



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

**TO:** NELSON, BRIERFIELD AND REEDLEY COMMITTEE

**DATE:** 27<sup>th</sup> MARCH 2023

**Report Author:** Neil Watson  
**Tel. No:** 01282 661706  
**E-mail:** neil.watson@pendle.gov.uk

## PLANNING APPLICATIONS

### PURPOSE OF REPORT

To determine the attached planning applications.

## REPORT TO NELSON BRIERFIELD AND REEDLEY COMMITTEE ON 27 MARCH 2023

**Application Ref:** 22/0226/CND

**Proposal:** Approval of Details Reserved by Condition: Discharge of Conditions 4 (Drainage) and 5 (Landscaping) of Planning Permission 20/0018/FUL.

**At:** Northlight, Glen Way, Brierfield

**On behalf of:** Barnfield Construction

**Date Registered:** 05/05/2022

**Expiry Date:** 30/06/2022

**Case Officer:** Alex Cameron

### **Site Description and Proposal**

This application is made under article 21 of the Town and Country Planning (General Development Procedure) Order 2015 to seek confirmation of compliance with conditions on planning permission 20/0018/FUL.

This application requests the discharge of condition numbers 4 and 5 of the Planning Permission:

Condition 4: No development hereby permitted shall commence on site unless and until a full drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the foul and surface water disposal systems and the capacity of those systems. The residential and commercial units shall not be occupied unless and until the drainage has been installed in its entirety in accordance with the approved scheme.

Reason: In order that the site is served by an adequate surface and foul effluent disposal system.

Condition 5: The development hereby permitted shall not be commenced unless and until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:

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

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

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

## **Relevant Planning History**

20/0018/FUL -.Full: Conversion of mill to 4 residential apartments and plant rooms to first, second and third floors. Approved

## **Consultee Response**

Canal & River Trust – No objection to discharge of condition 4. The revised landscaping scheme is acceptable.

## **Officer Comments**

Condition 4 (drainage) The submitted drainage details are acceptable.

Condition 5 (landscaping) A revised landscaping scheme has been submitted incorporating native species and is acceptable.

## **RECOMMENDATION: Discharge Conditions 4 & 5**

Condition 4 (drainage) The submitted drainage details are acceptable. The condition is therefore discharged subject to implementation.

Condition 5 (landscaping) The revised landscaping scheme (GAV028-001 Rev A) is acceptable. The condition is therefore discharged subject to implementation.

**Application Ref:** 22/0226/CND

**Proposal:** Approval of Details Reserved by Condition: Discharge of Conditions 4 (Drainage) and 5 (Landscaping) of Planning Permission 20/0018/FUL.

**At:** Northlight, Glen Way, Brierfield

**On behalf of:** Barnfield Construction

## REPORT TO NELSON BRIERFIELD AND REEDLEY COMMITTEE ON 27 MARCH 2023

**Application Ref:** 22/0227/CND

**Proposal:** Approval of Details Reserved by Condition: Discharge of Conditions 3 (Car parking and cycle storage), 6 (Landscaping) and 7 (Staircase, stonework and window details) of Planning Permission 20/0842/FUL.

**At:** Northlight, Glen Way, Brierfield

**On behalf of:** Barnfield Construction

**Date Registered:** 05/05/2022

**Expiry Date:** 30/06/2022

**Case Officer:** Alex Cameron

### **Site Description and Proposal**

This application is made under article 21 of the Town and Country Planning (General Development Procedure) Order 2015 to seek confirmation of compliance with conditions on planning permission 20/0842/FUL.

This application requests the discharge of condition numbers 3, 6 and 7 of the Planning Permission:

Condition 3 - Prior to occupation of the residential accommodation hereby approved details of the car park and cycle store provision shall have been submitted to and approved in writing by the Local Planning Authority. The car park and cycling provision shall thereafter be provide in accordance with the approved details and be available for use by the residents.

Reason: In order to ensure that the development is served by an adequate level of car parking to prevent on street parking that would be inimical to highway safety.

Condition 6: The development hereby permitted shall not be commenced unless and until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:

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

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

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

Condition 7: The development hereby permitted shall not be commenced unless and until details of the following has been submitted to and approved in writing by the Local Planning Authority:

- a) Design and finishes of the external escape staircase and ramp access to the southern elevation;
- b) Stonework repairs and reinstatements to match existing; and
- c) Details of windows and doors to be stated on the submitted plans.

Reason: In order to ensure a satisfactory form of development in the Conservation Area and preserve the character of the Listed Building.

### **Relevant Planning History**

20/0842/FUL - Full: Major: Conversion of mill building to 46 residential apartments (Use Class C3(a)) and ground floor to Business Units (Use Class B1(a) (3161.25sq.m.)/exhibition space (8356.69 sq.m.) (Sui Generis) and external alterations including replacement windows, doors and roof, altered vehicular access and parking. Approved

### **Consultee Response**

Growth Lancashire - I have no objections to the details provided re the design of the escape stair and ramp. This I think is an acceptable treatment and seems to mirror the 'character' of the former industrial use of the former Mill.

The issue of the exposed interior stonework is dealt with via a submitted report entitled Justification Statement – loss of exposed historic stone window reveals (dated 27 July 2021). I note that this document also formed part of the submission on the original 20/0843/LBC submission.

The statement identifies that virtually all the external stonework will be insulated except for small internalised sections of the stairwell and an internalised wall on the GF plan. All other external walls will be treated as per the document.

Largely this is an issue and outcome of the proposed use. I think generally it is an acceptable approach and whilst the interior character is compromised, this is largely due to the proposed (and accepted) use for the building and the need to upgrade the thermal performance of the interior space.

Regardless I would regard the interior significance of the building to be relatively low compared to the architecture and form of the former Mills exterior and therefore any impact/loss to be within acceptable limits and dealt with under the 20/0843/LBC permission.

On this basis I raise no objections and feel the details are acceptable and meet the requirements of the Condition.

Canal & River Trust – The revised landscaping details are acceptable.

LCC Highways – No objection.

## **Officer Comments**

Condition 3 (cycle storage) The submitted details are acceptable.

Condition 6 (landscaping) A revised landscaping scheme has been submitted incorporating native species and is acceptable.

Condition 7 (staircase and stonework details) The submitted details are acceptable.

## **RECOMMENDATION: Discharge Conditions 3, 6 & 7**

Condition 3 (cycle storage) The submitted details are acceptable. The condition is therefore discharged subject to implementation.

Condition 6 (landscaping) The revised landscaping scheme (GAV028-001 Rev A) is acceptable. The condition is therefore discharged subject to implementation.

Condition 7 (staircase and stonework details) The submitted details are acceptable. The condition is therefore discharged subject to implementation.

**Application Ref:** 22/0227/CND

**Proposal:** Approval of Details Reserved by Condition: Discharge of Conditions 3 (Car parking and cycle storage), 6 (Landscaping) and 7 (Staircase, stonework and window details) of Planning Permission 20/0842/FUL.

**At:** Northlight, Glen Way, Brierfield

**On behalf of:** Barnfield Construction

## REPORT TO NELSON BRIERFIELD AND REEDLEY COMMITTEE ON 27 MARCH 2023

**Application Ref:** 22/0228/CND

**Proposal:** Approval of Details Reserved by Condition: Discharge of Condition 5 (staircase and stonework details) of Listed Building Consent 20/0843/LBC.

**At:** Northlight, Glen Way, Brierfield

**On behalf of:** Barnfield Construction

**Date Registered:** 05/05/2022

**Expiry Date:** 30/06/2022

**Case Officer:** Alex Cameron

### **Site Description and Proposal**

This application is made under article 21 of the Town and Country Planning (General Development Procedure) Order 2015 to seek confirmation of compliance with conditions on Listed Building Consent 20/0843/LBC.

This application requests the discharge of condition number 5 of the Listed Building Consent:

Condition 5: The development hereby permitted shall not be commenced unless and until details of the following has been submitted to and approved in writing by the Local Planning Authority:

Design and finishes of the external escape staircase and ramp access to the southern elevation; and Areas of exposed stonework within the interior spaces.

Reason: In order to ensure a satisfactory form of development in the Conservation Area and preserve the character of the Listed Building.

### **Relevant Planning History**

20/0843/LBC - Listed Building Consent: Works to convert and use as residential accommodation and business units. Work includes internal alterations /erection of new partitions, installations of floor screeds and finishes and replacement of existing UPVC windows with new timber double glazed windows. Installation of new corten cladding to Annex to the South elevation, demolition of hipped roof to south elevation and replacement with new flat roof (Providing access to upper section of south elevation) recovering of existing felt roofing with Mansard roof with new insulation and felt roofing membrane. Approved

### **Consultee Response**

Growth Lancashire - I have no objections to the details provided re the design of the escape stair and ramp. This I think is an acceptable treatment and seems to mirror the 'character' of the former industrial use of the former Mill.

The issue of the exposed interior stonework is dealt with via a submitted report entitled Justification Statement – loss of exposed historic stone window reveals (dated 27 July 2021). I

note that this document also formed part of the submission on the original 20/0843/LBC submission.

The statement identifies that virtually all the external stonework will be insulated except for small internalised sections of the stairwell and an internalised wall on the GF plan. All other external walls will be treated as per the document.

Largely this is an issue and outcome of the proposed use. I think generally it is an acceptable approach and whilst the interior character is compromised, this is largely due to the proposed (and accepted) use for the building and the need to upgrade the thermal performance of the interior space.

Regardless I would regard the interior significance of the building to be relatively low compared to the architecture and form of the former Mills exterior and therefore any impact/loss to be within acceptable limits and dealt with under the 20/0843/LBC permission.

On this basis I raise no objections and feel the details are acceptable and meet the requirements of the Condition.

### **Officer Comments**

Condition 5 (staircase and stonework details) The submitted details are acceptable.

### **RECOMMENDATION: Discharge Condition 5**

Condition 5 (staircase and stonework details) The submitted details are acceptable. The condition is therefore discharged subject to implementation.

**Application Ref:** 22/0228/CND

**Proposal:** Approval of Details Reserved by Condition: Discharge of Condition 5 (staircase and stonework details) of Listed Building Consent 20/0843/LBC.

