

REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND
REGULATORY SERVICES MANAGER

TO: NELSON, BRIERFIELD AND REEDLEY COMMITTEE

DATE: 27TH FEBRUARY 2023

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

Application Ref: 22/0521/ADV

Proposal: Advertisement Consent: Installation of internally illuminated fascia advertisement above shop front (retrospective).

At 98-100 Manchester Road Nelson

On behalf of: Mr Shehraz Aktar

Date Registered: 03.08.2022

Expiry Date: 9/28/2022

Case Officer: Neil Watson

Site Description and Proposal

The application has been brought back to Committee as the agent has not responded to requests to reduce the light impact.

The application site sits on the main road into Nelson. The shop front has been replaced so the application is a retrospective one.

The proposal is to install an advertisement that will be illuminated.

Relevant Planning History

No relevant planning history.

Consultee Response

Highways: I consider the proposal to have a negligible impact on highway safety and capacity in the vicinity of the site. I have no objection to this proposal providing the following conditions are applied to the formal decision notice.

Public Response

One letter of objection has been received:

Because of the position of my house I am directly and adversely affected by the BRIGHTNESS of the pink illuminated fascia above the shop front. Chocstop does NOT need to be so fiercely illuminated as it cannot be seen by people who are approaching from left or right on Manchester Road. Simple, low level lighting would still tell the public the shop name.

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 shop fronts.

The application site lies within a conservation area. There is a duty to consider the preservation and enhancement of conservation areas.

Para 202 of the NPPF 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.

Officer Comments

The application is to have an illuminated advertisement on the shop front. The advertisement would not require consent without the illumination and as such it is the illuminated element that is the main issue to consider.

The site lies in the Whitefield Conservation Area and there is a duty to preserve and enhance the conservation area in accordance with section 172 of the Listed Buildings and Conservation Areas Act.

The area has a large array of different shop fronts with different forms of illumination. These are predominantly back lit without individual letters illuminated. The row on which this shop front sits has different shop fronts but does not have brightly illuminated adverts.

The Council recognises the essential commercial function of advertisements, however, they can have a significant effect on the character or appearance of an individual building or an area and can detract from these if not considered carefully. Advertisements should not adversely affect the architectural character of buildings and areas within Pendle. They should be designed to enhance the appearance of street scenes. The Council's Design Principles SPD contains guidance on the design of shop front advertisements.

In this case the advert is bright and would stand out significantly from the remainder of the frontage. It is bright, although this could be controlled by conditions and would considerably detract from the conservation area. A more modest level of lighting and a different colour scheme may be appropriate. The illuminated section of the advert would harm the significance of the conservation area and although this would be less than significant it would not be outweighed by the public benefits.

It states that advertisements should be of a high standard of design which relates architecturally with the building upon which they are fixed, should be sympathetic to the surrounding locality and street scene and be finished / coloured carefully without detriment to the overall street scene. The proposed advertisement would be garish and jar with the existing surrounding street scene. It would result in a shop front advertisement which does not consider the context within which it is located and would lead to harm to the character and appearance of the Conservation Area. The advertisement represents poor design, contrary to paragraph 134 of the Framework in this regard.

It is also contrary to paragraph 202 of the Framework, Policies ENV1 & ENV2 of the Local Plan: Part 1 Core Strategy, the Design Principles SPD and the Conservation Area Design & Development Guidance, which requires any harm to heritage assets to be outweighed by public benefit.

The complaint regarding the level of illumination could be dealt with by way of an appropriate conditions.



RECOMMENDATION: Refuse

1 The advertisement is out of character with the visual amenity of the area and represents poor design, in conflict with paragraph 134 of the National Planning Policy Framework and Policy ENV2 of the Local Plan: Part 1 Core Strategy. It would result in an unacceptable adverse impact upon the character and appearance of the Conservation Area, contrary to paragraph 202 of the Framework, Policy ENV1 of the Local Plan: Part 1 Core Strategy, The Design Principles SPD and the Conservation Area Design and Development Guidance SPD.

Application Ref: 22/0521/ADV

Proposal: Advertisement Consent: Installation of internally illuminated fascia advertisement above shop front (retrospective).

At 98-100 Manchester Road Nelson

On behalf of: Mr Shehraz Aktar

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE 27TH FEBRUARY 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

This has been brought before Committee as it was deferred for a Committee site visit.

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.

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.

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 AND REEDLEY COMMITTEE 27TH FEBRUARY 2023

Application Ref: 22/0776/FUL

Proposal: Full: Refurbishment of farmhouse and conversion of outbuildings to form 6 apartments for supported living, plus ancillary staff office and communal kitchen, dining and lounge areas.

At: 40 Reedley Road, Reedley

On behalf of: Safe As Houses Property Investment

Date Registered: 24/11/2022

Expiry Date: 19/01/2023

Case Officer: Laura Barnes

This application is before the Committee for determination due to the level of public interest.

Site Description and Proposal

The application site is a two storey detached former farmhouse located in a residential part of Reedley. It is within the settlement boundary and does not fall within any other statutory designation.

The proposal is for the change of use of the building to six apartments for supported living, as well as a staff room, communal kitchen, dining and lounge.

