed building to amend the following:

- Foul & surface water drainage
- Landscaping plan, including footpath
- Landscaping plan, including visibility splay
- Amount of car parking

It also seeks to discharge the following conditions:

- Materials
- Window Reveal Details
- Construction Method Statement

Relevant Planning History

19/0788/PIP: Permission in Principle: Erection of five detached dwellings.
Approved unconditionally

22/0150/FUL: Erection of a two storey building comprising 8 No. supported living apartments with associate car parking and landscaping.
Approved with conditions.

Consultee Response

LCC Highways

Condition 6:

There is no objection to the discharge of this condition. The statement and compound drawing should be adhered to throughout the construction phase.

Condition 8:

The submitted drawing '204 Proposed Landscaping Rev B3 05/08/22 is acceptable. There is no objection to the discharge of this condition.

United Utilities

No objection

Lancashire Lead Local Flood Authority

No comment

Public Response

Nearest neighbours have been notified by letter, a site notice has been displayed. Multiple letters of objection have been received. The following issues have been raised:

- Concerns regarding the lack of publication of this application
- Loss of privacy due to proposed position of footpath
- Lack of consideration for local wildlife
- Unsure of the proposed height of the property
- The removal of the dry stone wall is unacceptable
- Noise during the construction phase will cause a nuisance
- The proposed footpath crosses a private driveway

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 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 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.

Design

The proposed change does not affect the external appearance of the building. However, the amended plan does have a footpath in a different position and additional car parking spaces. Rather than running through the site and around the side of the building to connect up with the existing public right of way, the amended plan indicates a footpath running along the Clitheroe Road frontage of the site. Although there are more car parking spaces, these are to be positioned in the same place as the previously approved plan, therefore there would be no more harmful impact when compared with the previous approval in this regard.

In terms of the construction materials, the applicant has submitted the following:

Base wall: Red Ibstock Lenton Dark Multi Brick

Upper walling: finished in through render to be off white in colour

Roof: Interlocking Marley Edgemere in anthracite

Rainwater goods: Aluminium coloured anthracite

Window frames and doors: UPVC coloured anthracite

Boundary Treatments: Close boarded fencing

Car Parking Area: Permeable asphalt with concrete kerb edges, timber kick rails and dropped kerbs will have blister paving

Footpaths and patio areas are to be concrete paving

The applicant has also submitted a detailed cross sectional drawing of the proposed windows indicating that the window reveal would be 70mm. This is acceptable and is in accordance with condition 5 of the approval 22/0150/FUL.

The proposed materials are acceptable and accord with Policy ENV2 and the Design Principles SPD in this regard. As such, the materials schedule can be added to any decision notice.

Residential Amenity

Although some comments from members of the public have been received relating to the height of the building, this has not changed from the previously approved scheme. The proposed amendments to the previously approved scheme would not affect the position of any of the walls or windows in relation to neighbouring properties. Therefore, the impact would remain the same as previously assessed.

Highways

The proposed variation seeks to amend the number of car parking spaces. Previously the site layout indicated three regular car parking bays and one disabled, the proposed scheme indicated seven regular spaces and one disabled bay. Given that the proposed development comprises eight apartments, this level of car parking is acceptable. Due to the need to accommodate a footpath along the site frontage, the stone wall which is currently running along the site frontage will have to be removed, to accommodate visibility splays. The Highways Authority have no objection to the Construction Method Statement or visibility splays. I concur with this view and this information can be added to any decision notice.

Foul & Surface Water Drainage

The applicant has submitted an amended foul and surface water drainage strategy which details the position of the existing and proposed foul & surface water drains.

The amended scheme has been reviewed by United Utilities. Initially there was concern that the information submitted was not satisfactory. Following the initial responses from United Utilities, the applicant provided further details in the form of Drawing 11194-100-P6 and a Report titled "Surface Water & Foul Drainage Scheme, Rev A" prepared by Reil Jones Partnership.