**At:** Northlight, Glen Way, Brierfield

**On behalf of:** Barnfield Construction



## REPORT TO NELSON BRIERFIELD AND REEDLEY COMMITTEE ON 27 MARCH 2023

**Application Ref:** 22/0248/CND

**Proposal:** Approval of Details Reserved by Conditions: Discharge of Condition 3 (Car & Cycle Parking, including electric vehicles charging points), Condition 4 (Landscaping), Condition 5 (Remediation of Contamination), Condition 6 (Off site highway works), Condition 8 (Framework Travel Plan), Condition 9 (Construction Code of Practice), Condition 10 (Foul & Surface Water), Condition 11 (Surface Water Drainage), Condition 13 (Stonework Repairs), Condition 14 (Rainwater Goods) and Condition 15 (Roof Repairs) of Planning Permission 20/0364/FUL.

**At:** Northlight, Glen Way, Brierfield

**On behalf of:** Barnfield Construction

**Date Registered:** 12/04/2022

**Expiry Date:** 07/06/2022

**Case Officer:** Alex Cameron

### **Site Description and Proposal**

This application is made under article 21 of the Town and Country Planning (General Development Procedure) Order 2015 to seek confirmation of compliance with conditions on planning permission 20/0364/FUL.

This application requests the discharge of condition numbers 3, 6 and 7 of the Planning Permission:

Condition 3: Prior to first occupation of the commercial uses hereby approved the car park and cycle provision including at least ten electric charging points shall have been provided, surfaced and marked out in its entirety in full accordance with the approved plans and shall thereafter be available for use by staff and visitors.

Reason: In order to ensure that the development is served by an adequate level of car parking to prevent on street parking that would be inimical to highway safety.

Condition 4: The development hereby permitted shall not be commenced unless and until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:

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

The approved scheme shall be implemented in its entirety approved form within the first planting season following the substantial completion of the development. Any tree or other planting that is

lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

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

Condition 5: Prior to the commencement of development the applicant shall have submitted to and have agreed in writing by the Local Planning Authority a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site. The method statement shall detail how:-

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

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

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

Advisory Notes:

- (i) Where land identified as having the potential to be contaminated is undergoing redevelopment, a copy of the leaflet entitled 'Information for Developers on the investigation and remediation of potentially contaminated sites' will be available to applicants/developers from the Council's Contaminated Land Officer. The leaflet will be sent to the developer by request.
- (ii) Three copies of all contaminated land reports should be sent to the Local Planning Authority.
- (iii) This condition is required to be fully complied with before development is commenced. Failure to comply with the condition prior to commencement of work may result in legal action being taken.

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

Condition 6: Prior to the commencement of development, a scheme for the construction of the off-site works of highway improvement shall have been submitted to and approved in writing by the Local Planning Authority.

These works shall include but not be limited to:

Traffic calming on Glen Way with 20mph speed limit;  
Opening up of Junction Street;

Directional Signage Scheme; and  
Internal Car Park Signage Scheme.

Thereafter, no part of the development (or phase) hereby approved shall be occupied until the approved scheme has been constructed and completed in accordance with the details agreed.

Reason: To satisfy the Local Planning Authority that details of the highway scheme/works are acceptable before work commences.

Condition 8: No development shall commence until a Framework Travel Plan has been submitted to, and approved in writing by the Local Planning Authority. The provisions of the Framework Travel Plan shall be implemented and operated in accordance with the timescale contained therein unless otherwise agreed in writing with the Local Planning Authority. The Framework Travel Plan must include a schedule for the submission of a Full Travel Plan within a suitable timeframe of first occupation, the development being brought into use or other identifiable stage of development. Where the Local Planning Authority agrees a timetable for implementation of a Framework or Full Travel Plan, the elements are to be implemented in accordance with the approved timetable unless otherwise agreed in writing with the Local Planning Authority. All elements shall continue to be implemented at all times thereafter for as long as any part of the development is occupied or used/for a minimum of at least 5 years.

Reason: To ensure that the development provides sustainable transport options.

Condition 9: No part of the development shall be commenced unless and until a Construction Code-of-Practice has been submitted to and approved in writing by the Local Planning Authority. The code shall include details of the measures envisaged during construction to manage and mitigate the main environmental effects of the relevant phase of the development. The submitted details shall include within its scope but not be limited to:

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

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

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

Condition 10: A scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority within two weeks of the commencement of

development. The scheme shall provide for separate systems for foul and surface waters and be constructed and completed in accordance with the approved plans before the first dwelling is occupied.

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

Condition 11: Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

Condition 13: Prior to the commencement of any stonework repairs on any part of the mill a full schedule and methodology of the work to be undertaken shall be submitted to and approved in writing by the Local Planning Authority. This shall incorporate replacements and alterations, new openings, reinstatement of demolition scars, areas for rendering, stone cleaning and repointing as well as samples of new stone, repointing and render. All works shall thereafter strictly conform to the details so approved.

Reason: In order to ensure that the fabric of the building is repaired to a satisfactory standard in order to protect the character and appearance of the listed building.

Condition 14: No development shall commence unless and until details of the schedule for rainwater goods has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include repairs to existing, new gutters and downpipes in cast iron to replace plastic, materials, colours and finishes. All works shall thereafter strictly conform to the details so approved.

Reason: To control work details in terms of materials used so as to protect and preserve the character of the Listed Building.

Condition 15: No development shall commence unless and until details of the schedule for repair and replacement of the north light roof and pitched roof has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include a method statement and full specification. All works shall thereafter strictly conform to the details so approved.

Reason: The details are required in order to protect and preserve the character and fabric of the listed building.

### **Relevant Planning History**

20/0364/FUL - Full: Major: Change of use of former mill to mixed use comprising of offices and storage facility (Use Class E and B8), formation of external car park and external alterations

including replacement windows and formation of new entrances and alterations to the northlight roof. Approved

### **Consultee Response**

Growth Lancashire - I have no objections to the details provided re the design of the escape stair and ramp. This I think is an acceptable treatment and seems to mirror the 'character' of the former industrial use of the former Mill.

The issue of the exposed interior stonework is dealt with via a submitted report entitled Justification Statement – loss of exposed historic stone window reveals (dated 27 July 2021). I note that this document also formed part of the submission on the original 20/0843/LBC submission.

The statement identifies that virtually all the external stonework will be insulated except for small internalised sections of the stairwell and an internalised wall on the GF plan. All other external walls will be treated as per the document.

Largely this is an issue and outcome of the proposed use. I think generally it is an acceptable approach and whilst the interior character is compromised, this is largely due to the proposed (and accepted) use for the building and the need to upgrade the thermal performance of the interior space.

Regardless I would regard the interior significance of the building to be relatively low compared to the architecture and form of the former Mills exterior and therefore any impact/loss to be within acceptable limits and dealt with under the 20/0843/LBC permission.

On this basis I raise no objections and feel the details are acceptable and meet the requirements of the Condition.

Canal & River Trust – Condition 4 The revised landscaping details are acceptable. Condition 5 requests that phase 1, 2 and 3 contaminated land reports are submitted. Condition 9 the construction method statement should include measures to limit risk to the canal. Condition 10 the condition can be discharged.

LCC Highways – Condition 3 the works have not been undertaken and therefore the condition should not be discharged. Condition 6 The details off site highway works are acceptable the condition can be partially discharged subject to the works being carried out. Condition 8 no objection to discharge. Condition 9 no objection to discharge.

### **Officer Comments**

Condition 3 (Car & Cycle Parking, including electric vehicles charging points) This condition doesn't require the submission and approval of details and cannot be discharged at this stage.

Condition 4 (Landscaping) A revised landscaping scheme has been submitted incorporating native species and is acceptable.

Condition 5 (Contamination) Contaminated land reports have been required to establish the risk of contamination in the car park area being mobilised into the canal and any mitigation necessary. This is being undertaken, it is recommended that the discharge, or partial discharge of the condition be delegated subject to the submission of acceptable reports.

Condition 6 (Off site highway works) The submitted details of off-site highway works are acceptable

Condition 8 (Framework Travel Plan) The submitted travel plan details are acceptable.

Condition 9 (Construction Code of Practice) The submitted construction code of practice is acceptable.

Condition 10 (Foul & Surface Water) The submitted details of foul and surface water drainage are acceptable.

Condition 11 (Surface Water Drainage) The submitted details of surface water drainage are acceptable.

Condition 13 (Stonework Repairs) The submitted details of stonework repairs are acceptable.

Condition 14 (Rainwater Goods) The submitted details of rainwater goods are acceptable.

Condition 15 (Roof Repairs) The submitted details of roof repairs are acceptable.

**RECOMMENDATION: Delegate Discharge of Conditions 4, 5, 6, 8, 9, 10, 13, 14 & 15 and Refusal to Discharge Condition 3**

Condition 3 (Car & Cycle Parking, including electric vehicles charging points) This condition doesn't require the submission and approval of details and cannot be discharged at this stage.

Condition 4 (Landscaping) The revised landscaping scheme (GAV028-001 Rev A) is acceptable. The condition is therefore discharged subject to implementation.

Condition 5 (Contamination) Contaminated land reports have been required to establish the risk of contamination in the car park area being mobilised into the canal and any mitigation necessary. This is being undertaken, it is recommended that the discharge, or partial discharge of the condition be delegated subject to the submission of acceptable reports.

Condition 6 (Off site highway works) The submitted details of off-site highway works are acceptable. The condition is discharged subject to implementation.

Condition 8 (Framework Travel Plan) The submitted travel plan details are acceptable. The condition is discharged subject to implementation.

Condition 9 (Construction Code of Practice) The submitted construction code of practice is acceptable. The condition is discharged subject to implementation.

Condition 10 (Foul & Surface Water) The submitted details of foul and surface water drainage are acceptable. The condition is discharged subject to implementation.

Condition 11 (Surface Water Drainage) The submitted details of surface water drainage are acceptable. The condition is discharged subject to implementation.

Condition 13 (Stonework Repairs) The submitted details of stonework repairs are acceptable. The condition is discharged subject to implementation.

Condition 14 (Rainwater Goods) The submitted details of rainwater goods are acceptable. The condition is discharged subject to implementation.

Condition 15 (Roof Repairs) The submitted details of roof repairs are acceptable. The condition is discharged subject to implementation.

**Application Ref:** 22/0248/CND

**Proposal:** Approval of Details Reserved by Conditions: Discharge of Condition 3 (Car & Cycle Parking, including electric vehicles charging points), Condition 4 (Landscaping), Condition 5 (Remediation of Contamination), Condition 6 (Off site highway works), Condition 8 (Framework Travel Plan), Condition 9 (Construction Code of Practice), Condition 10 (Foul & Surface Water), Condition 11 (Surface Water Drainage), Condition 13 (Stonework Repairs), Condition 14 (Rainwater Goods) and Condition 15 (Roof Repairs) of Planning Permission 20/0364/FUL.