Relevant Planning History

13/12/0041P: Full: Conversion and extension of buildings to create two dwellings (including partial demolition) and erection of detached garage
Approved with conditions

13/12/0501P: Full: Conversion and extension of buildings to create two dwellings (Including partial demolition) and erection of a detached garage and garden room.
Approved with conditions

Consultee Response

LCC Highways

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

Proposal

The proposal is for the refurbishment of the existing four bedroom farmhouse and conversion of outbuildings to provide six supported living apartments and communal facilities, together with an ancillary staff office.

Site planning history

13/12/0501P - Conversion and extension of buildings to create two dwellings (Including partial demolition) and erection of a detached garage and garden room.

Approved

13/12/0041P - Conversion and extension of buildings to create two dwellings (including partial demolition) and erection of detached garage
Approved

Car parking

There is existing off-road parking provided in the internal courtyard for at least four vehicles, which is above the maximum level of three spaces required for a four bed dwelling.

The proposed development would provide parking for five vehicles and the submitted Transport Statement (Appendix C) has demonstrated that vehicles can enter and leave the site in forward gear.

Whilst the maximum number of employees on site has not been provided, a parking accumulation assessment has indicated that there would be a maximum of three cars across the day. Given that residents would not have vehicles the highway authority considers that five off-road parking spaces is an adequate provision for staff and visitors.

It should be noted that previous planning permissions to convert the outbuildings into two dwellings would have resulted in a higher number of parking spaces being required and would have also generated higher vehicle movements.

Pendle Borough Council Environment Officer (Trees)

The submitted Arb Impact Assessment provides the correct information with regards to the quality and quantity of the trees on site, along with an adequate explanation of which trees are to be retained and which are to be removed. The accompanying Tree Protection Plan and Arb Method Statement is also detailed enough for approval. The only trees on this site to be removed are trees suffering from Ash Dieback.

If you are minded to approve this application, I would suggest a condition for landscaping that would look to mitigate any loss to vegetation on the site.

Public Response

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

- The medical status of the future occupants is unknown
- Will occupants be accompanied by members of staff if they leave their apartments?
- Residents do not want Reedley Farm Close to be used by construction vehicles for turning or parking
- Parking issues in the area
- Busy road, especially when pupils are being dropped off and collected from Reedley Primary School
- This type of development puts families at risk
- Children in the area will not be safe

- House prices in the area will be affected
- What will the boundary treatment be?
- The proposed development would cause harm to the design and character of the original building
- The Council have a duty of care to existing residents here
- Noise from people entering and leaving the property
- There would be a lot of trouble associated with a mental health unit

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.

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

Principle of Development

The application seeks to change the use of an existing dwelling to six residential apartment providing supported living accommodation, as well as some communal facilities such as a lounge and kitchen.

The principle of development is acceptable as this is located within the settlement boundary.

Design

The proposed development involves the erection of a single storey L-shaped extension to the rear of the existing two storey building which would create a courtyard and connect to the existing building to the rear of the site. The proposed extension is largely to the rear of the existing two storey building and would not be prominent within the street scene.

The application also seeks a roof lift to one of the outbuildings, closest to No. 2 Grafton Avenue, to facilitate the incorporation of an office to the first floor level. Although this would increase the height of the building it would not be greater in height than the main residential dwelling which is two storey. As such it would remain subordinate to the main building. In terms of its height, it is only the central section of the building which is to be lifted, the attached single storey extension would remain single storey in height. This assist in ensuring the building remains subordinate and is read in the context of the cluster of buildings appropriately.

The proposed building materials include reconstructed stone, Bradstone Conservation roofing slates and white UPVC doors & windows. These materials are acceptable and they would be read as an extension to the building, rather than trying to mimic the original. Samples of the proposed material can be secured by condition.

Residential Amenity

The site is located within a residential area, with Reedley Farm Close to the west and Grafton Avenue to the east.

Taking each elevation in turn, there are dwellings directly opposite on Reedley Road however there are no additional windows which would be closer to the properties opposite than the existing windows. There are additional windows to the court yard which fronts towards Reedley Road but this is set back much further than the existing windows to the front elevation of the dwelling. As such, there would be no unacceptable neighbouring amenity issue to this elevation. To the side elevation closest to No. 2 Grafton Avenue there is one first floor window proposed. This window is to serve an office and there is another window also serving this office to the courtyard elevation. Given the distance to No. 2 Grafton Avenue (13m) and that there are patio doors to the side elevation of the conservatory / porch at No. 2 the office window should be obscurely glazed. This can be secured by planning condition. Although the central section of the building closest to No. 2

Grafton Avenue is to be increased in height, this would not result in an overbearing effect upon the neighbouring dwelling because it is to be lifted less than the height of the neighbouring property and sits on a lower ground level than it.