The report details that the surface water will be discharged into the combined sewer, following investigations into the drainage hierarchy, in accordance with the Framework. United Utilities are satisfied with the proposals which have been put forward. I concur with this view and the strategy should be added to any decision notice.

Reason for Decision

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

RECOMMENDATION: Approve

Subject to the following conditions:

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

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

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

- Location Plan - Dwg 000
- Proposed Site Plan - Dwg 203 Rev B3
- Proposed Landscaping Plan – 204 Rev B3
- Proposed Ground Floor Plan - Dwg 103
- Proposed First Floor Plan - Dwg 104
- Proposed Roof Plan - Dwg 105
- Proposed Front Elevation Plan - Dwg 110
- Proposed Rear Elevation Plan - Dwg 111
- Proposed Side Elevation Plans - Dwg 112
- Proposed Site Sections – 220
- Window reveal detail Rev B5
- Site Compound Plan 205 Rev B4

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

3. The development shall be carried out in strict accordance with the approved materials which have been submitted to an assessed by the Council on 12/08/2022.

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

4. The foul and surface water drainage shall be carried out in strict accordance with the Proposed Drainage General Arrangement 11194 – 100 – P6 and “Surface Water & Foul Drainage Scheme, Rev A” prepared by Reil Jones Partnership, dated 09/12/2022.

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.

5. All windows shall be set back from the external face of the walls by 70mm as indicated in the Window Reveal Detailed Cross Section Plan Rev B5.

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

6. The development shall take place in strict accordance with the Construction Method Statement, received on 12/08/2022.

Reason: In the interests of neighbouring amenity and highway safety

7. The development shall be carried out in accordance with the scheme for the site access and off-site highway, detailed in Dwg 102 Rev B3. The works shall be implemented prior to the first occupation of the development.

Reason: In the interests of highway safety

8. 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 over 1m above road level. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4 m measured along the centre line of the proposed road from the continuation of the nearer edge of the carriageway of Clitheroe Road to points measured 43m to both sides of the nearer edge of the carriageway of Clitheroe Road, from the centre line of the access, in accordance with a Dwg 204 Rev B3.

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

9. Prior to the occupation of development the site access road, parking and turning areas shall be constructed in a bound porous material, marked out and made available for use and maintained for that purpose for as long as the development is occupied.

Reason: In the interests of highway safety

10. Prior to first occupation a secure covered cycle store and electric vehicle charging point shall be installed.

Reason: To ensure there are options available for sustainable travel

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

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

12. The premises shall only ever be used for the provision of supported living accommodation and for no other purpose whatsoever.

Reason: The car parking is sufficient for a supported living use but alternative uses have not been assessed in this case

13. Prior to the first occupation of the development all of the measures set out in the noise assessment shall have been carried out and completed in their entirety and shall thereafter be retained.

Reason: In the interests of residential amenity for future users of the development.

14. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order, 2015 (or any other order revoking or modifying that Order) the development hereby permitted shall not at any time have any additional windows, doors, dormers or other openings inserted in the south elevation unless with the prior written consent of the Local Planning Authority as to the location, size, design and degree of obscurity of the glazing in the new opening and any window thereafter installed shall at all times comply with the details approved.

Reason: To safeguard residential amenity.

Application Ref: 22/0546/VAR

Proposal: Variation of Condition: Variation of Conditions 4 (Foul & Surface Water Drainage), 7 (Updated Landscaping including footpath) and 8 (Updated Landscaping showing visibility splays) and Discharge of Conditions 3 (Materials), 5 (Window Reveal Details), and 6 (Construction Method Statement) of Planning Permission 22/0150/FUL.

At: Land to the South of Chamber Hill Farm, Clitheroe Road, Brierfield

On behalf of: Consensus Support

REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE 30TH JANUARY 2023

Application Ref: 22/0753/FUL
Proposal: Full: Demolition of chimney.
At: 3 Woodside Terrace, Nelson
On behalf of: Raja Raheel Munawar
Date Registered: 16/12/2022
Expiry Date: 10/02/2023
Case Officer: Laura Barnes

Site Description and Proposal

The application site relates to a mid-terraced dwelling adjacent to the M65 motorway in the Whitefield Conservation Area. It is located within the settlement boundary for Nelson.

