



REPORT OF: THE PLANNING, ECONOMIC DEVELOPMENT AND REGULATORY SERVICES MANAGER

TO: DEVELOPMENT MANAGEMENT COMMITTEE

DATES: 14TH MARCH 2023

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning application.

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE 14TH MARCH 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: 5th December 2022

Expiry Date: 30th January 2023

Case Officer: Yvonne Smallwood

This application has been referred from Nelson, Brierfield and Reedley Committee as the resolution of the committee to approve the application would result in development not in accordance with the approved Pendle Local Plan.

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.

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