To the elevation closest to No. 5 Reedley Farm Close there are to be three openings, one set of patio doors and two windows. These would all serve a communal dining area. The distance between the rear of the proposed elevation and the side elevation of No. 5 is 16.5m but the application site is sat upon a raised area of ground. There are no side elevation windows at No. 5 which face towards the application site. The boundary treatment between No. 5 and the application site consists of a row of trees and shrubs which provide screening. As such, there would be no unacceptable impact upon residential amenity to this elevation. To the elevation closest to No. 38 Reedley Road, there is to be an infill extension at single storey in height. This would sit behind the building line of the existing dwelling meaning that it would not come any closer to the neighbouring dwellings than the existing windows to this elevation of the property. There are no side elevation windows to No. 38 Reedley Road. Although the application site takes an elevated position compared with No. 38 Reedley Road the boundary treatment of hedge and trees would assist in screening this elevation. There is one tree which is to be removed from this elevation but with the trees which are to be retained and the existing hedge this would not result in an unacceptable neighbouring amenity issue for the properties to this elevation. Although there are steps to get into and out of the building to the side closest to No. 38 Reedley Road, these would not be suitable to sit out on a chair and overlook the neighbouring property like a balcony. The plant room is also to this side of the site but it is a basement level, again the steps to this would not result in any unacceptable overlooking or loss of privacy.

Ecology

A bat and bird survey has been provided with the application. The demolition of the garage/store property will have no impact on bats. The conversion of Barn 1 may have a negative impact on bats due to the loss of the ridge board roosting. The method of working set out in the report below must be followed to ensure that the potential for disturbing or harming bats, however small, is minimized and avoided. This can be secured by planning condition. There is no loss of habitat from the proposed development and there will be no impact on habitat, forage or commuting routes from the proposed development. The recommendation is for three bat boxes to be fixed to trees to the boundaries of the site. This is something which can be secured by condition.

There was no evidence of birds nesting in the building but there are nesting opportunities. If planning permission is granted for the development of the Barns there must be a check for nesting birds. If birds are nesting between the beginning of March and the end of August then work cannot proceed until the young have fledged. This can also be secured by planning condition.

Overall in relation to ecology, subject to appropriate conditions, the proposed development is acceptable.

Trees

The applicant has submitted an arboricultural impact assessment which sets out the classification of the trees which surround the site. They have also included a tree protection plan which details the measures which would be put in place to protect the trees to be retained, during the construction phase. This information has been reviewed by the Council's Environment Officer and they have recommended that a landscaping plan is the subject of a condition to compensate any loss of trees. Subject to a condition requiring landscaping, the proposed development is acceptable in this regard.

Highways

The applicant has prepared a Transport Statement as part of the application. The proposed site plan indicates five parking spaces which would be within the court yard area to the centre of the application site. The proposed development is for 6 residential dwellings, therefore the proposal is deficient by one space if the maximum parking standards were applied. Given the location of the proposed development within the settlement boundary and in a sustainable location, the deficiency by one parking space would not result in an unacceptable highway safety issue. As such, the proposed development is acceptable in this regard.

Other Matters

Several members of the public have raised concern about the nature of the mental health conditions which occupants who would live here may have. This is not a material planning consideration and is not determinative in this application.

Reason for Decision

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

RECOMMENDATION: Approve

Subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 1407/08, Proposed site Plan 1407/03 Rev A, Proposed Ground Flood Plan 1407/01 Rev J, Proposed first Floor 1407/02 Rev C, Proposed Elevations (Sheet 1) 1407/04, Proposed Elevations (Sheet 2) 1407/05 Rev B, Proposed Internal Courtyard Elevations (Sheet 1) 1407/06 Rev A, Proposed Internal Courtyard Elevations (Sheet 2) 1407/07 Rev A, Preliminary Bat Roost Assessment and Bird Survey prepared by Christopher Smith dated 10/11/2022, Existing Trees AIA EXI, Arboricultural Method Statement AMS EXI, Tree Protection Plan AIA TPP, Arboricultural Method Statement Tree Protection Plan AMS TPP, Arboricultural Impact Assessment dated 11/01/2023, Arboricultural Method Statement dated 11/01/2023.

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

3. Samples of all external materials including descriptions, name of source/quarry shall be submitted to the Local Planning Authority for written approval prior to commencement of above groundworks. 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. The first floor side elevation window closest to No. 2 Grafton Avenue (serving the office) 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.

5. Prior to first occupation of the development hereby approved a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:

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

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

Reason: To ensure that the tree loss is appropriately mitigated.

6. The development hereby approved shall be carried out in strict accordance with the following arboricultural reports: Existing Trees AIA EXI, Arboricultural Method Statement AMS EXI, Tree Protection Plan AIA TPP, Arboricultural Method Statement Tree Protection Plan AMS TPP, Arboricultural Impact Assessment dated 11/01/2023, Arboricultural Method Statement dated 11/01/2023.

Reason: In order to protect the trees which are to be retained.

7. Unless approved in writing by the Local Planning Authority no ground clearance, demolition, or construction work shall commence until protective fencing, is erected in accordance with BS 5837:2012 and the approved Tree Protection Plan. 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.

Reason: To prevent trees from being damaged during building works.

8. The development hereby approved shall be carried out in strict accordance with the Preliminary Bat & Bird Survey prepared by Christopher Smith dated 10/11/2022. Prior to occupation of the development hereby approved details of the bat boxes shall be submitted to and approved in writing by the Local Planning Authority, these shall remain in place unless otherwise agreed in writing. Details shall be submitted on a 1:200 plan indicating the location, height of mounting and specification of the boxes.