The proposal is for the removal of the internal and external elements of the chimney. The terraced row is characterised by chimneys on each of the rooves of the properties which have a front-to-back alignment and five clay pots sitting on top of the stack. At the time of the site visit the works had already been undertaken.

Relevant Planning History

None relevant

Consultee Response

LCC Highways

No objection

Public Response

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

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy SDP2 states that proposals for new development should be located within a settlement boundary unless it is an exception identified in the Framework or the Development Plan.

Policy ENV1 concerns enhancing and preserving heritage assets, such as Conservation Areas.

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

Replacement Pendle Local Plan

Policy 31 (Parking) states that the Council will support new development in line with the maximum car parking standards.

Conservation Area Design & Development SPD

In relation to chimneys, the guidance is as follows: Chimney stacks and pots should always be retained, and where they have been capped-off or truncated, they should wherever possible be reinstated to their original profile.

National Planning Policy Framework

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

Design & Heritage

The proposed development is located within the Whitefield Conservation Area. The Conservation Area Design & Development SPD sets out the importance of chimneys as a feature in the roofscape of Victorian terraced properties. Given that the remainder of the row has the chimney stack and pots intact the removal here creates an imbalance in the uniformity of the terrace. The removal of the chimney has a significant impact upon the visual amenity of the area and would result in harm to the character and appearance of the Conservation Area.

In accordance with paragraph 202 of the Framework, a balancing exercise must be undertaken where there is less than substantial harm to a heritage asset. In this case, there would be no public benefit outweighing the harm, as such it is contrary to paragraph 202 of the Framework, Policy ENV1 and the Conservation Area Design & Development SPD.

Residential Amenity

The Council's Design Principles SPD states that development should protect neighbours' enjoyment of their home. Preventing overlooking, overshadowing and loss of light are all important elements of protecting neighbouring amenity.

In this case, the proposed development would have no impact upon neighbouring properties.

As such, the proposed development accords with Policy ENV2 and the Design Principles SPD in this regard.

Highways

There is no highway safety issue in this case.

(1) RECOMMENDATION: Refuse

For the following reasons:

1. The removal of the chimney stack which is an important feature in the Victorian terrace would create an imbalance in the uniformity of the terrace and lead to a harmful impact upon the character and appearance of the visual amenity of the area, this would result in less than substantial harm to the character and appearance of the Conservation Area. This harm is not outweighed by any public benefit and is directly in conflict with paragraph 202 of the Framework, Policy ENV1 of the Local Plan: Part 1 Core Strategy and the Conservation Area Design & Development SPD.

(2) *RECOMMENDATION: Enforcement Action*

It is recommended that enforcement action is taken in this case, to require the chimney to be reinstated.

Application Ref: 22/0753/FUL

Proposal: Full: Demolition of chimney.

At: 3 Woodside Terrace, Nelson

On behalf of: Raja Raheel Munawar

Date Registered: 16/12/2022

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE 30th JANUARY 2023

Application Ref:	22/0772/HHO
Proposal:	Full: Erection of wall at front of property and installing gates and infill panels.
At:	161 Reedyford Road, Nelson, BB9 8ST
On Behalf of:	Mr Manzoor Ahmed
Date Registered:	5 th December 2022
Expiry Date:	30 th January 2023
Case Officer:	Yvonne Smallwood

Site Description and Proposal

The application site is a semi-detached property in a residential area within the settlement boundary of Nelson. It is positioned on a residential street, surrounded by similar houses. There is a primary school located on Holland Place to the north east of the site.

The proposal is to erect 2m pillars and walls with infill panels, vehicular gates and a pedestrian gate 1.8m high to the north (front) boundary of the application site.

This application is part retrospective.