**At:** Northlight, Glen Way, Brierfield

**On behalf of:** Barnfield Construction

## REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE 27<sup>TH</sup> MARCH 2023

**Application Ref:** 22/0431/HHO

**Proposal:** Full: Erection of Dormer to the Front & Rear Roof Slopes.

**At** 4 Princess Street, Nelson.

**On behalf of:** Miss Runesa Basharat.

**Date Registered:** 27/06/2022

**Expiry Date:** 22/08/2022

**Case Officer:** Joanne Naylor

### **Site Description and Proposal**

The application site is an end-terrace house located within the settlement boundary of Nelson. The dwelling house has natural stone walls with a pitched natural slate roof, there is a yard area to the front and a yard area to the rear with a rear kitchen extension. The application site is within an area of predominately terraced houses of a similar scale and design, with some larger dwellinghouses adjacent to the application site on Hibson Road.

The proposed development seeks to erect a front dormer and a rear dormer which would have a flat roof. Both proposed dormers would have a flat roof of rubber membrane.

### **Relevant Planning History**

None relevant.

### **Consultee Response**

#### LCC Highways

There is no objection to this proposal.

#### Parish/Town Council

No comment.

#### PBC Environmental Health Officer

With regards to this development we are concerned about nuisance in the construction phase of the development, please our suggested condition below.

#### Construction Phase Nuisance Condition

A Construction Method Statement shall be submitted to the Local planning authority and approved prior to commencement of the development. The Method statement must cover the topics detailed below, including:

- Hours of operation
- Hours of deliveries
- Construction site noise and vibration
- Control of Dust
- Burning onsite

Hour of Work – Operations



No machinery shall be operated nor any potentially noisy processes carried out at the site outside the hours of 08:00 and 17:30 on weekdays and 09:00 and 13:30 on Saturdays and there shall be no machinery operated or potentially noisy processes carried out at all on Sundays, Bank or Public Holidays.

Reason: To protect the amenities of occupiers of adjoining and nearby properties.

#### Hours of Deliveries

No deliveries shall be taken at or dispatched from the site outside the hours of 08:00 and 17:30 on weekdays and 09:00 and 13:30 on Saturdays and there shall be no deliveries taken or dispatched from the site at all on Sundays, Bank or Public Holidays.

No Vehicles shall be left idling onsite with the engine running.

Reason: In the interests of the amenity of nearby properties.

#### Construction Site Noise/Vibration

Demolition or construction work shall not begin until a scheme for protecting the residential and business neighbours from noise and vibration from the site during these works has been submitted to and approved in writing by the Local Planning Authority. All measures which form part of the approved scheme shall be adhered to throughout the period of demolition and/or construction.

#### Note

1. The contractor shall have regard to the relevant parts of BS 5228 1997 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

2. The local planning authority expects that the best practical means available in accordance with British Standard Codes of practise 5228:1997 Parts 1 to 4 shall be employed at all times to minimise the emission of noise from the site.

3. Reference should be made to the Council's 'Code of Practice for Construction and Demolition Sites'. Reason: To ensure a satisfactory standard of amenity for neighbouring properties.

#### Control of Dust

Details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development for the suppression of dust from the site; all agreed details shall be implemented throughout the course of the development.

#### Note

1. The details of dust control measures for Haul Roads, the use of suitable wheel cleaning facilities and proposals for the sheeting of vehicles carrying dusty materials shall be included by the applicant.

2. Reference should be made to the Council's 'Code of Practice for Construction and Demolition Sites'.

Reason: To protect human health and the environment from adverse effects of air pollution.

#### Burning on site

The Borough of Pendle Council has announced a climate emergency, therefore to help improve air quality there should be no burning of any materials on site. Pendle Borough Council receives many complaints about smoke from bonfires, which are inappropriate in any area of the borough. The practice of burning wastes on site is an old-fashioned practice, which normally constitutes an offence under the Duty of Care provisions of the Environmental Protection Act 1990. The applicant is cautioned against permitting any bonfire to take place during demolition, site clearance or

construction. For further information contact Environmental Health at Pendle Borough Council by telephoning (01282) 661199.

#### Contaminated Land Informative

If during any stage of the development any miscellaneous substances, made ground or potentially contaminated ground that has not been previously identified and planned for in a report is uncovered, work in the area must stop immediately and the Environmental Health Department at the Borough of Pendle should be made aware. No work should continue until a contingency plan has been developed, and agreed with the local planning authority.

#### **Public Response**

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

#### **Relevant Planning Policy**

##### Pendle Local Plan Part 1: Core Strategy

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

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

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

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

##### National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system. The Design Principles Supplementary Planning Document (SPD) applies to extensions and sets out the aspects required for good design.

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

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

#### **Officer Comments**

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

#### **Design and Materials**

The Design Principles SPD advises that dormers should be in keeping with the dwelling and should not dominate the roof slope which could result in a property being unbalanced. The SPD also advises that front dormers will not normally be acceptable unless they are a feature of other

similar houses in the locality and where 25% of the properties have front dormers and that front dormers with flat roofs are not acceptable.

The proposed materials for the front and rear dormers would be grey hanging slates or tiles, a flat roof of grey rubber firestone EPDM membrane, and white uPVC windows. The application site has a pitched roof of natural slate tiles, the flat roof and materials of the proposed dormers would not match the materials used on the application site, in this location natural slate tiles are characteristic to the area, the proposed materials would not match the existing materials, a suitable condition could be placed for natural slate tiles for the cheek and walls of the front and rear dormers which would match the roofing material. However, the proposed front dormer would have a flat roof which would not be acceptable and would result in poor design.

The Design Principles SPD advises that dormers should be set below the ridgeline of the original roof by 0.2m, set back by at least 1m from the front elevation, and 0.5m from either side to avoid an overbearing effect and to have materials matching the existing roof. In addition, dormers on the front of a roof slope will not normally be acceptable unless they are a feature of other similar houses in the locality (e.g. where at least 25% of properties have front dormers in a terrace block/frontage). In this area front and rear dormers are not characteristic. The proposed front dormer would be set in by a maximum of 0.94m and by 0.8m to the opposite side, set below the ridgeline by circa 0.1m, and set back from the front elevation by circa 0.12m. In this area front dormers are not characteristic, the proposed front dormer would not respect the simple and unaltered roofscape, it would dominate the roof slope resulting in an overbearing effect and the property would appear as being unbalanced.

The proposed front dormer would not respect the simple and unaltered roofscape, it would be incongruous and out of keeping with its surroundings. The proposal would have a negative impact on the visual appearance of the dwellinghouse and would disrupt the uniformity and visual harmony of the roofscene and street scene.

The proposed rear dormer would be set in from the sides by circa 0.66m and 0.10m, set down from the ridgeline by circa 0.1m, and set back from the rear elevation by circa 0.12m. The proposed rear dormer would dominate the roof slope resulting in an overbearing effect and the property appearing as unbalanced.

The proposed dormers would cause unacceptable harm to the character and visual amenity of the area contrary Policy ENV2, Paragraph 134 of the Framework, and the Design Principles SPD.

### **Residential Amenity**

The proposed front dormer would have a window to the front elevation at second floor. The distance between the front elevations of the application site to the front elevation of the properties opposite on Princess Street would be circa 13m. However, the existing dwelling house has habitable room windows to the front elevation at ground and first floor, the proposal would have a habitable room window to the second floor. No. 54 Hibson Road has habitable room windows to the side elevation, here there is a distance of circa 18m between the application site and the closest window on No. 54, here the view from the proposed front dormer would be at an oblique angle to No. 54, and there is already an existing relationship between windows in each of these properties. In addition, there is a public highway in between these properties. The Design Principles would require a minimum of 21m between habitable room windows facing each other. However, there is an existing relationship already, and the development does not detrimentally impact on those dwellings over and above existing conditions. The relationship across the public highway is also acceptable.

The proposed rear dormer would face the rear of the terraces of Percy Street, across the backstreet, which have habitable room windows to the rear elevation, the distance between the proposed dormer to the rear elevation of the dwellinghouses opposite would be circa 12.3m, here there is already an existing relationship of habitable rooms facing each other, there would be no greater impact on amenity than is already existing.

The Environmental Health Officer has raised concern regarding the potential nuisance during the construction phase and has suggested that a Construction Method Statement be provided to manage deliveries, working hours, noise and vibration, dust and burning. The proposed development is for a front and rear dormer, to condition a Construction Method Statement would not be proportionate to the scale of the development proposed as it is for a householder extension and it would be unreasonable to require this of the application. The Environmental Health Officer has provided an informative note for a Contaminated Land Informative.

The proposed dormers would have no unacceptable impact on residential amenity, therefore the proposed development would comply with Policy ENV2 and the Design Principles SPD.

## **Highways**

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

## **RECOMMENDATION: Refuse**

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:** 22/0431/HHO

**Proposal:** Full: Erection of Dormer to the Front & Rear Roof Slopes.

**At** 4 Princess Street, Nelson.

**On behalf of:** Miss Runesa Basharat.

## REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE 27<sup>TH</sup> MARCH 2023

**Application Ref:** 22/0601/HHO

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

**At** 49 Fountain Street, Nelson.

**On behalf of:** Mr Wasim

**Date Registered:** 09/09/2022

**Expiry Date:** 04/11/2022

**Case Officer:** Joanne Naylor

### **Site Description and Proposal**

The application site is a mid-terrace house located within the settlement boundary of Nelson. The dwelling house has natural stone walls with a pitched natural slate roof, there is a yard area to the front and a yard area to the rear with a rear kitchen extension. The application site is within an area of predominately terraced houses of a similar scale and design, with some larger dwellinghouses opposite the application site.

The proposed development seeks to erect a front dormer and a rear dormer which would have a flat roof of rubber membrane, and to remove the chimney stack.

### **Relevant Planning History**

13/05/0091P: Full: Erect single storey kitchen extension to rear. Approved with Conditions (30/03/2005)

### **Consultee Response**

#### LCC Highways

The proposal is on a row of terraced properties within a residential area. There is currently no parking with this proposal. There are no highway concerns with this proposal therefore no objection.

#### 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 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, residential amenity, and highways.