Reason: In order to adequately protect this species.

Application Ref: 22/0776/FUL

Proposal: Full: Refurbishment of farmhouse and conversion of outbuildings to form 6 apartments for supported living, plus ancillary staff office and communal kitchen, dining and lounge areas.

At: 40 Reedley Road, Reedley

On behalf of: Safe As Houses Property Investment

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE 27th FEBRUARY 2023

Application Ref: 22/0777/FUL

Proposal: Full (Major): Part change of use from offices (Class B1) to storage (Class B8) with the installation of 2no. roller shutter doors.

At: Walshaw House, Regent Street, Nelson

On behalf of: Mr Bannister

Date Registered: 16/11/2022

Expiry Date: 15/02/2023

Case Officer: Laura Barnes

This application has been brought before Committee because it is a major application.

Site Description and Proposal

The application site is an irregular shaped site with an existing warehouse building on it. The site is located to the south of Colne water, within the settlement boundary. It lies within a Protected Employment Area within the Local Plan and is partially within Flood Zones 2 & 3.

The application seeks planning permission to change the use of the building from its existing use as offices, to storage (Use Class B8). The only external alterations include the insertion of 2no. roller shutter doors each measuring 3m in height and 3.9m in width. Internally the partition walls which currently separate the building into offices are to be removed from the ground floor, to make way for warehousing. To the first floor, half of the office accommodation is to remain with the other half also being converted to warehousing. The floor area involved in this change of use application is 4,796 sqm.

Relevant Planning History

13/00/0329P: Industrial development (Outline) B1, B2, B8 (Reg 4).
Approved with conditions

13/00/0564P: Erect 6,202 metres square of B1A and B1B business floorspace (Reserved Matters) in 5 units
Approved with conditions

13/07/0922P: Full: Major: Erection of a two storey office block for Health Authority together with new access road and car parking.
Approved with conditions

13/08/0474C1: Approval of details reserved by condition: Discharge of conditions 1-17 of planning permission 13/08/0474P.
Conditions Partially Discharged

Consultee Response

LCC Highways

Having considered the information submitted, the above proposal raises no highway concerns. An adequate level of off-road parking for the type and size of development proposed will be retained.

The volume of traffic generated by the proposed development would be low. Therefore, the Highway Development Control Section would raise no objection to the proposal on highway safety grounds.

Canal & River Trust

No comment

Environment Agency

We have no objection to the development as proposed but we wish to make the following comments:-

Environmental permit - advice to applicant Swinden Clough is a designated statutory main river and is located on the eastern boundary of the site. The applicant as owners should be fully aware of any potential flood risk and frequency and be satisfied that the impact of any flooding would not adversely affect their proposals.

In addition to any planning approval, the Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if tidal) and the applicant does not already have planning

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities> environmental-permits or contact our National Customer Contact Centre on 03708 506

506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Lancashire Lead Local Flood Authority

The relevant documents for the LLFA to provide a substantive response to this application are not available to view through Pendle Planning portal, so at present the LLFA are unable to provide any comment on the application. The documents that are required for the LLFA to provide a substantive response are a sitespecific Flood Risk Assessment (FRA) - as outlined by footnote 55 of the National Planning Policy

Framework- as the site area is over 1ha, a Sustainable Drainage Strategy, and a SuDS pro-forma.

Please can the LPA provide these documents through the planning portal and re-consult the LLFA when these are available to view.

Environmental Health

Given the location of the building 80m from residential dwellings and the potential for metallic clanging noise, such as wagon tail gate dropping onto concrete or metal trollies being pushed around, there is a requirement for a noise assessment.

This report has been requested and is awaited.

Public Response

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

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

Policy SDP2 (Spatial Development Principles) sets out a hierarchy of settlements in order of preference for future growth.

Policy SDP4 (Employment Distribution) sets out the direction for growth of employment land, the M65 corridor is at the top of the hierarchy in order of preference for this.

Policy SDP6 (Future Infrastructure Requirements) expects developers to deliver the necessary infrastructure to support development in the borough.

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) sets out the Council's intentions for supporting sustainable transport.

Policy ENV5 (Pollution and Unstable Land) seeks to minimise air, water, noise, odour and light pollution and to address the risks from contaminated land.

Policy ENV7 (Water Management) follows the sequential assessment set out in National Policy, it also sets out requirements for surface water runoff and water quality.

Policy WRK1 (Strengthening the Local Economy) states that new opportunities for economic development should help to strengthen and diversify the local economy.

Policy WRK2 (Employment Land Supply) sets out that new employment should seek to develop the role of Nelson as the core location for employment.

Policy WRK6 (Designing Better Places to Work) encourages the provision of well-designed workplaces that meet the needs of businesses and their employees.