Relevant Planning History

20/0116/HHO Full: Erection of a two storey and single storey extension to rear – Approved with Conditions, 15.04.2020

13/15/0043P – Full: Demolish existing outbuilding and erect a part two storey/part single storey extension to rear of dwelling house – Approved with Conditions, 2015

13/06/0369P – Full: Remove outbuildings; extend ground floor at rear; replace garage and store – Refused, 2006

13/06/0546P – Full: Extension to rear at one and two storeys; rebuild garage – Approved with Conditions, 2006

Consultee Response

Highways LCC –

The site was visited on 13 December 2022 when it was noted that the front boundary wall and gate pillars had already been erected. It was also noted that a 2m high side boundary wall with 159 Reedyford Road had been constructed. Having considered the information submitted, together with site observations, the height of the stone boundary wall to the front of the site would obstruct visibility to and from the site for vehicles exiting onto Reedyford Road. The wall would also obstruct the view of vulnerable highway users (pedestrians) on the footway outside the property, including those going to and from the primary school located on Holland Place. The highway authority therefore raises an objection on highway safety grounds.

To alleviate our objection a visibility splay must be provided with all structures including any walls, fences, posts or gates, at a height below 1m. The splay should be measured as follows, a distance of 2m back from the edge of the footway by 45 degrees which will result in an opening of 4m. It is noted on the drawing that the opening is proposed at 3.70m approximately, therefore this will need widening to 4m to provide the appropriate splays for highway safety reasons.

Alternatively, the walls, fences, posts and gates will need to be lowered to a maximum height of 1m.

The gates should open inwards or be sliding, however the separate pedestrian gate arrangement would prevent a sliding gate being provided.

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 IMPORTANT!!!!

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. Prior to carrying out works, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Nelson Town Council

Public Response

Nearest neighbours notified by letter without response.

Officer Comments

Policy

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

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

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

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

ENV2 – requires high standards of quality and design in new development and the need to be in scale and harmony with the surroundings. The proposed walling and fencing is much higher than that of the neighbouring properties, who have picket fences, stone/brick walls or privet hedging up to 1m in height.

SPD 5.24 states that the style and materials of walls, gates and fences should match or be in harmony with the existing style of the area. Highway visibility should be preserved.

The proposed materials are coursed artificial stone with dark grey UPVC trellis infill. The gates would be dark grey UPVC. There are a variety of boundary materials along Reedyford Road, therefore the proposed materials would be acceptable and would accord with Policy ENV2 and the Design Principles SPD.

A boundary with a height of 1m would be the maximum height for Permitted Development for a wall, fence or gate fronting a highway. The proposed development is 2m high for the pillars, with infill panels marginally lower. The gates would be 1.8m. These developments would exceed the 1m maximum height and are therefore contrary to ENV2 and Design Principles SPD.

Amenity

The Design Principles SPD 5.24 states that the style and materials of walls, gates and fences should match or be in harmony with the existing style of the area. The surrounding area is typified by picket fences, stone/brick walls, concrete infill panels or privet hedging up to 1m in height. The proposed development would be too large and domineering in the streetscene and would therefore be contrary to ENV2 and Design Principles SPD.

Highways

Highways LCC have raised an objection to this proposal on highway safety grounds. The height of the stone boundary wall to the front of the site would obstruct visibility for drivers accessing Reedyford Road. The wall would also obstruct the view for pedestrians using the footway outside the property, thereby posing a hazard to drivers and pedestrians, particularly given the close proximity of the Primary School on Holland Place.

In order for the objection raised by Highways LCC to be alleviated, suitable visibility splays would need to be provided for highway safety reasons: none have been received.

Alternatively, the walls, fences, posts and gates would need to be lowered to a maximum height of 1m and the gates would need to open inwards or be sliding.

The Highway visibility would be reduced by the proposed pillars, walling, infill panels and gates, therefore this application is unacceptable and contrary to the Pendle Design Principles SPD, which states that highway visibility must be preserved.