#### **Design and Materials**

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

The proposed materials for the front and rear dormers would be grey hanging slates or tiles, a flat roof of grey rubber firestone EPDM membrane, and white uPVC windows. The application site has a pitched roof of natural slate tiles, the flat roof and materials of the proposed dormers would not match the materials used on the application site, in this location natural slate tiles are characteristic to the area, the proposed materials would not match the existing materials, a suitable condition could be placed for natural slate tiles for the cheek and walls of the front and rear dormers which would match the roofing material. However, the proposed front dormer would have a flat roof which would not be acceptable and would result in poor design.

The Design Principles SPD advises that dormers should be set below the ridgeline of the original roof by 0.2m, set back by at least 1m from the front elevation, and 0.5m from either side to avoid an overbearing effect and to have materials matching the existing roof. In addition, dormers on the front of a roof slope will not normally be acceptable unless they are a feature of other similar houses in the locality (e.g. where at least 25% of properties have front dormers in a terrace block/frontage).

On this street there are two properties with dormers on the front roof slope, however in this area front and rear dormers are not characteristic and much less than 25% of properties have front dormers. The proposed front dormer would be set in by circa 0.25m and by circa 0.1m, set below the ridgeline by circa 0.2m, and set back from the front elevation by circa 0.14m. The proposed

front dormer would not respect the simple and unaltered roofscape, it would dominate the roof slope resulting in an overbearing effect and the property would appear as being unbalanced.

The proposed front dormer would not respect the simple and unaltered roofscape, it would be incongruous and out of keeping with its surroundings. The proposal would have a negative impact on the visual appearance of the dwellinghouse and would disrupt the uniformity and visual harmony of the roofscene and street scene.

The proposed rear dormer would be set in from the sides by circa 0.25m and 0.10m, set down from the ridgeline by circa 0.2m, and set back from the rear elevation by circa 0.15m. The proposed rear dormer would dominate the roof slope resulting in an overbearing effect and the property appearing as unbalanced.

The proposed dormers would cause unacceptable harm to the character and visual amenity of the area and would be poor design. The proposed dormers are contrary to Policy ENV2 of the Local Plan Part 1: Core Strategy, Paragraph 134 of the Framework, and the Design Principles SPD.

### **Residential Amenity**

The Design Principles SPD advises that dormers should not overlook neighbouring properties and windows should maintain a distance of 12m between principal window and a gable elevation and 21m between habitable room windows facing each other, however this distance can take account of existing interface distance between properties characteristic in the area.

The proposed front dormer would have a window to the front elevation at second floor. The distance between the proposed dormer window and the habitable room windows to the terraced properties opposite would be a minimum distance of 19m, the Design Principles advise that 21m between habitable room windows facing each other should be maintained. However, the application site has habitable room windows to the front elevation at ground and first floor and the proposal would have a habitable room window to the second floor. The terraced properties opposite have habitable rooms facing towards the application site, here there is already an existing relationship of habitable room windows facing each other, 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 front dormer would have no unacceptable residential amenity impacts.

The proposed rear dormer would face the rear elevation of terraced dwellinghouses opposite, these properties have habitable room windows to the first floor and ground floor. The distance from the habitable room windows of the terrace opposite and the application site is 18m, this is less than the advised amount of 21m for habitable room windows facing each other, however there is already an existing relationship of habitable room windows facing each other, and the proposed rear dormer would not detrimentally impact on those dwellings over and above existing conditions, in addition there are boundary walls and a backstreet in between, there would be no greater impact on amenity than is already existing.

The proposed dormers would have no unacceptable impact on residential amenity, therefore 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. The application site has no off-street parking. LCC Highways have 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:** 22/0601/HHO

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

**At** 49 Fountain Street, Nelson.

**On behalf of:** Mr Wasim

**Date Registered:** 09/09/2022



## REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE 27<sup>TH</sup> MARCH 2023

**Application Ref:** 22/0628/HHO

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

**At** 35 Poplar Street, Nelson.

**On behalf of:** Mr Muhammad Rizawan.

**Date Registered:** 16/09/2022

**Expiry Date:** 11/11/2022

**Case Officer:** Joanne Naylor

### **Site Description and Proposal**

The application site is a mid-terrace house located within the settlement boundary of Nelson. The dwelling house has natural stone walls with a pitched natural slate roof, there is a yard area to the front and a yard area to the rear with a rear kitchen extension. The application site is within an area of predominately terraced houses of a similar scale and design.

The proposed development seeks to erect a front dormer and a rear dormer which would have a flat roof.

### **Relevant Planning History**

None relevant.

### **Consultee Response**

#### LCC Highways

LCC Highways have raised no objection in principle to this proposal but are concerned about the cumulative effect of the increasing numbers of dwellings increases the number of bedrooms and without additional parking facilities which could result in a loss of amenity and conflict for existing residents.

#### 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 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, residential amenity, and highways.

#### **Design and Materials**

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

The proposed materials for the front and rear dormers would be grey slates or tiles, a flat roof of grey rubber firestone EPDM membrane, and white uPVC windows. The application site has a pitched roof of natural slate tiles, the flat roof and materials of the proposed dormers would not match the materials used on the application site, in this location natural slate tiles are characteristic to the area, the proposed materials would not match the existing materials, a suitable condition could be placed for natural slate tiles for the cheek and walls of the front and rear dormers which would match the roofing material. However, the proposed front dormer would have a flat roof which would not be acceptable and would result in poor design.

The Design Principles SPD advises that dormers should be set below the ridgeline of the original roof by 0.2m, set back by at least 1m from the front elevation, and 0.5m from either side to avoid an overbearing effect and to have materials matching the existing roof. In addition, dormers on the front of a roof slope will not normally be acceptable unless they are a feature of other similar houses in the locality (e.g. where at least 25% of properties have front dormers in a terrace block/frontage).

In this area front and rear dormers are not characteristic with less than 25% of properties have dormers. The proposed front dormer would dominate the front roof slope resulting in an overbearing effect and the property appearing as being unbalanced with a negative impact on the unaltered roofscape. The proposed front dormer would not respect the simple and unaltered roofscape, it would be incongruous and out of keeping with its surroundings. The proposal would have a negative impact on the visual appearance of the dwellinghouse and would disrupt the uniformity and visual harmony of the roofscene and street scene.

The proposed rear dormer would dominate the rear roof slope resulting in an overbearing effect and the property appearing as unbalanced.

The proposed dormers would cause unacceptable harm to the character and visual amenity of the area and would be poor design. The proposed dormers are contrary to Policy ENV2 of the Local Plan Part 1: Core Strategy, Paragraph 134 of the Framework, and the Design Principles SPD.

### **Residential Amenity**

The Design Principles SPD advises that dormers should not overlook neighbouring properties and windows should maintain a distance of 12m between principal window and a gable elevation and 21m between habitable room windows facing each other, however this distance can take account of existing interface distance between properties characteristic in the area.

The proposed front dormer would have a window to the front elevation at second floor. The distance between the proposed dormer window and the habitable room windows to the terraced properties opposite would be circa 14m, the Design Principles advise that 21m between habitable room windows facing each other should be maintained. However, the application site has habitable room windows to the front elevation at ground and first floor and the proposal would have a habitable room window to the second floor. The terraced properties opposite have habitable rooms facing towards the application site, here there is already an existing relationship of habitable room windows facing each other, 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 front dormer would have no unacceptable residential amenity impacts.

The proposed rear dormer would face the rear elevation of terraced dwellinghouses opposite, these properties have habitable room windows to the first floor and ground floor. The distance from the habitable room windows of the terrace opposite and the application site is circa 13m, this is less than the advised amount of 21m for habitable room windows facing each other, however there is already an existing relationship of habitable room windows facing each other, and the proposed rear dormer would not detrimentally impact on those dwellings over and above existing conditions, in addition there are boundary walls and a backstreet in between, there would be no greater impact on amenity than is already existing.

The proposed dormers would have no unacceptable impact on residential amenity, therefore 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. The application site has no off-street parking. LCC Highways have raised no objection to this application.

### **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:** 22/0628/HHO

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

**At** 35 Poplar Street, Nelson.

**On behalf of:** Mr Muhammad Rizawan.

## REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE 27<sup>TH</sup> MARCH 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 was deferred from the previous meeting, for Members to do a site visit.

### **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 EX1, Arboricultural Method Statement AMS EX1, 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

**Application Ref:** 22/0863/HHO

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

**At** 191 Railway Street, Nelson.

**On behalf of:** Mr Asif Iqbal.

**Date Registered:** 02/01/2023

**Expiry Date:** 27/02/2023

**Case Officer:** Joanne Naylor

### **Site Description and Proposal**

The application site is a mid-terrace house located within the settlement boundary of Nelson and sited within dwellings of a similar scale and design. The dwelling house has white painted natural stone walls with a pitched natural slate roof. The application site has a small flagged front garden area and has a yard to the rear with a single storey extension with a pitched roof and rendered walls serving as a kitchen. The application site is within an area of predominately terraced houses.

The proposed development would erect a front dormer and rear dormer which would have concrete tiles to the walls and cheeks, and a flat roof with rubber membrane. There would be white uPVC windows to both the front and rear dormers which would match the existing.

### **Relevant Planning History**

20/0467/HHO: Full: Erection of a single storey rear extension and dormer to rear roof slope. Approved with Conditions (17/09/2020).

### **Consultee Response**

#### LCC Highways

There is no objection to the proposal which comprises of an increase in size of the existing store and existing 3rd bedroom. There are no additional bedrooms.

#### 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.

#### Replacement Pendle Local Plan

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

#### National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system. The Design Principles Supplementary Planning Document (SPD) applies to extensions and sets out the aspects required for good design.

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

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

### **Officer Comments**

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

#### **Design and Materials**

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

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

The Design Principles SPD advises that dormers should be set below the ridgeline of the original roof by 0.2m, set back by at least 1m from the front elevation, and 0.5m from either side to avoid an overbearing effect and to have materials matching the existing roof. In addition, dormers on the front of a roof slope will not normally be acceptable unless they are a feature of other similar houses in the locality (e.g. where at least 25% of properties have front dormers in a terrace block/frontage). In this area front and rear dormers are not characteristic. The design of the front dormer and the rear dormer would be set in by circa 0.5m and set back from the front elevation by circa 0.45m and 0.25m which would be less than the 1m advised in the Design Principles SPD. The dormers would be set down by 0.15m from the ridgeline which is marginally less than the 0.2m. The Design Principles SPD advises that front dormers with flat roofs are not acceptable. The proposed dormers would dominate the roof slope resulting in an overbearing effect and the property appearing unbalanced.

The proposed front dormer would not respect the simple and unaltered roofscape, it would be incongruous and out of keeping with its surroundings. The proposal would have a negative impact on the visual appearance of the dwellinghouse and would disrupt the uniformity and visual harmony of the roofscene and street scene.