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 application site is located within the settlement boundary and within a Protected Employment Area. It seeks planning permission for the use of the building from offices to storage. Policy SDP2 and SPD4 identify Nelson as one of the M65 corridor settlement where the majority of new development will be directed. Nelson is a Key Service Centre and these strategic policies are supportive of new development in this area. The proposed development would encourage economic growth through the creation of jobs, in accordance with Policies WRK1 and WRK2 which seek to boost the local economy. Whilst WRK2 directs growth firstly to Protected Employment Areas, outside these areas, existing employment sites and premises in accessible locations are next most preferable. The application site is a Protected Employment Area, identified on the Local Plan policies map. As such, the principle of development is acceptable, subject to conformity with policies relating to design and residential amenity.

Design & Visual Amenity

The applicant has submitted existing and proposed layout and elevation plans. The only external alterations include removing four windows in order to insert two roller shutter garage doors, measuring 3.9m in width and 3m in height. These are minor changes which would not affect the overall appearance of the building to such an extent that it would cause harm to its character.

As a result, the proposed development complies with Policy ENV2 of the Local Plan: Part 1 Core Strategy.

Impact upon Residential Amenity

In terms of windows, the proposed development is in excess of 21m from neighbouring dwellings and the proposed development does not involve any residential accommodation. As such, there would be no unacceptable impact in this regard.

The building is located 80m to the north-west of dwellings on Cravendale Avenue. As such, there is the potential for noise to carry from the application site to the nearby residential dwellings. A noise assessment is being undertaken by the applicant and is awaited.

Subject to the satisfactory outcome of the noise assessment, delegated powers are sought to grant consent.

Flood Risk

The Lead Local Flood Authority have requested a Flood Risk Assessment as part of this application because parts of the site are located within Flood Zones 2 & 3. The NPPF advises on this at paragraph 166. It says that flood risk assessments should be provided where appropriate. The footnote to it indicates that Flood Risk assessments would be appropriate in areas where there are critical drainage problems identified, areas identified in strategic flood risk assessments, land subject to other sources of flooding and on sites greater than 1 hectare.

The part of the site which lies in flood zone 3 is non-operational land that lies to the north and east of the site. It has no material impact on the development. The site currently has a large office building on it and there are no proposed external alterations to increase the size of the building

itself. The proposal is for a change to storage. There would therefore be no purpose for requiring a FRA and hence in this case we disagree with the LLFA and have not requested a FRA.

Highways

There is a significant over provision of car parking to this site. However, this is an existing position and not something which a current application would reasonably be expected to change. There is no objection on highway safety grounds.

Reason for Decision:

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The access and principle of the proposed development accord with the policies of the Pendle Council Local Plan: Part 1 Core Strategy and the National Planning Policy Framework. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Delegated powers are sought to grant consent, subject to the satisfactory outcome of the noise assessment.

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 1474-7, Proposed Site Plan 1474-6, Proposed Elevation Plan 1474-5, Proposed Floor Plan 1447-4.

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

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

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

4. No operation shall take place outside the hours of 0800 and 1800 on weekdays and there shall be no operation at all on Saturdays, Sundays, Bank or Public Holidays.

Reason: In the interests of neighbouring amenity.

Application Ref: 22/0777/FUL

Proposal: Full (Major): Part change of use from offices (Class B1) to storage (Class B8) with the installation of 2no. roller shutter doors.

At: Walshaw House, Regent Street, Nelson

On behalf of: Mr Bannister

REPORT TO NELSON, REEDLEY AND BRIERFIELD COMMITTEE 27TH FEBRUARY 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 as it was deferred for a Committee site visit.

Site Description and Proposal

The application site is a detached 3 bedrooed 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

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE 27th FEBRUARY 2023

Application Ref: 23/0007/HHO

Proposal: Full: Erection of front and rear dormers to second floor/loft.

At 3 Stanley Street, Brierfield.

On behalf of: Mr Muhammad Afzal

Date Registered: 05/01/2023

Expiry Date: 02/03/2023

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 an end-terrace house located within the settlement boundary of Brierfield. The dwelling house has natural stone walls with a pitched natural slate roof. At the time of the site visit, the construction of the two storey side and rear extension, permitted under planning application 19/0322/HHO, was underway. The application site fronts onto the pavement and has a yard to the rear. The application site is within an area of predominately terraced dwellinghouses.

The proposed development would erect two front dormers with a pitched roof of natural slate tiles and ark grey cladding to the cheeks and wall. The proposed rear dormer would have a flat roof with dark grey cladding to the walls and cheeks. The dormers would have dark grey uPVC windows.

Relevant Planning History

19/0322/HHO: Full: Erection of two storey extension to side (South) and rear. Approved with Conditions (3 July 2019).

Consultee Response

LCC Highways

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

The applicant must ensure that the proposed works to erect front and rear dormers to second floor to create a games room (ref: Drawing no. 8020/10A Existing & Proposed – Proposed Extension), do not hinder or prevent the collection of refuse from the surrounding properties and businesses.

There is no objection to the proposal subject to the following condition.

1. No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:
 - i) The parking of vehicles of site operatives and visitors
 - ii) The loading and unloading of plant and materials

- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Measures to control the emission of dust and dirt during construction
- vi) A scheme for recycling/disposing of waste resulting from demolition and construction works
- vii) Details of working hours
- viii) Routing of delivery vehicles to/from site

Parish/Town Council

No comment.