(1) RECOMMENDATION: Refuse

1. The proposed stonework, infill panels and gates to the front of the site would obstruct visibility to and from the site for vehicles accessing Reedyford Road. The proposal would also obstruct the view pedestrians on the footway outside the property, including those going to and from the primary school located on Holland Place. The development would thus lead to a danger to pedestrians and would be inimical to highway safety and is therefore unacceptable.
2. The proposed development would cause unacceptable harm to the character and visual amenity of the area, contrary to Policy ENV2 of the Local Plan Part 1: Core Strategy and the guidance of the Design Principles Supplementary Planning Document.

(2) *RECOMMENDATION: Enforcement Action*

It is recommended that enforcement action is taken to remove this development as the development has already occurred. The developer could benefit from Permitted Development rights and erect a front boundary of up to 1m in height.

Application Ref: 22/0772/HHO

Proposal: Full: Erection of wall at front of property and installing gates and infill panels.

At: 161 Reedyford Road, Nelson, BB9 8ST

On Behalf of: Mr Manzoor Ahmed

REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE 30TH JANUARY 2023

Application Ref: 22/0821/HHO

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

At 34 Rook Street, Nelson.

On behalf of: Mrs Salma Arif.

Date Registered: 06/12/2022

Expiry Date: 31/01/2023

Case Officer: Joanne Naylor

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

Site Description and Proposal

The application site is a mid-terrace house located within the settlement boundary of Nelson. The dwelling house has natural stone walls with a pitched natural slate roof. The application site fronts onto the pavement and has a yard to the rear with a single storey extension with a pitched roof serving as a kitchen. The application site is within an area of predominately terraced houses.

The proposed development would erect a front dormer to the front elevation of the roof and a rear dormer to the rear elevation of the roof. Both proposed dormers would have a flat roof of rubber membrane, walls would be small format hung concrete roof tiles and uPVC windows.

Relevant Planning History

None relevant.

Consultee Response

LCC Highways

The dwelling is sited within an area of terraced housing where there is a high demand for on-road parking. However, it is also located within acceptable walking distances of local amenities and facilities, including public transport, which may reduce the reliance on the use of private vehicles. Therefore, the Highway Development Control Section would raise no objection to the proposal on highway grounds

Parish/Town Council

No comment.

Public Response

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

Relevant Planning Policy

Pendle Local Plan Part 1: Core Strategy

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

Policy ENV1 (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.

Paragraph 134 of the Framework states that poor design should be refused where it fails to reflect local design policies.

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.

The proposed materials for the front and rear dormers would have a flat roof of rubber membrane, small format hung concrete roof tiles and uPVC windows. The application site has a pitched roof of natural slate tiles, the flat roof and materials of the proposed dormers would not match the materials used on the application site, these materials of natural slate tiles are characteristic to the area, the proposed materials would not match the existing materials and would be poor design.

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. In addition, dormers on the front of a roof slope will not normally be acceptable unless they are a feature of other similar houses in the locality (e.g. where at least 25% of properties have front dormers in a terrace block/frontage). In this area front and rear dormers are not characteristic. The design of the front dormer and the rear dormer would be set in by circa 0.4m and set back from the front elevation by circa 0.4m, and set down from the ridgeline by circa 0.3m. The Design Principles SPD advises that front dormers with flat roofs are not acceptable. The proposed dormers would dominate the roof slope resulting in an overbearing effect and the property appearing unbalanced.

The proposed front dormer would not respect the simple and unaltered roofscape, 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 dormers would cause unacceptable harm to the character and visual amenity of the area contrary to Policy ENV1 and Policy ENV2, Paragraph 134 of the Framework, and the Design Principles SPD.

Residential Amenity

The proposed front dormer would have a window to the front elevation at second floor. The distance between the front elevations of the application site to the front elevation of the properties opposite would be circa 13m. 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 rear dormer would face the rear of the terraces of Elizabeth Street, across the backstreet, which have habitable room windows to the rear elevation, the distance between the proposed dormer to the rear elevation of the dwellinghouse would be circa 13m, here there is already an existing relationship of habitable rooms facing each other, there would be no greater impact on amenity than is already existing.