The proposed dormers would cause unacceptable harm to the character and visual amenity of the area contrary to Policy ENV1 and Policy ENV2, Paragraph 134 of the Framework, and the Design Principles SPD.

### **Residential Amenity**

The proposed front dormer would have a window at second floor facing the front elevation of the terraces opposite, there is a distance of circa 15m between, the Design Principles advice a distance of 21m between habitable rooms facing each other, here there is already an existing relationship of habitable room windows facing each other. The proposed development would not detrimentally impact on these dwellings over and above existing conditions, therefore there would no unacceptable residential amenity impact.

The proposed rear dormer would be at right angles to the dwellings on Napier Street, the proposed dormer windows would therefore not create any overlooking issue with neighbouring properties to the rear.

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

### **Highways**

The proposed development would not increase the number of bedrooms and there would be a store room with a window to the rear. Parking in the area is on-street parking, LCC Highways have raised no objection to this application as the number of bedrooms would not increase.

## **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. The proposal would be contrary to Policy ENV2 of the the Local Plan Part 1: Core Strategy, Paragraph 134 of the Framework, and the Design Principles Supplementary Planning Document.

**Application Ref:** 22/0863/HHO

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

**At** 191 Railway Street, Nelson.

**On behalf of:** Mr Asif Iqbal.

## REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE 27<sup>TH</sup> MARCH 2023

**Application Ref:** 23/0024/HHO

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

**At** 144 Reedyford Road, Nelson

**On behalf of:** Mrs Daar.

**Date Registered:** 13/01/2023

**Expiry Date:** 10/03/2023

**Case Officer:** Joanne Naylor

### **Site Description and Proposal**

The application site is a two storey semi-detached dwellinghouse within a predominately residential area with dwellinghouses of a similar scale and design and within the settlement boundary of Nelson. The application site has rendered and pebble dash walls and a pitched slate roof, there is on-street parking and gardens to the front and rear. The application site has a rear extension which was allowed under a larger homes extension 20/0341/LHE. To the rear of the application site there is a primary school accessed from Reedyford Road onto Charles Street.

The proposed development is to erect an extension to the existing rear extension to form a disabled bathroom.

### **Relevant Planning History**

18/0171/HHO: Full: Erection of a single storey rear extension. Application Withdrawn.

18/0384/LHE: Permitted Development Notification (Proposed Larger Home Extension): erection of a single storey rear extension (6m length and 2.8m overall flat roofed height). Prior Approval Not Required Accept.

20/0341/LHE: Permitted Development Notification (Larger Home Extension): Erection of a single storey extension to the rear. Prior Approval Not Required Accept (23 July 2020).

### **Consultee Response**

#### **LCC Highways**

There is no objection to this proposal however, due to the sites location, which is within a residential location, and close to Holy Saviours Roman Catholic Primary School, we recommend that a condition is applied restricting the times of deliveries to ensure there is no conflict with traffic, both vehicular and pedestrian, at peak times.

#### **Condition**

- No deliveries shall be made before 9.00 am and after 3.00pm to avoid conflict with traffic (vehicular or pedestrian) attending the local primary school. Reason: In the interest of highway safety



Parish/Town Council

No comment.

### **Public Response**

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

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

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

### **National Planning Policy Framework**

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

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

### **Officer Comments**

The main considerations are design and materials and residential amenity.

### **Design and Materials**

The Design Principles SPD advises that extensions should be constructed in materials and style to match the existing dwelling, a pitched roof element is preferred, and the scale of the development should be subordinate to the original dwelling and that the extension should leave adequate room around the dwelling. The dwellinghouse has rendered walls and pebble dashing, the rear wall of the dwellinghouse is white painted render. There is a rear extension which was permitted under a Larger Home Extension in July 2023 which is 4.75m long, 5.46m wide and 2.75m high with a flat roof. The proposed extension would be 2.7m in length, circa 2.7m in width, and 2.75m in height. The Design Principles advice that a 4m extension adjacent or adjoining the party wall of a neighbour would be acceptable. Here the existing extension and the proposed extension would have a combined length of 7.45m, the amenity section will consider the impact on neighbouring properties.

The proposal would have rendered walls, a flat roof and windows and doors to match the existing. The Design Principles advise that flat roofs are normally poor design, however here the LHE extension has a flat roof and the proposal would have a flat roof. The proposed development is to

the rear of the dwellinghouse and is not visible from the highway, although a flat roof is viewed as poor design in this instance the flat roof would be acceptable.

The proposed extension would have one window to the side elevation facing No. 146 Reedyford Road, to the rear elevation there would be no windows or doors.

The proposed extension would be acceptable in design and materials and would comply with Policies ENV2 and the Design Principles SPD.

### **Residential Amenity**

The Design Principles SPD advises that extensions should protect neighbours enjoyment of home, to not overshadow or have an overbearing effect on neighbouring properties, that windows should not overlook adjacent property and side windows overlooking neighbouring property should be avoided.

The Design Principles advise that a single storey rear extension located on or immediately adjacent to party boundary of a neighbouring property will normally be acceptable where it does not project more than 4m from the original rear elevation. The proposal would be set in from the party boundary with No. 142 Reedyford Road by 0.8m. The proposed extension would have a length of 2.7m, this proposed extension would be an addition to the rear extension which was allowed under a Larger Home Extension (20/0341/LHE) which is 4.75m in length, 5.46m in width and 2.7m in height. The overall length of both extensions combined would be 7.45m in length, this is much greater than the Design Principles would advise. The adjoining property at No. 142 has two habitable room windows to the ground floor one habitable room window to the first floor, the existing extension already breaches the 45 degree guideline, the addition of the proposed extension would exacerbate further the impact to the neighbouring property and would impact on the neighbours amenity resulting in an unacceptable overbearing impact. It is noted that a larger home extension has been built and has had an impact on the neighbour but the increase of 2.7m would have a significantly greater impact than what has been built.

The Design Principles SPD advises that windows in extensions should not directly or inappropriately overlook adjacent property and that side elevation windows should be avoided. To the side elevation of the proposed extension, there would be one window which would face onto No. 146 Reedyford Road. The rear extension has one window already facing onto the adjacent property, the proposed window to the extension would have a clear view into the rear windows of No. 146 and a wider view into their back garden. The proposed window would serve a bathroom, here a condition could be placed for obscure glazing to mitigate any overlooking and privacy issues.

The proposed development's proximity to the party boundary and the scale and massing of the overall combined length of the extension would result in an overbearing effect and have a detrimental impact on the living environment of the occupants at No. 142 Reedyford Road and their amenity in terms of their ability to enjoy their home and outside gardens.

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

### **Reason for Decision: Refuse**

For the following reasons:

1. 142 Reedyford Road has habitable windows and an outside garden area that would be unacceptably impacted by the overbearing nature of the extension. Due to its scale and massing, the proposed extension would result in an unacceptable overbearing effect upon 142 Reedyford Road, contrary to Policy ENV2 of the Local Plan: Part 1 Core Strategy, the National Planning Policy Framework and the adopted Pendle Design Principles Supplementary Planning Document.

**Application Ref:** 23/0024/HHO

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

**At** 144 Reedyford Road, Nelson

**On behalf of:** Mrs Daar.

## REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE 27<sup>TH</sup> MARCH 2023

**Application Ref:** 23/0073/HHO

**Proposal:** Full: Extension to existing dormer to front roof slope, first storey side extension, two storey rear extension, and erection of dormer to full length of the rear elevation (Amended scheme to previous approval 21/0538/HHO).

**At:** 7 Causey Foot, Nelson, BB9 0DR

**On behalf of:** Miss Nigat Riaz

**Date Registered:** 07.02.2023

**Expiry Date:** 04.04.2023

**Case Officer:** Yvonne Smallwood

This application is sent to Committee as it has been called in by a Councillor.

### **Site Description and Proposal**

The application site is a detached dormer bungalow in a residential area, located within the settlement boundary of Nelson.

The application seeks to extend the existing dormer to the entirety of the front roof slope; to erect a first storey side extension above the existing garage; a two storey rear extension to the full length of the rear elevation.

It is noted that this application is an amendment to Ref: 21/0538/HHO, approved in 2021.

### **Relevant Planning History**

21/0538/HHO – Full: Extension to existing dormer to front roof slope, first storey side extension, ground floor rear extension, and erection of rear dormer to full length of the rear elevation – Approved with Conditions, 18.08.2021

### **Consultee Response**

Highways LCC –

I have viewed the plans and the highway related information submitted; I have the following comments to make: The site was visited on 14/02/2022. The comments on previous approval (21/0538) and conditions and notes must still be applied to any formal planning approval granted. However, due to a change in our vehicular crossing policy, the proposed vehicular access might conflict with any street furniture, street light or 20 mph sign, I would request further information in the form of a revised scale plan being submitted showing the location of any them before I can make my comments

The site was visited on 14/02/2022. The comments and conditions on previous approval (21/0538) must still be applied to any formal planning approval granted. The vehicular access should be widened to the full length of the drive in the interest of pedestrian safety and accessibility. With reference to the revised plan 21039-SP-A, 01/02/23 submitted shows that the street furniture is within 2m of the proposed accesses. The street light and 20 mph sign will need to be relocated

due to the proposed access conflicting with them. The applicant will be liable to the full cost of the relocation. If the local planning authority is minded to approve this application, the following conditions and notes should be applied to any formal planning approval granted. Conditions 2 • The proposed development should not be brought into use unless and until the extended parking area shown on the approved plans has been constructed, laid out and surfaced in bound porous materials. The parking areas shall thereafter always remain available for the parking of domestic vehicles associated with the dwelling. Reason: In order to ensure satisfactory levels of off-street parking are achieved within the site to prevent parking on the highway to the detriment of highway safety. • No building or use hereby permitted shall be occupied or use commenced until drop kerbs have been installed at the carriageway edge and a vehicle cross over constructed across the footway fronting the site in accordance with the approved plans and the Lancashire County Council Specification for Construction of Estate Roads, to be retained in that form thereafter for the lifetime of the development. Reason: In the interests of pedestrian safety and accessibility. Informative Note 1. This consent requires the construction, improvement or alteration of an access to the public highway. A list of approved contractors only, can undertake the approved works under the Highways Act 1980 Section 171. Before any work begins at the site, please contact [highways@lancashire.gov.uk](mailto:highways@lancashire.gov.uk) for the list of approved contractors and to start the section 171 process 2. The alterations to the existing highway as part of the new works may require changes to the existing street lighting at the expense of the client.