Public Response

The nearest neighbours have been notified by letter, one response received, relating to the proposed rear dormer to the second floor which would overlook the bedroom windows at the rear and impact on privacy.

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 proposed two front dormers would have a pitched roof of natural slate tiles and dark grey cladding to the walls and cheeks. The proposed rear dormers would have a flat roof and dark grey cladding to the cheeks and walls. The proposed dormers would have dark grey uPVC windows.

The Design Principles SPD advises that dormers should be set below the ridgeline of the original roof by 0.2m, set back by at least 1m from the front elevation, and 0.5m from either side to avoid an overbearing effect and to have materials matching the existing roof. The proposed front dormers would be set back from the front elevation by 0.4m, and set in from the side by 1m and 1.5m, and set down from the ridgeline by 0.1m. The proposed rear dormer would be the same height as the ridgeline, set in from the side by 0.5m and 0.4m, and set back from the rear elevation by 0.6m. The proposed front and rear dormers would appear as overbearing and dominate the roof slope.

In addition, the Design Principles SPD advises that 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 proposed front and rear dormers 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 side elevation of No. 2 Hartington Street would be circa 11m. However, the existing dwelling house has habitable room windows to the front elevation at ground and first floor, the proposal would have two windows to the second floor. The proposed front dormers would also be able to view towards the rear elevations of dwellinghouses on Halifax Road which have a bedroom and bathroom window, however, the distance would be circa 15m and the view would be at an oblique angle. 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 at Livingstone Street which are at a higher elevation than the application site. The proposed rear dormer would have two windows which would face the rear bedroom windows at Livingstone Street, the distance in between would be circa 14m, and would be across the backstreet. The proposed dormer windows would be to the second storey, as 3 Stanley Street is at a lower elevation than the property opposite on Livingstone Street, therefore the proposed dormer would be on a similar level as the bedroom windows to the Livingstone Street. This would result in the proposed rear dormer windows looking into the rear bedroom windows on the neighbours opposite on Livingstone Street. A condition

would be placed for the rear dormer windows to be obscure glazed so as to protect the neighbour's residential amenity.

Subject to a suitable condition for obscure glazing to the rear dormer, the proposed development would comply with Policy ENV2 and the Design Principles SPD.

Highways

The proposed development would not increase the number of bedrooms, the proposed dormers would be to the games room. LCC Highways have stated that the proposed works would not prevent the collection of refuse from the surrounding properties and business.

LCC Highways have requested that a construction method statement to be submitted, however, the application site is currently constructing the two storey side and rear extension which did not have a condition for a construction method statement, the proposed dormers would be part of this ongoing construction, it would be unreasonable to request a construction method statement for this proposal considering the extent of work already undertaken.

RECOMMENDATION: Refuse

1. 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: 23/0007/HHO

Proposal: Full: Erection of front and rear dormers to second floor/loft.

At 3 Stanley Street, Brierfield.

On behalf of: Mr Muhammad Afzal

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE 27th FEBRUARY 2023

Application Ref: 23/0009/HHO

Proposal: Full: Erection of dormer to the front & rear roof slopes.

At 24 Camden Street, Nelson.

On behalf of: Mr Ishaq Ahmed

Date Registered: 09/01/2023

Expiry Date: 06/03/2023

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-terraced dwellinghouse 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. The application site is within an area of predominately terraced dwellinghouses.

The proposed development seeks permission for the erection of a front dormer and a rear dormer to the roof slopes.

Relevant Planning History

None relevant.

Consultee Response

LCC Highways

I have viewed the plan and the highway related documents submitted and have visited the site; I have the following comments to make:

The applicant proposes to increase the number of bedrooms from the existing 2 to proposed 4 by erecting a dormer to front and rear roof slopes.

I would not raise an objection to this application; however I would raise my concern that at the time of my site visit on-street parking in this area and surrounding roads is at a premium. This property is situated on a row of terraces and does not have off street parking.

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 Design Principles SPD advises that dormers should be set below the ridgeline of the original roof by 0.2m, set back by at least 1m from the front elevation, and 0.5m from either side to avoid an overbearing effect and to have materials matching the existing roof. The proposed front and rear dormers would not conform to these. The proposed front and rear dormers would appear as overbearing and would dominate the roof slope.

The proposed front and rear dormers would have a flat roof of grey rubber membrane, walls of grey tiles with white uPVC windows and fascias and soffits. The proposed materials would not be in keeping with the dwelling which has natural stone walls and natural slate tiles to the roof.

In addition, the Design Principles SPD advises that 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). On this terrace and the terrace opposite, there are front dormers to the two end terraced dwellinghouses, and one front

dormer mid-way down the terrace opposite. Overall front dormers and rear dormers are not characteristic to the area.

The proposed front and rear dormers 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 second floor window to the front elevation, the terrace opposite has habitable room windows at ground and first floor level. The Design Principles SPD advises that a distance of 21m between habitable room windows facing each other is required, the distance between the front elevations of windows facing each other is circa 14.75m which is less than required in the Design Principles SPD. However the application site has habitable room windows to the front elevation at ground and first floor. There is a public highway in between these properties, and there is an existing relationship already of habitable room windows facing each other. The proposed front dormer does not detrimentally impact on those dwellings over and above existing conditions.