The proposed development would comply with Policy ENV2 and the Design Principles SPD.

Highways

The proposed development would increase the number of bedrooms by two. The area the application site is located within has a high demand for on-road parking, however, as it is within walking distance of facilities and public transport, LCC Highways have not raised an objection.

RECOMMENDATION: Refuse

The proposed dormers would be incongruous and out of keeping with its surroundings and would represent poor design, this 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 the Local Plan Part 1: Core Strategy, Paragraph 134 of the Framework, and the Design Principles Supplementary Planning Document.

Application Ref: 22/0821/HHO

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

At 34 Rook Street, Nelson.

On behalf of: Mrs Salma Arif.

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE 30th JANUARY, 2023

Application Ref: 22/0843/HHO

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

At: 16 Cliffe Street, Nelson

On Behalf of: Mrs Sahir Nisa Shahid

Date Registered: 15.12.2022

Expiry Date: 09.02.2022

Case Officer: Yvonne Smallwood

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

Site Description and Proposal

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

The proposal seeks to insert dormer windows to the front and rear roofslopes. The proposed materials would be concrete tiles with a flat rubber roof and UPVC windows.

Relevant Planning History

None

Consultee Response

Highways LCC –
No objections

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

The Framework 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 concrete tiles, with a rubber flat roof and UPVC windows. The UPVC windows would match existing, however the proposed concrete tiles would not match the existing slate roof and would therefore not accord with Policy ENV2 and the Design Principles SPD.

The proposed front dormer window would be of a modern 'box' style'. The dormer would be set down from the ridgeline by circa 0.2m and set back from the eaves by 0.3m. The dormer would be set in from the sides by 0.5m. The front dormer would be seen as an incongruous addition within the terraced row, being immediately visible from public vantage points along Cliffe 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 to 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.

Application Ref: 22/0843/HHO

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

At: 16 Cliffe Street, Nelson

On Behalf of: Mrs Sahir Nisa Shahid

REPORT TO NELSON, REEDLEY AND BRIERFIELD COMMITTEE 30TH JANUARY 2023

Application Ref: 22/0852/FUL

Proposal: Full: Change of use from C3 (Dwelling) to a Residential Children's Home (C2).

At: 83 Chapel Street, Brierfield, Nelson, BB9 5DF

On behalf of: Welfare First Ltd

Date Registered: 21.12.2022

Expiry Date: 15.02.2023

Case Officer: Yvonne Smallwood

This application has been brought to Committee due to 3+ objections having being raised.

Site Description and Proposal

The application site is a detached 3 bedrooomed mid-terraced house located within the settlement boundary of Nelson. The street leads to a cul-de-sac to the north east.

This application seeks a change of use from a Dwelling (C3) to a Residential Children's Home (C2). No external developments are proposed to the house, save the installation of security lighting, which would be possible under Permitted Development if it accords with the criteria.

It is noted that the first iteration of the submitted plans included a dropped kerb of 4.35m and a 3.9m driveway was proposed to the front elevation. The minimum length for a driveway would be 4.8m. Amended plans have been received with this element removed.

Relevant Planning History

None

Consultee Response

LCC Highways –

No objection for change of use. However, due to the current vehicular crossing policy we are unable to grant permission for the proposed crossing due to the driveway being less than 4.8m. Please remove the parking space of the Plan Number TQRM22353191122039, 19 Dec 2022, submitted.