Nelson Town Council

### **Public Response**

The nearest neighbours were notified by letter with one response, summarised below:

- Some of the neighbours, perhaps all the neighbours, did not receive a notification letter for this application.
- A request for clarification as to the plans, as to any height increase and whether there would be dormers to the rear and the front.
- Concerns related to the removal of trees to the side of the property and discussion with neighbours.
- Concerns relating to pipes and guttering and potential damage to the adjacent neighbours.
- Concerns relating to traffic, parking and HGVs and potential damage caused.

### **Officer Comments**

#### **Policy**

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

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

## **Design and Materials**

The Design Principles SPD states that extensions should be constructed in both materials and style to match the original dwelling. Extensions should have a pitched roof for aesthetic reasons. The roof is an important element of a building's design and unsympathetic extensions can have a negative impact on the visual appearance of a dwellinghouse. Roof alterations should therefore be minor and sympathetic to the original design of the building. Dormers should be set down from the roof by at least 0.2m. The front wall of the dormer should normally be set back by 1m from the front elevation and set in from either side by 0.5m.

The proposal would extend the existing front dormer to the full length of the front elevation. A first storey side extension over the existing garage and proposed ground floor to the rear, and a first storey would be built along the whole rear elevation.

Whilst the proposed development will significantly alter the form of the dwelling, the overall footprint of the property will only experience limited expansion at the rear.

Dormers to the front roofslope are normally resisted in Pendle where dominant in the streetscene, however front dormers are a defining feature of residential dwellings along Causey Foot; especially in close proximity to the proposed development. The proposed dormer would extend across the entirety of the extended frontage, creating a large frontage in contrast to that exhibited by the existing dwelling. The dormer would not be set in from the sides of the roof by 0.5m or back from the eaves.

There are examples of front dormers in the streetscene that are not set in by 0.5m or back by 1m, such as No.11 Causey foot, which occupies a similar sized plot – the ground floor, at least in part, projects out beyond the dormer. The roof of the house would have a small apex and slope down front and rear at an angle of circa 7 degrees. The proposed development would not be set back at all and would be flush to the ground floor of each elevation, representing poor design.

The first storey proposed extension to the rear of the property is of limited visibility from public vantage points including the public highway. The proposed form of development is also not significantly different to that which is allowed under permitted rights for alterations to roofspaces. A similar scheme to the rear element of the scheme has already been granted planning permission Ref: 21/0538/HHO. The proposed rear extension is therefore acceptable in design and amenity terms.

The proposed development would be finished in cream coloured render, single ply roofing membrane and UPVC. The roofing material and UPVC would match existing, however the cream render would not match existing and would be out of keeping with the streetscene.

The front dormer element of the proposal would represent poor design and would be out of keeping with the streetscene, contrary to Policy ENV2 and the Design Principles SPD.

## **Residential Amenity**

The first storey side extension would be sited within 12 metres of the principle rear elevation of No. 5 Causey Foot. This would be contrary to the Design SPD, however, it would be acceptable in this case, as these dwellings are not directly facing each other and therefore any potential loss of natural light to habitable rooms at No. 5 would not be significant. The difference in this aspect would also be sufficient to avoid an overbearing impact caused by the first storey side extension. This would be further reduced by the detached garage sited between these properties. The proposal retains a 1m gap to the boundary of the application site and no windows are proposed to the side elevation facing towards No. 5 Causey Foot. The first storey side extension is therefore acceptable in amenity terms.

The proposed ground floor rear extension is proportionate to the existing dwelling, and would align to the existing rear elevation of the property. The resulting two storey extension would not result in adverse effects on amenity for the reasons as outlined in the paragraph above. The ground floor extension is acceptable in terms of amenity and is similar to the scheme approved in 2021.

There are existing windows to the west side elevation that faces No. 9 Causey Foot. The proposal does not increase the openings to this side elevation, therefore the development would not result in any additional adverse impacts for the residential amenity of the neighbour at No. 9.

With regard to residential amenity the proposal would be acceptable and would accord with Policy ENV2 and the Design Principles SPD.

## **Highways**

Concerns relating to traffic, HGVs and parking have been raised by a neighbour. Highways LCC raise no objection to this proposal in regard to highway safety.

The proposed development would increase the number of bedrooms at the property from two to four and as a result, applying requirements of Policy 31 of the Pendle Replacement Local Plan, the maximum number of off-road parking spaces required at the property would increase from two to three. The garage would be of sub-standard size to accommodate a car. Submitted plans include off-road parking provision for three cars, which would accord with Saved Policy 31 Parking Standards.

## **Trees**

It is noted that a public comment has been received about the potential removal of trees. The trees on the site have not been mentioned in the application form or included in the plans. Following discussions with the Environment Protection Officer for Trees, the trees in question are low grade and as such the development would not be refused on account of the trees.

## **Other Matters**

A neighbour comment was received stating that neighbour consultation letters had not been received. The letters of notification were posted out, in accordance with normal procedure, on 07.02.2023.

With regard to potential property damage – should the development gain approval - it would be subject to Building Regulations and should therefore not result in any damage to adjacent properties.

Neighbours are able to access the plans for applications on the PBC website, or visit the Town Hall to view them.

**RECOMMENDATION: Refuse**

The development would result in dormers that would be disproportionate to the scale of the existing house and which would be poorly designed and out of character with the host dwelling. The development would thus be contrary to policy ENV2 of the adopted part 1 Local Plan and to paragraph 134 of the National Planning Policy Framework.

**Application Ref:** 23/0073/HHO

**Proposal:** Full: Extension to existing dormer to front roof slope, first storey side extension, two storey rear extension, and erection of dormer to full length of the rear elevation (Amended scheme to previous approval 21/0538/HHO).

**At:** 7 Causey Foot, Nelson, BB9 0DR

**On behalf of:** Miss Nigat Riaz



## REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE 27<sup>TH</sup> MARCH 2023

**Application Ref:** 23/0083/HHO

**Proposal:** Full: Erection of dormer to the rear and front with alterations to the rear single storey roof shape and height.

**At** 145 Netherfield Road, Nelson.

**On behalf of:** Mr Sattar Hanif Mughal Mughal

**Date Registered:** 08/02/2023

**Expiry Date:** 05/04/2023

**Case Officer:** Joanne Naylor

### **Site Description and Proposal**

The application site is a mid-terrace house located within the settlement boundary of Nelson. The dwelling house has natural stone walls to the front elevation and pebble dashed walls to the rear elevation with uPVC fenestration. The dwellinghouse has a pitched natural slate roof, there is a front garden area and a yard area to the rear with a rear kitchen extension. The application site is within an area of predominately residential area with a range of design and scale of dwellings and is on a steep sloping road.

The proposed development seeks to erect a front dormer with a pitched roof and a rear dormer with a flat roof and to alter the roof of the rear kitchen extension from a mono-pitched roof to a flat roof.

### **Relevant Planning History**

None relevant.

### **Consultee Response**

#### LCC Highways

There is no previous planning history for this site. However, it is noted that planning permission was granted at No 155 Netherfield Road for a front dormer, where a rear dormer already existed.

The Highway Development Control Section is concerned about the cumulative effect of the increasing numbers of terraced homes being extended to increase bedroom space without providing any additional parking facilities, particularly as on-street parking in the area is at a premium. Any increased demand for on-road parking is difficult to absorb without causing additional loss of amenity for existing residents. Nevertheless, the planning officer who dealt with the application at No 155 stated that that development would not result in unacceptable on-street parking nor have a highway safety impact.

#### Parish/Town Council

No comment.

### **Public Response**

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

## **Relevant Planning Policy**

### Pendle Local Plan Part 1: Core Strategy

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

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

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

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

### National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system. The Design Principles Supplementary Planning Document (SPD) applies to extensions and sets out the aspects required for good design.

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

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

## **Officer Comments**

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

### **Design and Materials**

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

The Design Principles SPD advise that the roof should echo that of the original house. Here the application site has a pitched roof to the main dwellinghouse and the rear kitchen extension has a sloping mono-pitched roof of felt.

The Design Principles SPD advises that dormers should be set below the ridgeline of the original roof by 0.2m, set back by at least 1m from the front elevation, and 0.5m from either side to avoid an overbearing effect and to have materials matching the existing roof. In addition, dormers on the front of a roof slope will not normally be acceptable unless they are a feature of other similar houses in the locality (e.g. where at least 25% of properties have front dormers in a terrace

block/frontage). In this area front and rear dormers are not characteristic. The proposed front dormer would be set in by circa 0.5m, set below the ridgeline by circa 0.2m, and set back from the front elevation by circa 0.75m. The proposed front dormer would result in an overbearing impact on the roof due to the set back from the front elevation being less than the Design Principles SPD advises. In this area front dormers are not characteristic, there is one front dormer on this terrace row and no others opposite the site. The proposed front dormer would have a pitched roof of natural slate tiles with cheeks and walls would be natural slate tiles. The proposed front dormer would dominate the roof slope resulting in an overbearing effect and the property would appear as being unbalanced. To the rear the proposed dormer would be set in by 0.35m and 0.32m and set below the ridgeline by a maximum 0.13m and set back from the rear elevation by circa 0.34m, the proposed rear dormer would be overbearing. The materials proposed for the rear dormer would be natural slate tiles to the cheeks and walls, and a flat roof with grey rubber membrane.

The proposed front dormer would not respect the simple and unaltered roofscape, it would dominate the roof slope resulting in an overbearing effect and the property would appear as being unbalanced.

The kitchen extension would have a flat roof of rubber membrane. Here the design of the dormer roof and the proposed kitchen roof would be flat roofs. To the rear, the majority of the dwellinghouses have mono-pitched sloping roof to the rear extension, with only one dwellinghouse having a dual pitched roof of natural slate tiles. To the rear of the property there is car parking area and garages, it is assumed that a row of terraces were demolished at some point and the formation of parking space and garages built in their place. Here the rear elevations of the Netherfield Road are visible from the highway of Bracewell Street and Roberts Street. The proposed flat roof to the rear extension would be an incongruous feature here and would be poor design.

The proposed dormers and the proposed roof alteration to the rear extension would be poor design which would cause unacceptable harm to the character and visual amenity of the area contrary Policy ENV2, Paragraph 134 of the Framework, and the Design Principles SPD.