The proposed rear dormer would face the rear elevation of terraces on Extwistle Street which has habitable room windows at ground and first floor. The distance between would be circa 14.3m and would be across the backstreet. Here there is already an existing relationship of habitable room windows 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 from two to four. LCC Highways commented that the on-street parking is at a premium and there is no off-street parking, however, LCC Highways raised no objection to this application.

RECOMMENDATION: Refuse

2. 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: 23/0009/HHO

Proposal: Full: Erection of dormer to the front & rear roof slopes.

At 24 Camden Street, Nelson.

On behalf of: Mr Ishaq Ahmed

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE 27TH FEBRUARY 2023

Application Ref: 23/0019/FUL

Proposal: Full: Retention of agricultural storage building with associated infrastructure, including fencing, walls and hardstanding (resubmission of planning permission 22/0555/FUL).

At: New Laund Farm, Greenhead Lane, Reedley

On behalf of: Mr & Mrs Balmer

Date Registered: 11/01/2023

Expiry Date: 08/03/2023

Case Officer: Laura Barnes

Site Description and Proposal

The application site is an agricultural farm located within the Green Belt and Open Countryside. There is a small cluster of existing farm buildings accessed by a private driveway off Greenhead Lane.

This is a retrospective application, at the time of the site visit the building had already been erected. It has a footprint of 38m x 23m with a dual pitched roof measuring 7.1m in height. The front of the building has two large vehicular access doors, which are roller shutters, with the mechanism concealed within the building. The walls are constructed of concrete panels with a profiled steel sheeting in green whilst the roof is profiled steel sheeting in a grey colour. The application also seeks permission for a concrete apron area to be extended around the access to the building and a retaining wall to be built up to alter the levels of the ground immediately in front of the doors to the building. The retaining wall was partly built at the time of the site visit. It is to be supplemented by an area of landscaping to the field side of the wall, in order to screen this in views from the Open Countryside.

Relevant Planning History

13/06/0400P: Full: Extend garage, erect chimney stack and convert to holiday dwelling.
Refused

13/13/0171P: Full: Erection of a detached garage.
Approved with conditions

13/90/0608P: Change of Use from shippon to dwelling with partial demolition of garage and cladding remaining area in reclaimed stone
Approved with conditions

13/92/0275P: Erect 2 agricultural buildings (retain garage and erect tractor / implement shed)
Approved with conditions

13/98/0265P: Erect garage block
Approved with conditions

13/99/0017P: Use part of farm yard as garden and erect double garage and store
Approved with conditions

18/0651/HHO: Full: Demolition of garage block and erection of garage block for six vehicles.
Approved with conditions

18/0652/AGR: Prior Approval Notification (Agricultural Building): Erection of agricultural storage building 23.07m x 32.8m x 65.8m).
Prior Approval Not Required (Approved)

19/0849/AGD: Prior Approval Notification (Agricultural Building to Dwelling Class QA and QB):
Change of use of agricultural building to dwelling (Use Class C3) and external alterations.
Approved

22/0550/HHO: Full: Erection of a 6 car garage (retrospective).
Refused

22/0555/FUL: Full: Erection of an agricultural building (retrospective) and demolition of an existing agricultural building.
Refused

Consultee Response

LCC Highways

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

Cadent Gas

Apparatus within the vicinity which the applicant should be made aware of.

Pendle Borough Council – Drainage Engineer

An assessment of the soakaway potential for the surface water drain would be required.

Reedley Hallows Parish Council

The Reedley Hallows Parish Council wish to object to this application on the following grounds:-

1. The application has been refused previously and the Parish Council take the view that there is little or no change to the type of use now put forward. For example there is no Agricultural Business Plan.
2. The Parish Council ask the question "What will be the actual use of the building be and how much space is required for the stated use. ?
3. The applicant has his Silaging and Bailing done by outside contractors so he does not use his own machinery and the bales are then removed not stored , so can he explain exactly what such a building of this size will be used for as there are no animals belonging to the applicant kept on the farm. The Parish Council understand that the building will be used to store agricultural machinery.
4. Why have the other two existing buildings not been removed as per the previous planning conditions imposed in 2018 (Shown on the plan in green). ? We are given to understand that the applicant hasn't had time to remove them. However he has built a six car garage and another big agricultural building which should have measured 23m x 32.8 m but in fact measures 23m x 39m and is located in a different place in order to leave the other two up. Furthermore, he has turned this building (which should have been positioned on the same footprint as the ones he should have

removed) round 90 degrees as he said that machinery had difficulty getting in and out . This is untrue and had those two buildings been removed there would have been no problem manouvering the machinery . The new location of this building is shown in red on the plan.

5. The applicant also appears now to have 2x6 car garages as there are only 3 people living in the property this seems over the top.

6. Finally the Parish Council are concerned that this is yet another example of an attempt at building in the Green Belt and therefore on this point alone the application ought to be refused.