United Utilities

PBC Engineering and Drainage

Environmental Health

Architectural Liaison Unit

Brierfield Town Council

Public Response

Nearest neighbours notified by letter with three objections summarised below:

- Noise through the thin walls of adjoining neighbours.
- Staff parking. There is already a lack of parking. Residents from Lime Field Avenue parking on the cul-de-sac
- Council has duty to protect vulnerable children. In this location children would be at risk.
- Request that the landlord of the property takes responsibility for arising issues
- Preference expressed for someone to live in the property and be part of the community.
- Area has substance users/alcohol and crime, drugs, violence and sexual offences. Area is rife with crime: can be seen on police crime website.
- Questioning whether the neighbours' houses could be devalued.
- Children playing out with other children causing noise on summer evenings.
- Suggestion that the property be used for an old people's home as they would be quieter.
- The children in the home being vulnerable to exploitation and grooming due to life experiences.
- Other children's homes in Brierfield have caused a lot of problems and incidents for locals.
- The cul-de-sac on Chapel Street has had lots of issues for years, including drug dealing and issues with children from the surrounding area

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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.

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

SUP1 (Community Facilities) sets out the approach to the provision of community services and facilities, protecting the loss of facilities and the contribution of new facilities.

Replacement Pendle Local Plan

Saved Policy 31 (Parking) 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.

Principle of Development

The application site is an existing residential property, located within the settlement boundary of Brierfield, amongst similar dwellings on a street leading to a cul-de-sac. The proposed use would also be within a residential capacity, albeit of a care nature and not a typical family use, however it would still be an acceptable use in this location.

Design

The application does not include any external alterations, save the intended installation of security lights. These could be installed under Permitted Development rights, providing they meet the criteria.

Impact on Amenity

The application site is located within a residential area, amongst residential properties. The dwelling has 3 bedrooms. There would be a maximum of two children up to the age of 18 living at the home at any time.

There would be a maximum of two staff on duty at one time. There are on-call managers on duty who would call to the house, should an issue arise.

Given that the residents would be children, they would normally be at school or college during the day.

There are 3 bedrooms in the property. One of the bedrooms would be used by staff who could take turns to sleep during the night.

The shift pattern would be 8am – 6pm, 6pm – 8pm and would remain the same every day, including weekends.

The change of use would not result in any unacceptable adverse impact to the residential amenity of neighbouring properties. Therefore, the proposed change of use would be in accordance with Policy ENV2.

Highways

The first iteration of the proposed plans included a parking space to the front of the property. As this space was smaller than the minimum requirement of 4.8m, the applicant submitted amended plans, having removed the parking space from the proposal.

Highways LCC have raised no objection to this proposal. Therefore the proposal would be acceptable in regard to highway safety.

Other Matters

There have been four letters of objection received in relation to this change of use from a dwelling to a residential children's home. The issue is to consider what impacts a development of this nature would have, including looking at whether it would be different from a dwelling.

Comments have been received relating to noise through the adjoining walls of neighbours. There would only be 2 children residing in the home at any time, which would be similar to any family dwelling of this size. Having children in a house and two adults would be no different to a family occupying the house.

Parking has been raised as a current problem on Chapel Street. The staffing of the home would be 1 or 2 workers on a shift at one time. Not all of the staff have vehicles. This would be similar to a family dwelling with regard to parking requirements. No objections have been raised from Highways, therefore it is considered that this change of use would be acceptable in regard to highway safety.

Concerns have been raised relating to local drugs, alcohol, crime, grooming, exploitation, violence and sexual offences. There is no evidence to suggest that children in care would lead to such issues happening and to any form of anti-social behaviour.

The potential change in value of surrounding properties is not a material planning consideration and again cannot be a reason to refuse this application.

It was suggested in one of the responses that the property be used as a home for the elderly, however in planning we can only deal with the application we have received, which in this case is a children's home.

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 change of use is acceptable in terms of policy, 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: Plans received 19.12.2022 and amended plan received 05.01.2023 and 17.01.2023

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

3. The premises shall be used as a residential care home or secure accommodation for up to 2 young people, aged up to 18 years, only and for no other purpose including any other purpose in Class C2A of the Schedule to the Town & Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: In the interest of residential amenity.

Application Ref: 22/0852/FUL

Proposal: Full: Change of use from C3 (Dwelling) to a Residential Children's Home (C2).

At: 83 Chapel Street, Brierfield, Nelson, BB9 5DF

On behalf of: Welfare First Ltd

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 12th January, 2023