## **Residential Amenity**

The Design Principles SPD advises that a distance of 21m to be maintained between habitable room windows facing each other, the proposed front dormer would have a window to the front elevation at second floor. The distance between the front elevations of the application site to the front elevation of the properties opposite would be circa 17m. However, there is an existing relationship with habitable room windows facing each other across a highway. The proposed development does not detrimentally impact on those dwellings over and above existing conditions.

The proposed rear dormer would have windows facing onto the parking area and garaging, the nearest neighbours are sufficient distance away to not have an impact on the residential amenity of the properties to the rear of the application site and to the terraces on Bracewell Street.

To the rear extension, the proposal would remove the mono-pitched roof and replace it with a flat roof. The existing roof is 3.7m in height to the rear elevation of the dwellinghouse and reduces to a height of 2.3m where it meets the rear boundary. The proposed flat roof would be 2.5m wide, 4.55m long, and 3.24 to 3.14m in height. In this location rear extensions extending to the rear party wall are characteristic and they have a sloping roof to the rear boundary. The proposed roof would result in a change in the roofline resulting in a reduction in the height where the roof meets the rear wall and an increase in height where the proposed roof meets the rear party wall. There is already an existing extension at No. 145 which is already resulting in breaching the 45 degree guidance, and the other extensions on this row will also have breached the 45 degree guidance. The proposed flat roof could result in a marginally adverse impact to the outlook for No. 147 Netherfield

Road, however, there is a relationship already established here and the proposed development would not result in any greater harm than currently experienced, there would be no unacceptable loss of outlook.

The proposal would make alterations to the side elevation of the kitchen by removing a window and increasing the size of the kitchen and reducing the size of the store. The windows and doors face towards the blank gable wall of the neighbour's rear extension, there would be no impact to the residential amenity of the neighbour's property here, the proposal would have the same impact to the neighbour as before.

The proposed development would have no unacceptable impact on residential amenity, therefore the proposed development would comply with Policy ENV2 and the Design Principles SPD.

## **Highways**

LCC Highways are concerned about the cumulative effect of increasing the number of bedrooms on terraced housing and the impact it has on parking demand, in particular as the location of the proposal has on-street parking it is difficult for the area to absorb the additional vehicles and which would result in impacting negatively on the amenity of existing residents. A front dormer at No. 155 Netherfield Road was granted permission for a front dormer and concluded that that development would not result in on-street parking and not have a highway safety impact.

## **RECOMMENDATION: Refuse**

3. The proposed dormers and roof alteration would be incongruous and out of keeping with its surroundings, 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:** 23/0083/HHO

**Proposal:** Full: Erection of dormer to the rear and front with alterations to the rear single storey roof shape and height.

**At** 145 Netherfield Road, Nelson.

**On behalf of:** Mr Sattar Hanif Mughal Mughal

## REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE 27<sup>th</sup> MARCH 2023

**Application Ref:** 23/0090/HHO

**Proposal:** Full: Erection of single storey rear extension with associated internal alterations and site works.

**Address:** 33 Reedfield, Reedley.

**On behalf of:** Mr Nafis Tanveer

**Date Registered:** 09/02/2023

**Expiry Date:** 06/04/2023

**Case Officer:** Joanne Naylor

### **Site Description and Proposal**

The application site is a two storey detached property within a residential area of dwellinghouses with similar design and scale. The application site has an integrated garage with off-street parking to the drive, with front and rear gardens and a conservatory to the rear.

The proposal is for a single storey rear extension and a side extension to the proposed rear extension with the existing conservatory being demolished. The garage would be converted into a bedroom replacing the garage door with an additional window to the front elevation.

### **Relevant Planning History**

None relevant.

### **Consultee Response**

#### LCC Highways

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

#### **Proposal**

The proposal is for the erection of a single storey rear extension, conversion of the existing garage to a habitable room and extension of the existing driveway at the front of the dwelling.

The existing dropped vehicle crossing will need extending to allow access to the additional parking space at the front of the house. This will need to be carried out under an agreement (Section 171) with Lancashire County Council, as the highway authority. No part of the extended drive should be over the adopted service strip and the extent of adoption should be clearly delineated on site. The extended driveway should also be surfaced in a bound porous material to prevent loose surface material from being carried onto the adopted highway.

## **Conditions**

1. The proposed development should not be brought into use unless and until dropped kerbs have been installed at the carriageway edge and an extended vehicle cross-over constructed across the footway fronting the site in accordance with the approved plans and Lancashire County Council's Specification for Construction of Estate Roads, to be retained in that form thereafter for the lifetime of the development. Reason: In the interests of pedestrian safety and accessibility.

2. The proposed development should not be brought into use unless and until the parking area shown on the approved plans has been constructed, laid out and surfaced in bound porous materials. The parking area shall thereafter always remain available for the parking of domestic vehicles associated with the dwelling.

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

## **Informative note**

This consent requires the construction, improvement or alteration of an access to the public highway. Under Section 171 of the Highways Act 1980 Lancashire County Council as the Highway Authority must specify the works to be carried out. Only a contractor approved by the Highway Authority can carry out these works. Therefore, before any works can start, the applicant must contact the Highway Authority on [lhsvehiclecrossing@lancashire.gov.uk](mailto:lhsvehiclecrossing@lancashire.gov.uk) for the list of approved contractors and to start

## Parish/Town Council

No comment.

## Cadent Gas Network

To prevent damage to our assets or interference with our rights, please add the following Informative Note into the Decision Notice:

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](http://cadentgas.com/diversions)

Prior to carrying out works, including the construction of access points, please register on [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

## Your responsibilities and obligations

Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement.

This letter does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications.

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you need any further information or have any questions about the outcome, please contact us at [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) or on 0800 688 588 quoting your reference at the top of this letter

### **Public Response**

Letters were sent to nearby properties, three objections were received relating to:

- The property is in poor repair
- Parking: There is a parking issue in this area, with not enough parking spaces for vehicles.
- Visual Appearance: The proposal is of poor design with the side extension sticking out from the side of the house and the length of the extension which is large and will negatively impact on the areas aesthetics.
- Disruption: Concerned that the construction process will affect daily lives and obstruct access, create noise, dust and vibrations.

•

### **Relevant Planning Policy**

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

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

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

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

### **National Planning Policy Framework**

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



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

## **Officer Comments**

The main considerations are design and materials, residential amenity, and highways.

### **Design and Materials**

The Design Principles SPD advises that extensions should be constructed in materials and style to match the existing dwelling, a pitched roof element is preferred, and the scale of the development should be subordinate to the original dwelling and that the extension should leave adequate room around the dwelling.

The existing dwelling has buff bricks and pitched roof of concrete tiles, the walls to the proposal would match the existing. The proposed roof to the extension would be mono-pitched with a dark grey membrane finish, this would not match the existing roof finish of concrete tiles, however this would be acceptable as it would be to the rear and not visible from the highway and the pitch of the roof limits the roofing materials that could be accommodated here. The proposed rear extension would extend beyond the side wall and would be visible from the highway and from public vantage points. For the proposed side extension of the rear extension it needs to be considered what could be achieved under permitted development rights, an extension to the side elevation can be erected which can be up to half the width of the original dwellinghouse. The proposed element of the side extension development would be circa 2.5m wide and would be acceptable.

The Design Principles SPD advise that a 4m single storey rear extension is acceptable subject to its relationship with other properties. The proposed rear extension would be 6m in depth, which is 2m greater than advised by the Design Principles, the rear garden could comfortably accommodate the proposal and still retain adequate outdoor space.

The design and materials of the proposed development would be acceptable and would comply with Policy ENV2 and the Design Principles. SPD.

### **Residential Amenity**

The Design Principles SPD advises that extensions should protect neighbours enjoyment of home, to not overshadow or have an overbearing effect on neighbouring properties, and that windows should not overlook adjacent property and side windows overlooking neighbouring property should be avoided.

The proposed rear extension would be 6m in depth which is 2m greater than the Design Principles advise for a rear extension. The neighbouring property at No. 35 Reedfield is staggered forward of the application site by circa 1.3m and set at a lower level, the proposed rear extension would appear as a large blank gable wall being 3.4m to 2.3m in height and circa 1.5m from the neighbouring dwellinghouse. No. 35 is set at a lower level than the application site which would exacerbate the size of the proposed extension. The scale and mass of the proposed extension would appear as overbearing to No. 35 Reedfield and would have a detrimental impact on their living conditions, their outside space and conservatory.

No. 35 Reedfield has habitable room windows to the rear elevation, the proposed extension would result in breaching the 45 degree guidance and would result in an overshadowing and



overbearing impact to the occupants of the dwellinghouse at No. 35 Reedfield and would have an unacceptable impact to their residential amenity.

The proposed extension would have windows facing to the neighbours to the rear of the site which has a blank gable wall, there would be no overlooking or privacy issues to the neighbouring property.

The proposal seeks to convert the garage to a bedroom, the garage opening would be walled with buff bricks and a window added to the front elevation, there would be an obscured glazed window to the front elevation. There is already an existing relationship of front elevation windows facing each other, the proposed front windows would have no greater impact than currently existing and this would be acceptable.

The neighbouring property at No. 31 Reedfield shares a joint boundary, the neighbour is on a higher elevation than the application site and there is a large garage close to the boundary, the garage would mitigate any privacy issues to the neighbour, there would be no unacceptable residential amenity issues to No. 31 Reedfield.

The scale and massing of the proposed development would have an overbearing impact to the occupants at No. 35 Reedfield and have a detrimental impact to their living environment and garden. The proposed development would result in an unacceptable impact on their residential amenity and would therefore be contrary to Policy ENV2 and the Design Principles SPD.

## **Highways**

The proposal would convert the garage into a bedroom/play room and increase the bedrooms from four to five. The Saved Policy 31 for parking standards requires that for 4+ bedrooms 3 parking spaces are required. The submitted plans indicate that 3 parking spaces can be accommodated to the front of the house and within the curtilage. LCC have no objection to this proposal in terms of highways safety. It is noted that the existing dropped vehicle crossing would need to be extended under a Section 171 agreement, the proposed drive is not to extend over the adopted service strip, and the surface to be a bound porous material.

## **RECOMMENDATION: Refuse**

1. By virtue of the proposed development's proximity to the party boundary of No. 35 Reedfield and its scale and massing, the proposed extension would result in an unacceptable overbearing effect upon No. 35 Reedfield and would have a detrimental impact to their amenity and on the living environment of the occupants of No. 35 Reedfield in terms of their enjoyment of their conservatory and gardens. The proposed development would be contrary to Policy ENV2 of the Pendle Local Plan: Part 1 Core Strategy, and the Design Principles Supplementary Planning Document.