Health & Safety Executive

Does not advise against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

Please contact the pipeline operator (Cadent Gas) as they may have additional constraints

Public Response

Nearest neighbours notified, multiple letters of objection have been received stating the following:

- The building is not being used for agricultural purposes
- Photographic evidence that trucks have visited this site delivering garden machinery equipment
- The large vehicles which have been witnessed are not appropriate
- This application flies in the face of national Green Belt policy
- There is no evidence that this is being used for agricultural purposes
- The application site can be seen from a Public Right of Way
- What is to stop the applicant from not demolishing the smaller agricultural building?
- They could appeal the condition and then not have to remove it
- Impact upon open countryside
- The building would have an unacceptable impact on visual amenity
- It is not justified for agriculture

Some letters in support of the application have also been received, setting out the following:

- There have never been any large trucks on the lane, it remains quiet other than vehicles using the kennels and cattery, local traffic and farm vehicles
- The new building is more aesthetically pleasing than the old one
- The building which is due to be demolished has a negative impact upon the neighbouring property, not only visually but also from water ingress
- Dangerous asbestos can be removed

- The proposed landscaping will enhance the area
- There has never been a business use element to this building
- The building is in character with the surrounding area

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

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

Replacement Pendle Local Plan

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

National Planning Policy Framework

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

Paragraph 147 states:

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

Paragraph 148 states:

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 149 of the Framework is set out below:

"A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- (a) buildings for agriculture and forestry;*
- (b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as*

long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

(c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

(d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

(e) limited infilling in villages;

(f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

(g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the Local Planning Authority.”

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

Principle of Development

The building is for agricultural purposes and has been applied for on the basis of an exception to Green Belt policy. A building of an equivalent form and massing has previously been approved, under an agricultural prior notification. The position of the building is different in this case but it does not change the fact that the same volume of building has previously been found to be acceptable within the Green Belt.

The building meets the exception test of paragraph 149 of the Framework by virtue of its agricultural purpose, the development is therefore not inappropriate.

Design

The building is agricultural in appearance with a dual pitched roof constructed from profiled steel sheet roofing. The walls are concrete panels with profiled steel sheet cladding, which are green in colour.

The application also includes an area of hardstanding and a concrete block retaining wall. This is necessary to allow large agricultural machinery to enter and exit the site safely and have sufficient space to turn around. The concrete wall is to be planted up with a landscaping scheme set out on the proposed site plan. Details of the landscaping scheme can be controlled by planning condition.

The construction materials are typical of an agricultural building and represent a high quality design, which accord with Policies ENV2 and the Design Principles SPD.

Residential Amenity

In terms of neighbouring amenity, the agricultural building is sited to the side of the main dwelling, within the farm yard area. Although it is 7m in height, it is set away from neighbouring dwellings by more than 21m. As such, it would not result in an overbearing effect upon neighbouring dwellings. There are no windows to the agricultural building. As such, there would be no unacceptable loss of amenity to the neighbouring dwellings.

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

Highways

The proposed development would not result in any highway safety danger. It is acceptable in this regard.

Drainage

The applicant has submitted a drainage plan which indicates where the surface water would be drained from the site, into an adjacent soakaway. The Council's Drainage Engineer has reviewed this and requested further details in order to assess the potential of the soakaway. This is something which could be controlled by planning condition.

Landscaping

The application is accompanied by a landscaping plan which includes the number, type and location of the species of plants and trees which are proposed. It also includes the type of fencing which is proposed to the eastern boundary. Once established, this would create an effective screen around the northern, eastern and southern boundaries of the application site. The landscaping plan is acceptable and can be controlled by a suitably worded planning condition.

Other Matters

Some members of the public have raised concerns about this building not being used for agricultural purposes. Given that the exception in Green Belt policy relates specifically to agricultural building, the use of the building would have to remain agricultural. A change of use to an alternative would require planning permission. It is not for this application to pre-judge a potential future use of the building. The Council must consider the application which is currently before them.

Some residents have also raised the issue of HGVs coming to and from the site causing disturbance. The application site is on a farm, therefore a certain level of activity would be expected in relation to agricultural vehicles, tractors and the like. Again, the applicant has not applied for the building to be used for a commercial purpose so the Council must judge the application on the basis of the information before them.

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 Ref: 2322/ Drawing No 1 Rev A, Proposed Elevation Plans Ref: 2322/ Drawing No 3, Site Plan Ref: 2322/ Drawing No 4 Rev A, Surface Water Drainage 2322 No. 6 Rev A, Proposed Landscaping Plan 2322 No. 5 Rev A.

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

3. All materials to be used for the proposed development hereby approved shall be as stated on the application form and approved drawings and they shall not be varied without the prior written permission of the Local Planning Authority.

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

4. The landscaping scheme reference 2322 No. 5 Rev A shall be implemented in its entirety within the first planting season following the date of this decision. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

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

5. Within three months of the date of this permission, the surface water drainage scheme shall be constructed and completed in accordance with the approved scheme reference 2322 No. 6 Rev A.

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

Application Ref: 23/0019/FUL

Proposal: Full: Retention of agricultural storage building with associated infrastructure, including fencing, walls and hardstanding (resubmission of planning permission 22/0555/FUL).

At: New Laund Farm, Greenhead Lane, Reedley

On behalf of: Mr & Mrs Balmer