**Application Ref:** 23/0090/HHO

**Proposal:** Full: Erection of single storey rear extension with associated internal alterations and site works.

**Address:** 33 Reedfield, Reedley.

**On behalf of:** Mr Nafis Tanveer

## REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE 27<sup>TH</sup> MARCH 2023

**Application Ref:** 23/0092/PIP

**Proposal:** Permission in Principle: Erection of 6 no. dwellings.

**At:** 27 Highgate, Nelson

**On behalf of:** Mr Ajaz Aslam

**Date Registered:** 13/02/2023

**Expiry Date:** 20/03/2023

**Case Officer:** Laura Barnes

The application is before committee because it has been called in by a Councillor.

### **Site Description and Proposal**

The application site is an area of land measuring 0.3ha directly adjacent to No. 27 Highgate. It wraps around the dwelling and is surrounded by residential development on three sides. The land is steeply sloping and there is road frontage off the turning head in Highgate.

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

### **Relevant Planning History**

13/04/0948P: Full: Erection of two dwellings  
Refused

### **Consultee Response**

#### LCC Highways

Having reviewed the information submitted, together with site observations, the Highway Development Control Section makes the following comments.

#### Principle matters

The proposed development site lies within an existing residential estate and therefore the highway authority considers that the principle of development at this location is acceptable.

#### Technical details stage

If Permission in Principle is granted there are a number of matters that would need addressing at the technical details stage. These include, but are not exclusive to, the following.

- Provide a new vehicular access – including construction, surfacing, drainage details, a street lighting assessment – and appropriate visibility splays for 20mph.
- Provide off-road car parking for each dwelling in accordance with Pendle Borough Council's Parking Standards. That is, one space for one bedroom dwellings, two spaces for two – three bedroom dwellings and three spaces for four plus bedrooms.
- Provide secure, covered cycle parking for at least two cycles and an electric vehicle charging point with a minimum power rating output of 7kW at each dwelling.

- To be counted as one parking space single garages should have minimum internal dimensions of 6 x 3m. This size of garage could also provide secure storage for two cycles. To count as two parking spaces a double garage should have minimum internal dimensions of 6 x 6m.
- Driveways should be a minimum of 6m long in front of a garage and a minimum of 3.2m wide where they provide joint vehicle and pedestrian access.
- Details of any land retaining structures due to the reduction in ground levels; site cross sections of existing and proposed site.

#### Internal layout

No indicative layout has been submitted. Nevertheless, the internal road and footways should be constructed to Lancashire County Council's specification for estate roads. The layout should also allow refuse, service and emergency vehicles to enter and leave in forward gear.

#### General

Given the development site's topography, location within a residential area a Construction Method Statement should be provided, including wheel washing facilities and mechanical road sweeping.

#### United Utilities

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

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

#### Drainage

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

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

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

Please note, United Utilities is not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as main river). If the applicant intends to offer wastewater assets forward for adoption by United Utilities, their proposed detailed design will be subject to a technical appraisal by our Developer Services team and must meet the requirements outlined in 'Sewerage Sector Guidance Appendix C – Design and Construction Guidance v2-2' dated 29 June 2022 or any subsequent iteration. This is important as drainage design can be a key determining factor of site levels and layout. The applicant should not presume that the principles outlined within a drainage strategy will meet the detailed requirements for a successful adoption application. We strongly recommend that no construction commences until the detailed drainage design, has been assessed and accepted in writing by United Utilities. Any

works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.

## WATER AND WASTEWATER SERVICES

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

If the proposed development site benefits from existing water and wastewater connections, the applicant should not assume that the arrangements will be suitable for the new proposal. In some circumstances we may require a compulsory meter is fitted. For detailed guidance on whether the development will require a compulsory meter please visit <https://www.unitedutilities.com/my-account/your-bill/our-household-charges-20212022/> and go to section 7.7 for compulsory metering.

If reinforcement of the water network is required to meet potential demand, this could be a significant project and the design and construction period should be accounted for.

To avoid any unnecessary costs and delays being incurred by the applicant or any subsequent developer, we strongly recommend the applicant seeks advice regarding water and wastewater services, and metering arrangements, at the earliest opportunity. Please see 'Contacts' section below.

## UNITED UTILITIES PROPERTY, ASSETS AND INFRASTRUCTURE

### Water pipelines

United Utilities will not allow building over or in close proximity to a water main

Wastewater pipelines United Utilities will not allow a new building to be erected over or in close proximity to a public sewer or any other wastewater pipeline. This will only be reviewed in exceptional circumstances.

Nb. Proposals to extend domestic properties either above, or in close proximity to a public sewer will be reviewed on a case by case basis by either by a building control professional or following a direct application to United Utilities (see our website for further details).

### Advice relating to both water and wastewater infrastructure

It is the applicant's responsibility to demonstrate the exact relationship between United Utilities' assets and the proposed development. Developer's should investigate the existence and the precise location of water and wastewater pipelines as soon as possible as this could significantly impact the preferred site layout and/or diversion of the asset(s) may be required. Where United Utilities' assets cross the proposed red line boundary, developers must contact our Developer Services team prior to commencing any works on site, including trial holes, groundworks or demolition.

Unless there is specific provision within the title of the property or an associated easement, any necessary disconnection or diversion of assets to accommodate development, will be at the applicant/developer's expense. In some circumstances, usually related to the size and nature of the assets impacted by proposals, developers may discover the cost of diversion is prohibitive in the context of their development scheme.

Any agreement to divert our underground assets will be subject to a diversion application, made directly to United Utilities. This is a separate matter to the determination of a planning application. We will not guarantee, or infer acceptance of, a proposed diversion through the planning process (where diversion is indicated on submitted plans). In the event that a diversion application is submitted to United Utilities and subsequently rejected (either before or after the determination of a

planning application), applicants should be aware that they may need to amend their proposed layout to accommodate United Utilities' assets.

Where United Utilities' assets exist, the level of cover to United Utilities pipelines and apparatus must not be compromised either during or after construction and there should be no additional load bearing capacity on pipelines without prior agreement from United Utilities. This would include earth movement and the transport and position of construction equipment and vehicles.

Any construction activities in the vicinity of United Utilities' assets, including any assets or infrastructure that may be located outside the applicant's red line boundary, must comply with national building and construction standards and where applicable, our 'Standard Conditions for Works Adjacent to Pipelines'. The applicant, and/or any subsequent developer should note that our 'Standard Conditions' guidance applies to any design and construction activities in close proximity to water pipelines and apparatus that are no longer in service, as well as pipelines and apparatus that are currently operational. A copy of this document is available on our website.

The applicant or developer should contact our Developer Services team for advice if their proposal is in the vicinity of water or wastewater pipelines and apparatus. It is their responsibility to ensure that United Utilities' required access is provided within their layout and that our infrastructure is appropriately protected. The developer would be liable for the cost of any damage to United Utilities' assets resulting from their activity. Please see 'Contacts' section below.

#### Coal Authority

The Coal Authority is a non-departmental public body sponsored by the Department for Energy Security and Net Zero. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

Our records indicate that the site is in an area of probable coal mine workings at shallow depth. If present, shallow coal workings pose a potential risk to surface stability and public safety.

It is a requirement of the National Planning Policy Framework that the applicant demonstrates to the satisfaction of the LPA that the application site is safe, stable and suitable for development. We would therefore expect the potential risks posed to surface stability by past coal mining activity to be properly considered and any necessary remedial works carried out in order to ensure the safety and stability of the development proposed.

On the basis of the above the Coal Authority wish to be consulted on any future technical details consent submitted, should Planning in Principle be granted.

Any application for approval of technical details consent should be supported by a Coal

Mining Risk Assessment which should make an assessment of the coal mining legacy features present on the site and set out recommendations for any investigatory and remedial works necessary to address any identified land instability issues.

#### Environmental Officer (Trees)

The tree officer has noted that there are some self-seeded trees to the edge of the site. A tree survey would be required at the Technical Details Stage of any development.

#### **Public Response**

Nearest neighbours have been notified by letter, two responses have been received raising the following issues:

- There is no detail on where the dwellings are to be placed
- Steeply sloping land which takes in a former quarry
- Previously rejected application
- Land stability issues
- Existing subsidence issues which would be exacerbated
- Land drainage is a key consideration here
- Loss of wildlife habitat
- Visual amenity would be harmed
- Community spirit will not be preserved
- Potential boundary ownership issues with gardens at Delph Mount extending into the red line boundary
- Pile driving would cause a nuisance to neighbours
- Traffic issues

### **Officer Comments**

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

### **Policy**

Local Plan Part 1: Core Strategy

The following Local Plan policies are relevant to this application:

Policy ENV1 seeks to protect and enhance heritage assets, in line with the paragraph 202 of the Framework.

Policy ENV2 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings. The proposal's compliance with this policy is addressed in the design and amenity sections.

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

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

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

## **Principle of Housing**

The proposed development is within the settlement boundary. As such, the principle of development is acceptable subject to conformity with other policies within the development plan. The detailed design of the dwellings would be a matter for the Technical Details Consent stage of the process. It is noted that the site is steeply sloping and there are known issues of ground stability within the area. However, these are not issues for the principle of development and would be considered should this stage of the application process be successful, at the Technical Details Stage.

In terms of neighbouring amenity it is noted that there is a row of terraced dwellings to the east of the application site on Delph Mount which have long gardens running in the direction of the site. However, the closest of the properties on Delph Mount is 14m from the site boundary and the site itself is 32m in width. There is a 7m rear garden to No. 27 Highgate which would also need to be taken into consideration in any layout to ensure that appropriate separation distances between the proposed dwellings and the existing dwellings could be achieved. It would be for the Technical Details Stage to configure a suitable layout.

## **Other Matters**

Concern has been raised regarding land ownership with the rear gardens at Delph Mount. The applicant has provided a title deed document from the Land Registry confirming that the land within the red edge is within their ownership. As such, the Council is satisfied that correct ownership certificates have been served and there is no potential for challenge here.

## **Reason for Decision**

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

## **RECOMMENDATION: Approve**

### **INFORMATIVE**

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

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

### **Application Ref: 23/0092/PIP**

**Proposal:** Permission in Principle: Erection of 6 no. dwellings.

**At:** 27 Highgate, Nelson

**On behalf of:** Mr Ajaz Aslam

## **LIST OF BACKGROUND PAPERS**

Planning Applications

**NW/MP**

**Date: 03rd March 2023**